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David Kiernan
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Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/66096*

Dear Mr Kiernan,

Planning Proposal for Additional Permitted Uses – REZ/0002/2021

I refer to your email of 7 May 2021 regarding a Planning Proposal for 14 & 16 George Street Marulan and 159 Rifle Range Road Goulburn (REZ/0002/2021) that seeks to expand the range of uses allowed at an existing truck stop at Marulan and to facilitate the permissibility of a dwelling on a parcel of land at Goulburn. WaterNSW's concerns relate to the protection of water quality in the Sydney Drinking Water Catchment.

The proposed additional proposed uses for a food and drink premises and hotel/motel accommodation and pub for the Marulan site will require significantly improved sewerage management arrangements. The site is unsewered and the Marulan sewage treatment plant (STP) is currently at capacity. There is also no current site-specific development control plan for the site to address the sewerage management issue. The Proposal flags that a DA will be lodged these uses and that any consent issued will condition the development based on connection to the reticulated sewerage network and completion of the upgrade of the STP. WaterNSW also notes that any DA would need to demonstrate a neutral or beneficial effect on water quality and be referred to WaterNSW for concurrence under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. WaterNSW does not object to the progression of the Planning Proposal on the basis that the sewerage management issue will be addressed at DA stage and prior to any occupation of new development associated with the uses put forward by this Proposal.

We understand that contamination assessments are currently being undertaken for the Marulan site. We have not had the benefit of that information in undertaking our current assessment of the Planning Proposal. As any site contamination may also have implications for water quality, we would ask that the Planning Proposal be referred to us again at exhibition stage with the accompanying contamination assessment reports.

We have no objections to the Proposal with respect to 159 Rifle Range Rd and we support Council's rationalisation of the planning provisions for northern parcel of land at this site

Detailed comments are provided in Attachment 1 while Attachment 2 includes a relevant Strategic Land and Water Capability Assessment map for the 159 Rifle Range Road site.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha", with a stylized flourish at the end.

ALISON KNIHA
Catchment Protection Planning Manager

ATTACHMENT 1 – Detailed Comments

14 & 16 George Street, Marulan – Marulan Truckstop 31

The proposal in Marulan is developer-led and seeks to expand the ranges of uses allowed at Truckstop 31 as part of a wider proposed redevelopment of the site. The Marulan Truckstop 31 site comprises two lots, 14 George Street (Lot 2 DP 1053945) and 16 George Street (Lot 3 DP 1053945), occupying a combined area of approximately 4 ha. Both lots are currently zoned IN1 General Industrial under the *Goulburn Mulwaree Local Environmental Plan 2009* (the LEP). An existing service station occurs on Lot 2 and includes a fuel forecourt and restaurant. Lot 3 adjoins Lot 2 but is substantially smaller and contains a small residential property.

The Proposal seeks to make permissible with development consent the use of food and drink premises for Lot 2 and motel/hotel accommodation and pub with ancillary bottle shop for Lot 3. This will be done by amending Schedule 1 of the LEP to allow a fast food restaurant on Lot 2 and a motel, pub and bottle shop on Lot 3. This would overcome the current IN1 zoning restrictions that currently prohibit retail premises and tourist and visitor uses within the IN1 zone.

As noted in the Planning Proposal, the main constraint to the redevelopment of the service station and the associated uses is sewerage connection and management. While the Truckstop area is generally serviced by mains water and infrastructure, the site is not connected to the Marulan sewer network and is currently reliant on the use of on-site septic tanks. Additionally, Marulan sewerage treatment plant (STP) is at capacity and is unable to accommodate additional sewerage generated as a result of the proposed uses. No site-specific development control plan provisions are proposed for the site, leaving the sewerage issue to be managed by means of the development consent process (discussed below). We note the intention to connect the site to the reticulated sewage network once the STP upgrade has been completed.

The Planning Proposal identifies that the site redevelopment is being staged to coincide with the STP upgrade. A current development application (DA) is being progressed on part of the service station upgrade which omits Lot 3 (intended for motel/hotel and pub) and that part of Lot 2 where the fast food restaurant is anticipated to be sited. Further DAs will be submitted for the remaining areas subject to successful progression of this Planning Proposal. It is intended to manage the 'sewerage' constraint by conditioning any future development consent so that the operation/occupation of any premises will be subject to completion of the STP upgrade and connection to the reticulated sewerage network. Additionally, under the provisions of the SDWC SEPP, any future DA will be required to have a neutral or beneficial effect (NorBE) on water quality and will require the concurrence of WaterNSW.

Given the above intent and provisions, we believe that the sewerage management issue can be addressed at DA stage and are generally supportive of Council's proposed approach regarding the conditioning of the redevelopment to align it with the upgrade of Marulan STP. Any proposed conditions on the sewerage management issue will need to reasonably relate to the development and have appropriate certainty and finality. These are matters that can be addressed through the DA assessment and consent process.

159 Rifle Range Road, Goulburn

The Planning Proposal includes amendments to the LEP to rectify a planning anomaly that has resulted from the construction of the Hume Highway across 159 Rifle Range Road, Goulburn, which has given rise to divergent zonings and planning controls across the land. This is a council-initiated component of the Planning Proposal.

159 Rifle Range Road is a single large lot of approximately 119 ha which is bisected by the Hume Highway. The northern parcel of the Lot is about 76 ha and zoned E2 Environmental Conservation with a Minimum Lot Size (MLS) of 100 ha. The southern parcel is about 46 ha and zoned RU6 Transition with a MLS of 20 ha and includes an existing dwelling house. The main issue is that the northern E2 portion of the land prohibits a residential use while the 100 ha MLS prevents a dwelling entitlement. The Proposal seeks to amend Schedule 1 of the LEP to permit development for the purposes of a dwelling house with consent and to adopt a MLS of 70 ha for the site. This would

enable the land to be subdivided and facilitate the establishment of a single dwelling house on the northern portion, thereby enabling each parcel to be managed under separate ownerships.

We note that the area is unsewered. A non-perennial natural drainage flows from the North-West to the South-East through the site, with minor tributaries extending northward. The Planning Proposal notes that the large allotment size and the location of the drainage path enables a dwelling to be sited away from watercourses/drainage paths and that there is sufficient land area to accommodate on-site wastewater facilities without adversely affecting water quality. WaterNSW has also conducted a Strategic Land and Water Capability Assessment (SLWCA) for the site which confirms that the site has sufficient land of LOW or MODERATE risk to accommodate a dwelling house (see Attachment 2). There is also sufficient area to meet required effluent management area (EMA) buffer distances from waterways for any proposed on-site sewage treatment system.

WaterNSW has no objection to this aspect of the Planning Proposal and supports Council's approach of reconciling the planning provisions applying to 159 Rifle Range Road.

Contamination Risk

The potential risk of land contamination is a relevant matter with respect to the Truckstop 31 site. While the Planning Proposal notes that the subject site is not identified on the Council's local contaminated land register or identified as significant contaminated land, the service station has been present on Lot 2 for approximately 50 years. The Planning Proposal notes that for Lot 2, a degree of contamination is likely but that the level of contamination is unknown. However, the Proposal infers that Lot 3 is unlikely to be contaminated.

The current Planning Proposal infers that further contamination assessment of the site is not required. However, having spoken with a relevant Council officer, we now understand that a contamination assessment is underway. WaterNSW's main concern is the potential effect of contaminated land on water quality, and the effect of leaching and mobilisation of contaminants during construction of the sites. We support a precautionary approach that further explores the potential for contamination risk associated with Lots 2 and 3.

We ask that the Planning Proposal be updated to reflect the contamination assessments being undertaken. We also ask that further background information be provided with respect to past land uses for Lot 3 and to clarify whether further detailed contamination assessments are proposed for this Lot. As we do not have the benefit of the contamination assessments at this time of this referral, we ask that the Planning Proposal be referred back to us during the public exhibition phase so that we may further understand the contamination risk associated with the site and the potential implications for water quality.

Strategic Land and Water Capability Assessments

The current Planning Proposal does not include information relating to SLWCAs.

For 14 and 16 George Street Marulan, appropriate SLWCAs for 'restaurants' or 'food and drink premises' have not been produced by WaterNSW, and there are no provisions for SLWCAs for hotels/motels or tourist and visitor accommodation. However, these uses will require appropriate amenities and will be a concentration point for visitors. As the site is currently unsewered, any development of the site to give effect to the said uses should be based on connection to the reticulated sewer and upgrade of the STP as indicated by the Planning Proposal.

For 159 Rifle Range Road, the most applicable SLWCA for the proposed dwelling and building entitlement is 'Residential unsewered Lots 4,000 sqm to 2 ha' (see Attachment 2). This SLWCA shows that the water quality risk for the site varies from LOW to EXTREME, with areas of HIGH and EXTREME risk being associated with waterways and drainage features. Areas of LOW and MODERATE risk occur in the north-west and MODERATE risk areas occur in the north. There is sufficient room for a dwelling house to be accommodated on site and for any EMA to meet the required 100 m EMA buffer distance requirements from waterways. Under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, any future development of the site will need to have a NorBE on water quality and be required to comply with relevant WaterNSW current recommended practices (CRPs) or standards at least equivalent to these.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The Planning Proposal responds to the SEPP, noting the sewerage constraints to the Marulan Truckstop 31 as previously described. We believe that the ability of the intended uses to provide later developments that can deliver a NorBE on water quality will heavily depend upon the ability to connect to the sewer and the capacity of the STP. We generally agree with the statements made regarding 159 Rifle Range Road. The section on the SEPP currently references the need for developments to have a NorBE on water quality. It would also benefit by recognising that new development should incorporate WaterNSW's CRPs or otherwise apply standards at least equivalent to those. The section could also reference that development in the Catchment requires the concurrence of WaterNSW.

Direction 5.2 Sydney Drinking Water Catchment

The Planning Proposal includes a response to the provisions of section 9.1 Direction Sydney Drinking Water Catchment. The Direction requires Planning Proposals to be consistent with the SEPP, give consideration to the outcomes of any relevant SLWCA, and zoned Special Areas as stated in the Direction. No Special Areas are affected by this Proposal, so this matter is not relevant.

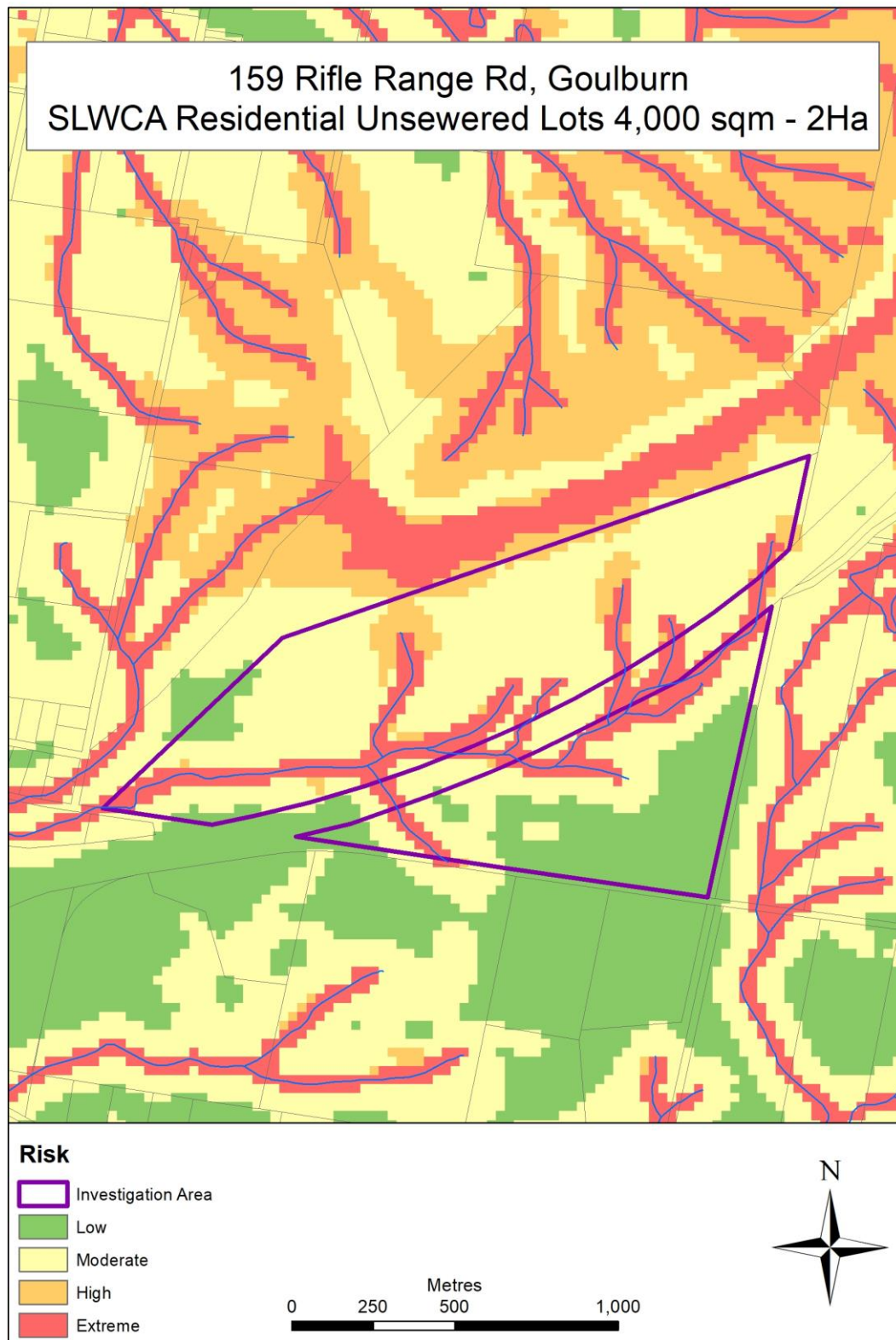
The response discusses the sewerage constraints of the Marulan site, as previously described, and the staging of the redevelopment to coincide with the STP upgrade. It also gives consideration to 159 Rifle Range Road, Goulburn being unsewered.

This section recognises that the SEPP applies to DAs for the permissible uses sought under the Planning Proposal and that any DA will need to have a NorBE on water quality. We support these statements. We provide a relevant SLWCA for 159 Rifle Range Road (see Attachment 2). The outcomes of that SLWCA are described above. SLWCAs are not relevant for Marulan Truckstop 31 for the reasons previously discussed. We ask that the information we have provided on the SLWCAs be included in this section.

Other

Council may wish to check the sewer and water map for the Marulan site to confirm that the annotations and attribution identified in the key accords with the symbology used on the map.

ATTACHMENT 2 – Strategic Land and Water Capability Assessment



Map 1. 159 Rifle Range Road, Goulburn: Strategic Land and Water Capability Assessment (SLWCA) for 'Residential unsewered Lots 4,000 sqm to 2 ha.