



23 August 2021

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/92979*

Dear Mr Kiernan,

Planning Proposal for Additional Permitted Uses – Marulan Truckstop 31 and 159 Rifle Range Road, Goulburn (REZ/0002/2021)

I refer to the Post-Gateway Referral of the Planning Proposal for Additional Permitted uses at 14 & 16 George Street, Marulan (Marulan Truckstop 31) and 159 Rifle Range Road, Goulburn (REZ_0002_2021). WaterNSW provided initial comment on this Proposal in our letter of 10 June 2021 (our ref: D2021/66096). However, at that time we did not have the benefit of the Contamination (Site Investigation) reports relating to Truckstop 31. The current Proposal includes those reports, which we have now included in our assessment.

Our main concern relates to the Truckstop 31 site with respect to sewerage availability and potential contamination risks. Our concerns over the sewerage management issue have largely been addressed in our previous correspondence, which is addressed in the Proposal. However, we believe that more conservative Health Investigation Levels may be more relevant to future use of Lot 3 DP 1053945 for overnight accommodation, to help support the suitability of the site for the proposed development.

Our detailed comments are provided in Attachment 1. 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

Truckstop 31 – 14 & 16 George St Marulan

The Proposal seeks to expand the permissibility provisions for the Truckstop 31 (Lots 2 & 3 DP 1053945) site to include a fast food restaurant (food and drink premises) on Lot 2 (14 George Street) and motel accommodation and pub with ancillary bottle shop on Lot 3 (16 George Street). The proposed additional uses of motel, pub and food and drink premises will require significantly improved sewerage management arrangements as the site is currently unsewered and the Marulan sewage treatment plant (STP) is at capacity.

Sewerage Management

We understand that upgrading the Marulan STP is a priority for Council, with the upgrade expected to be online by the end of 2023. The Proposal notes Councils intention of conditioning any proposed consent to a development application (DA) preventing operation of operation/ occupation of the development until the upgrade of Marulan STP has been completed. WaterNSW does not object to the progression of the Planning Proposal so long as the sewerage management issue is addressed at DA stage and prior to any occupation of new development associated with the uses put forward by this Proposal. As raised in our previous submission, any condition will need to reasonably relate to the development and have sufficient finality and certainty. Any DA for the site is required to have a neutral or beneficial effect (NorBE) on water quality and be referred to WaterNSW for concurrence under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. The ability to meet the NorBE test is heavily dependent upon the ability to connect to the sewer and the capacity of the STP.

Contamination Risk

Since providing our initial comments in June, both a Preliminary Site Investigation (PSI) and a Detailed Site Investigation (DSI) report have been prepared for the Truckstop 31 site (Appendices 12 and 13). The PSI report examined the potential for contamination across Lots 1, 2 and 3 DP 1053945. It found numerous areas of potential contamination concern but that the contaminants were considered to be of low to moderate risk. The report identified that a DSI was required to confirm the presence and extent of contamination to determine the suitability of the site for the proposed development.¹

The subsequent DSI was undertaken focusing on Lots 2 and 3 DP 1053945 (i.e. the subject area of the current Planning Proposal) and included both soil and groundwater sampling. The chemical analysis targeted Contaminants of Potential Concern, which may have impacted the site based on past and present activities.

The soil results for Lots 2 and 3 have been compared against the National Environment Protection Measures (NEPM) Health Investigation Level (HIL) limits using the HIL D limits which relate to commercial/industrial premises. While this may be appropriate for Lot 2 with respect to the fast food restaurant, Lot 3 involves the creation of a motel involving overnight accommodation. Based on information contained in the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, we believe that the soil analysis results for Lot 3 need to be further examined against the limits set by the HIL A (residential with garden accessible soils) or HIL B (residential with minimal opportunities for soil access) criteria to help demonstrate the suitability of the site for the intended motel use.² A supplementary comparison of the Lot 3 soil test results against the HIL A or HIL B limits should be provided.

¹ The PSI included land in Lots 1-3, DP 1053945 with Lot 1 occurring to the west of, but adjoining, Lot 2. The DSI was limited to Lots 2 and 3 DP 1053945. Lot 1 is not the subject of this Planning Proposal and is not discussed further.

² Section 3.2.4 of Schedule B7 (Volume 19) of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* advises, with respect to HIL D values, 'the land use scenario does not include more sensitive uses that may be permitted under relevant commercial or industrial zonings. These more sensitive uses include childcare, educational facilities, caretaker residences and hotels and hostels, etc.

In terms of the soil sampling results, based on the HIL D limits used, TRH, BTEX, PAH OCP/OPP, Metals and Asbestos were found not to exceed the NEPM for all soil samples collected.³ However, Sites 2 and 3 both had metals above the Level of Reporting (LOR) but below the NEPM HIL D limit, with Site 3 recording all metals above the LOR for all samples. However, these are well below the HIL D limits. Certain Total Recoverable Hydrocarbons were also above the LOR for Site 3 but were well below relevant NEPM HIL D limits. For a water quality impact perspective, the main concern is the mobility of potential contaminants when soils are disturbed such as during excavation. Managing this risk is a matter more relevant to the later development application (DA) stage.

Groundwater was sampled using groundwater monitoring wells, established in both Lots 2 and 3, and a further well on Lot 2 downgradient of the UPSS. The DSI report found only that Copper and Zinc were found in concentrations that slightly exceeded Groundwater Investigation Levels (GILs), however this was attributed to naturally occurring levels within the groundwater; such metals are not directly associated with the service station operations. Our understanding is that none of the proposed development for the site will include excavations beyond the water bearing zone.

The DSI report concludes that current and past service station operations have not impacted the groundwater in the sampling locations. It also concludes that the site is suitable for the proposed development provided that the recommendations of the DSI report are implemented. We believe that the stated recommendations of the DSI report should be implemented as stated in the Planning Proposal, but this can occur through the DA and consent process.

Other - Land Use Permissibility

We envisage that for the Truckstop 31 site, the proposed motel or pub might include a caretaker's residence. We note that under the *Goulburn Mulwaree Local Environmental Plan 2009*, residential accommodation is prohibited on land zoned IN1 General Industrial. Council may wish to consider how the proposed motel, bottle shop and pub is to be managed to ensure that any accommodation envisaged for the proprietors of those establishments is within the remit of the change in the land uses being sought.

159 Rifle Range, Goulburn

Regarding the 159 Rifle Range Road site, we note that the Proposal has taken into account our earlier comments on this site, including providing the relevant Strategic Land and Water Capability Assessment (SLWCA). We support Council's approach of reconciling the planning provisions applying to 159 Rifle Range Road and have no objections to this aspect of the Proposal.

Direction 5.2 Sydney Drinking Water Catchment

The Planning Proposal provides a comprehensive response to the section 9.1 Direction 5.2 Sydney Drinking Water Catchment and incorporates consideration of our advice of 10 June 2021. The response discusses the sewerage constraints of the Marulan site, making any development contingent upon and subject to the completion of the STP upgrade. As reflected in the information, SLWCAs are not relevant for Marulan Truckstop 31 as WaterNSW does not hold appropriate SLWCAs for 'restaurants' or 'food and drink premises' or for hotels/motels or tourist and visitor accommodation.

The response also recognises that the 159 Rifle Range Road Goulburn site is unsewered but that there is sufficient area to accommodate a new dwelling while keeping the associated effluent management area (EMA) 100 m distant from waterways and drainage paths. The response also includes a copy of the relevant SLWCA for the site and incorporates our earlier advice that that land has sufficient land of LOW or MODERATE risk to accommodate a dwelling and meet appropriate EMA buffer distances from waterways.

Information on uses permitted under local council zoning schemes for commercial/industrial land use can be obtained from local council planning zones/schemes. Should these more sensitive uses be permitted, then HIL A or HIL B values should be considered'. See:

https://www.legislation.gov.au/Details/F2013C00288/Html/Volume_19#_Toc351713629.

³ TRH: Total Recoverable Hydrocarbons (TRH); BTEX: Benzene, Toluene, Ethylbenzene and Xylene; PAH: Polycyclic Aromatic Hydrocarbon; OCP: Organochlorine Pesticides; OPP: Organophosphate Pesticides.

The Proposal also generally notes that DAs for the permissible uses sought through the Planning Proposal will need to have a NorBE on water quality. We support this statement.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The Proposal includes a response to the Sydney Drinking Water Catchment 2011 SEPP. The response identifies the current sewerage constraints of the Marulan Truckstop site and reference comments made in our previous response including the importance of sewer connectivity and STP upgrade to achieve a NorBE for later developments. The Proposal also incorporates consideration of our earlier comments made on the Rifle Range Road, Goulburn site.

We are supportive of the information provided in the Proposal.

The responses to both Direction 5.2 and the SEPP will need to be further updated based on our submission herewith.
