

26 July 2024

Contact: Stuart Little
Telephone: 0436 948 347
Our ref: D2024/58608

Mr David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
GOULBURN NSW 2580

**Planning Proposal to Rezone and Amend Minimum Lots Sizes on Lots at 274 Mountain Ash Road
Goulburn (REZ_0004_212; PP-2022-7072)**

Dear Mr Kiernan,

I refer to your email of 4 July 2024 requesting pre-Gateway comments on a Planning Proposal (dated July 2024) to rezone land and amend minimum lot sizes a 274 Mountain Ash Road Goulburn.

We understand that the Proposal concerns 13 lots (Lots 22-24 DP 811954, Lots 1-3 DP 835278, Lot 1 DP 779194, Lot 1 DP 853498, and Lots 103-106 DP 126140) within 3 parcels and covering some 277 hectares of rural land approximately 2-5 km south-east of Goulburn. The Proposal seeks to rezone the land from RU1 Primary Production to R5 Large Lot Residential and C2 Environmental Conservation. The Minimum Lot Size (MLS) provisions area also proposed to be varied with a 2 ha MLS proposed for the R5 land and 'no MLS' applying to the C2 land.

We note that the Proposal is accompanied by a conceptual subdivision layout plan suggesting a possible yield of approximately 108 lots. We have treated the plan as indicative of how the site might be developed under the proposed zoning and MLS arrangement, and that the subdivision plan may change at development application (DA) stage.

The site is heavily constrained by watercourses and drainage features. We support the Proposal's approach in applying C2 zoning to flood-prone land, thereby protecting water quality. The C2 zoning will also operate to protect the waterways themselves. Together with the proposed 2 ha MLS for the proposed R5 zone, there appears to be sufficient space to accommodate EMAs and dwelling footprints for the proposed lots. However, the further configuration and refinement of the conceptual subdivision design may be required at subdivision DA stage, and the overall lot yield may not be as great as currently anticipated.

We note that the C2 areas would not be developed. However, it is difficult to understand how the 'no MLS' approach will operate in this area given the zoning configuration. The arrangement may give rise to an array of lots with split zoning, potentially fragmenting the management of watercourses and drainage features. The Proposal would benefit by further describing how the C2 land would be managed given the proposed 'no MLS' arrangement put forward.

The site is constrained by watercourses, drainage features, farms dams, and overland flow flooding risk. From the information presented, it appears that future EMAs will be able to meet the required 40 m and 100 m buffer distances, but their location will need to be further determined at subdivision DA stage. Stormwater management requirements will also need to be comprehensively addressed at subdivision stage.

Overall, we believe the proposed zoning configuration is reflective of the environmental constraints and that the C2 zoning will help protect water quality. Together with the 2 ha MLS for the proposed R5 land, the Proposal should enable later subdivision to be designed in such a way as to protect water quality. There is sufficient land to accommodate rural residential uses of the area although, as indicated, the overall lot yield may not be as great as anticipated by the proponent.

Our detailed comments are provided in Attachment 1. This includes some points of clarification regarding the contamination assessment report. We do not need to see the Proposal again before it proceeds to a Gateway determination but would like to be notified regarding how our issues are being addressed.

If you have any questions regarding this letter, please contact Stuart Little at stuart.little@waterNSW.com.au.

Yours sincerely,



ALISON KNIHA
Environmental Planning Assessments & Approvals Manager

ATTACHMENT 1 - DETAIL

Proposed Zoning and Minimum Lot Sizes

The Proposal seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential with floodprone land being assigned C2 Environmental Conservation zoning. The RU1 land currently has a MLS of 100 ha and, for Lot 1 DP 853498, 10 ha. It is proposed the MLS would be amended to provide a 2 ha MLS for the proposed R5 land with 'no MLS' applying to the C2 land. Current and proposed zoning and MLS maps are included in Figure 4 of the Proposal.

The surrounding land is generally zoned RU6 Transition with land in the north having a 10 ha MLS and land in the south having a 100 ha MLS.

Concept Site Layout Plan

We understand that the Planning Proposal is proponent-led and includes a conceptual subdivision layout plan in Appendix 2 which projects an estimated yield of approximately 108 lots. The Proposal notes that the C2 zone encompasses approximately 115 ha leaving a residual area of approximately 162 ha available for R5 zoning, suggesting that a yield of 70-80 lots as being more likely. We have treated the conceptual subdivision layout plan as indicative of how the site might be developed under the proposed zoning and MLS arrangement. The subdivision configuration and overall lot yield may change at subdivision DA stage.

Urban Fringe and Housing Strategy

The Urban Fringe and Housing Strategy (UHFS) identifies the site as being within Precinct 10: Mountain Ash. This is a rural and rural transition area. The UFHS recommends rezoning land within the precinct that is least constrained by topography and environmental constraints to Large Lot Residential, with environmental zoning being afforded flood affected areas. The Proposal is consistent with the UFHS in this regard.

Servicing

The site is not serviced by Goulburn's reticulated water and sewer systems and would remain unserviced (Pp. 7, 19). We note that the future proposed R5 zoned lots will be required to provide on-site water (rainwater collection) and effluent management systems (Pp. 7, 19, 85).

Watercourses, Farm Dams and Groundwater Bores

The site is heavily constrained by watercourses including 1st, 2nd and 3rd order (Strahler) streams that drain towards a central drainage path that forms a tributary to Gundry Creek. The drainage path generally follows a south-east to north-west axis just south of Mountain Ash Road.

The site has 21 farm dams and one existing groundwater bore. The farm dams are to be retained on site to maintain their stormwater function. This may require further repurposing of the dams as stormwater control and treatment measures. This can be further devised and considered at subdivision DA stage.

The on-site groundwater bore is proposed to be decommissioned as part of a subsequent DA. All other bores are located further than 150 m from the site (P. 44). There are currently no dwellings or associated effluent management areas (EMAs) on the site.

While the 2 ha MLS offers broad land areas to locate dwellings and EMAs, the presence and location of these watercourses and dams presents significant constraints in terms of locating the EMAs. The Proponent's indicative subdivision layout plan (Appendix 2) shows the path of drainage lines and watercourses, the location of farm dams and the extent of the Probably Maximum Flood (PMF) as depicted by the C2 zoning boundary. It shows how proposed building envelopes (25m X 25m; 625 sqm) could be positioned outside the C2 zone based on a 2 ha MLS. The layout plan in Attachment A to the Engineering Service Report shows

indicative 100 m and 40 m buffer distances for the watercourses and farm dams. Comparison of that Attachment to the conceptual subdivision layout plan indicates that the building envelopes lies outside the buffer distances as presented. We make the following comments:

- The Engineering Services Report includes consideration of the WaterNSW 2021 *Water Sensitive Design Guide for Rural Residential Subdivisions*.
- The Engineering Services report notes that an EMA of approximately 2,000 m² has been considered in the determination of proposed lot sizes and the overall layout. However, it is unclear where EMAs are to be positioned. The indicative subdivision layout plan (Appendix B of the Proposal) shows proposed location of building envelopes only while the layout plan in Attachment A to the Engineering report presents buffer distances only (not indicative dwelling or EMA locations). It is not clear where EMAs are to be located. EMAs will need to be located outside the C2 zoned land and meet any required buffer distances from waterways and farm dams.
- Verification of whether 1st order drainage features comprise drainage depressions or drainage lines with incised channels (thereby requiring 100 m setbacks) can be further undertaken at subdivision DA stage.
- The Proposal notes that not all illustrated lots demonstrate the ability to accommodate 2 ha of R5 zone when the C2 prone land is considered. The Proposal (P. 46) notes that the quantum of deliverable lots is likely to be less than the 108 lots presented in the plan. We agree with this statement.
- A supplementary Report on Effluent Disposal preliminary Soils Assessment (Appendix 9b) includes an analysis of site soil properties demonstrating the site's potential suitability for effluent management. However, it provides no further detail regarding the proposed location of EMAs other than saying that the Council should be consulted regarding the required minimum buffer distances.

Flooding risk

The site is subject to riverine and overland flow flooding risks.

The Proposal is accompanied by a supporting Flood Impact and Risk Assessment. This includes various flood hazard maps and flood depth maps for various flood risk scenarios including the 1% AEP Flood design and PMF events.

From the Planning Proposal, we note that the riverine flooding risk is limited the very north of the site (Figure 17). The overland flow flooding risk is associated with the other drainage features and watercourses on site and including the central flow path that drains south-east to north-west across the site just south of Mountain Ash Road (Figure 18). The Proposal assigns C2 zoning to those areas subject to riverine flooding and overland flood inundation. The proposed C2 zoning will prohibit residential development and associated ancillary development (e.g. EMAs and wastewater systems) from flood-prone land. We support this approach as it will protect water quality.

Stormwater

The Planning Proposal provides limited information on stormwater management, generally deferring this matter to DA stage (P. 31).

Based on the conceptual subdivision design, we note that significant road areas are proposed. The Engineering Services Report indicates that proposed roads will contain table drains and that tree planting (in the order of 10-15 m width) will be undertaken to offset any increase in pollutants in the runoff from the site. While the Engineering Services report doesn't discuss retaining or repurposing of farm dams, the Proposal itself notes that farm dams will be retained on site to maintain their stormwater function (P. 32). It

is unclear whether other measures such as grass swales and additional treatment ponds may be required for the proposed access roads.

Overall, we note that there is sufficient space to accommodate necessary stormwater management measures. Any subdivision of the site will need to address stormwater management. Future development will be required to have a Neutral or Beneficial Effect (NorBE) on water quality.

Contamination Risk

The Planning Proposal is accompanied by a Preliminary Site Investigation (PSI) report examining the contamination risk of the site. The site is mainly used for grazing, with crops, native grasses and weeds being present (Pp. 5, 7, 16). Past and present agricultural uses of the site have been considered. Potential contamination sources included pesticides, fertilizers (especially heavy metals) and fuels and oils from machinery and equipment.

The PSI report has been informed by an on-site investigation and soil sampling at 10 locations. No anthropogenic material (including asbestos) and no olfactory indicators of contamination were observed at the time of the investigation and sampling.

The PSI report found no evidence of land contamination or any impact from contaminating activities. No remediation actions are proposed although the report recommends that an unexpected finds protocol be implemented during works.

We raise the following matters:

- We note that The PSI report refers to the site walkover identifies that there was no infrastructure on site, nor fill material present at the sampling locations. However, the report identifies the presence of one residential building from 2006 site photos. It would be helpful to understand whether that area was examined in the site investigation and the soil sampling. Are any contamination risks from past or present effluent management systems considered likely?
- Given the size of the land area (277 ha) concerned, were *areas* of potential contamination concern initially identified from the historical aerial photographs to help target the site inspection? Were the soil samples targeted to those areas or done more ubiquitously across the site?
- Soil sampling analysis included consideration of heavy metals and hydrocarbons and pesticides. Pesticides appear to have been analysed but are not discussed in the results. More information is required on the pesticides found and whether the level present any contamination risk.
- The PSI report (section 5.9.2) identifies that three groundwater bores were found within 500 m of the site (P. 8). Information contained in Appendix C identifies approximately 10 groundwater bores within 500 m of the site and one groundwater bore occurring on site (see also Pp 44-45 of the Planning Proposal). The number of bores occurring within 500 m of the site needs to be clarified along with their current purpose, including the purpose of the current bore on site. We also seek clarification as to whether the existing groundwater bore on site was sampled for water quality contaminants, although we note that this bore is proposed to be decommissioned.
- The report does not appear to have included any water quality sampling of the existing groundwater bore or the farm dams on site. The farm dams are currently proposed to be retained for stormwater management, rather than domestic supply purposes. The report needs to include further consideration of whether past uses of the site are likely to present any risk to the water quality of the farm dams and limitations for their intended use.

Direction 3.3 Sydney Drinking Water Catchment

The Planning Proposal provides a comprehensive response to s9.1 Ministerial Direction 3.3 Sydney Drinking Water Catchment. Provisions relating to Special Areas are not relevant in this instance.

The response notes that the site is not serviced by water and sewerage and describes how all new lots would need to provide on-site rainwater collection and on-site effluent management systems. The relevance of the C2 zone to address flooding risk and protect water quality is highlighted. Water-related features such as watercourses, drainage features, farm dams and groundwater bores are also discussed. It also notes how future development will be required to have a NorBE on water quality. We support these provisions.

The Proposal notes that pre-Gateway consultation is being conducted with WaterNSW and future iterations of the Proposal will consider the outcomes of the Strategic Land and Water Capability Assessment (SLWCA). We provide a copy of the relevant SLWCA map in Attachment 2 and discuss the outcomes below. The Planning Proposal's response to Direction 3.3 will need to be updated in accordance with the information provided in this letter.

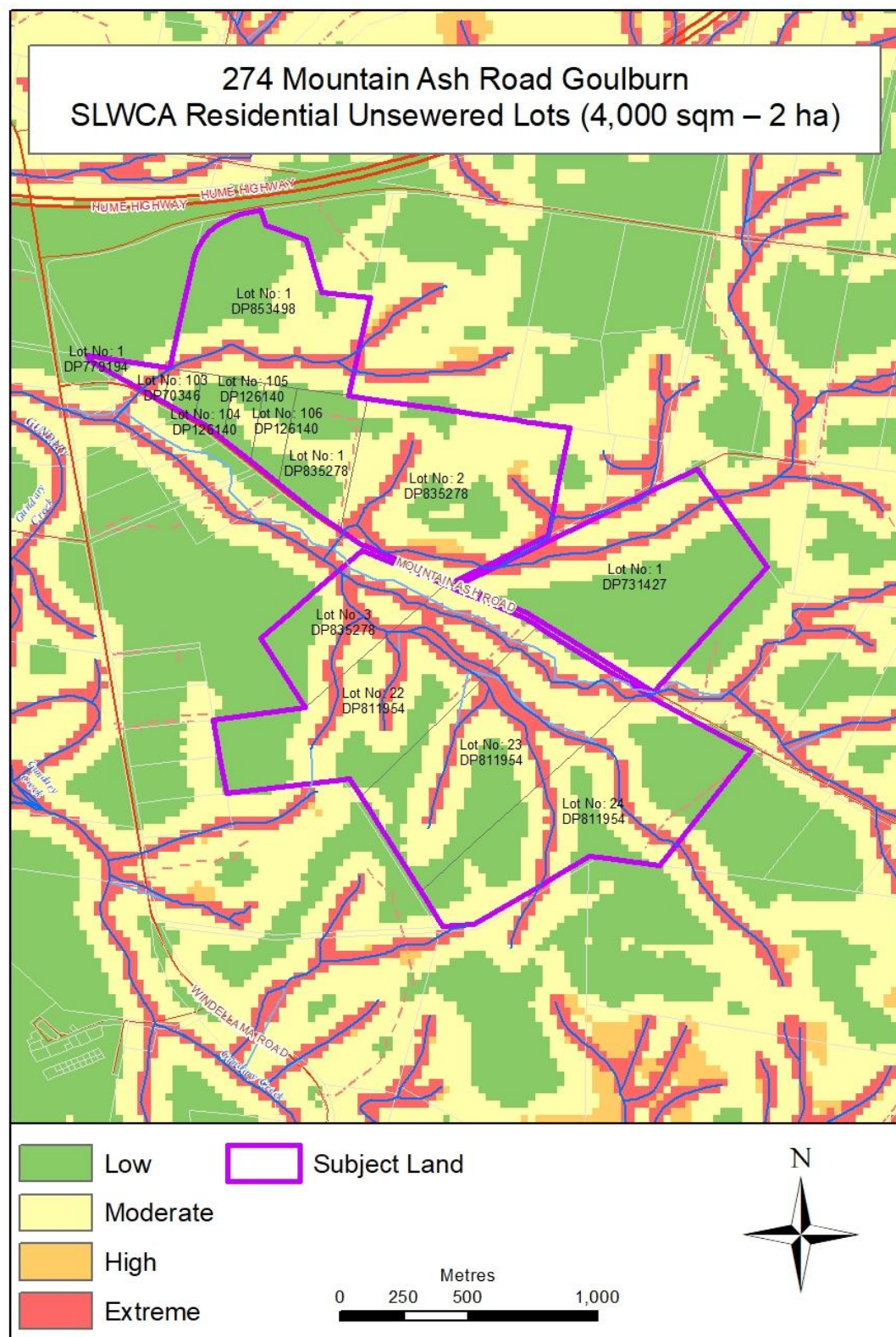
Strategic Land and Water Capability Assessment

We have prepared a SLWCA for the site based on residential unsewered lots (4000 m² – 2 ha; Attachment 2). The SLWCA shows that the water quality risks for the site varies from LOW to EXTREME. The areas of EXTREME risk are associated with the drainage features and water courses. Areas of EXTREME risk have a VERY LOW capability while areas of HIGH risk have a LOW capability for the intended use. Areas of MODERATE risk have a MODERATE capability for the intended use while areas of LOW risk have a HIGH capability. Areas of HIGH and EXTREME risk should be avoided. These areas are largely encompassed by the proposed C2 zoning which will operate to protect water quality.

There appears to be sufficient areas of LOW and MODERATE risk to accommodate the proposed rural residential use of the land at the 2 ha MLS envisaged.

Please note that the SLWCA analysis does not take into account the flooding risk from riverine flooding or overland flows.

ATTACHMENT 2 – Strategic Land and Water Capability Assessment Map



Map 1. Strategic Land and Water Capability Assessment for 274 Mountain Ash Road