

9 May 2022

David Kiernan
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Goulburn Mulwaree Council
Locked Bag 22
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Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2022/35274*

Dear Mr Kiernan,

Planning Proposal for 137 Brisbane Grove Rd, Goulburn (REZ/0005/2121) (PP_2021_7390)

I refer to the Pre-Gateway Referral of the Planning Proposal for 137 Brisbane Grove Rd, Goulburn. The Proposal seeks to rezone 22 lots on the southern boundary of the Mulwaree River. The affected lots are shown on Figure 1 of the Proposal. Some minor refinements to the lot description are necessary to accord with Figure 1 (see Attachment 1).

The Proposal seeks to rezone the land from RU1 Rural landscape and RU6 Transition to R5 Large Lot Residential and C2 Environmental Conservation. The minimum lot size (MLS) is also proposed to change from 100 ha and 10 ha (for the RU1 and RU6 land, respectively) to 2 ha for the R5 zone and 100 ha for the C2 zones. The C2 zoning is proposed for most constrained areas of riverine and overland flow flooding risk. We generally support this approach.

As the site will not be serviced, greater consideration needs to be given as to how new residents will access water and whether there are any potential risks from on-site sewage systems and effluent management areas (EMAs). The current subdivision design may also require some modification as not all areas of open water (e.g. existing farms dams) have been taken into account in determining necessary EMA buffer distances. The Proposal also needs to include more clarity about flooding risk. The preliminary contamination risk investigation also appears to have only been based on three of the 22 lots and more comprehensive site consideration appears warranted.

The Proposal will deliver a disjunct and irregular R5 pattern in the landscape and will result in R5 land being interspersed with RU6 land. If this Proposal is successful in its current form, there may well be subsequent 'ad hoc' rezonings for adjoining land, requiring each Proposal to be assessed on a case-by-case basis. This is not an efficient approach for the area and potentially impacts on State and Local government resources. We would encourage Council to potentially consider a more strategic approach to rezoning in the area and adopting a more standardised zoning layout for the R5 zoning, taking into account existing lot sizes and servicing constraints.

At the time of this assessment, some important supporting technical reports and documentation are still in preparation. This includes a draft Brisbane Grove and Mountain Ash Precinct-specific Development Control Chapter to be included in Appendix 1. We would therefore like a further opportunity to review the Proposal at the time of public exhibition and ask to be notified at the time of exhibition. We also ask that Council keep us advised regarding the progress of the Proposal.

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".

ALISON KNIHA
Catchment Protection Planning Manager

ATTACHMENT 1 – DETAIL

Lot description

The Proposal lots are shown on Figure 1 while the list of affected lots is provided below that Figure (p.5). The Proposal currently lists 21 lots and not 22 as provided in the Figure. In an email of 4 May 2022, Council has further clarified that the Proposal includes Lot 45, DP 976708 (not currently listed but depicted in Figure 1). Also the description 'Part Lot 29 DP 175001' should read 'Part Lot 29, DP 750015'. The figure also includes a finger of land comprising unformed council-owned road reserve. Minor corrections to the Proposal description are required to correct these matters. Council also needs to be satisfied that it is supportive of its road reserve being included and being proposed for R5 zoning and a 2 ha minimum lot size per Figures 4 and 6 of the Planning Proposal.

Urban and Fringe Housing Strategy

The subject site is identified in the Urban and Fringe Housing Strategy (UFHS) as part of the Brisbane Grove Precinct. The UFHS identifies that Brisbane Grove area is not currently serviced by water and sewer (see also page 9 of the Proposal). The UFHS recommends that the least environmentally constrained land to Large Lot Residential zoning (un-serviced) and for Environmental (Conservation) zones to be considered for flood affected land. The Proposal conforms with the UFHS with regard to these matters.

The UFHS considers the area suited to Large Lot Residential development subject to the resolution of noise and water quality issues. The UFHS includes a broad constraints and opportunities analysis that is replicated in Figure 7 of the Proposal. Flooding risk, discussed further below, is identified as a constraint in the north-west of the site. This area has generally been afforded a C2 zoning.

Zoning

Description

The Proposal would benefit by mentioning the C2 zoning in the initial rezoning description on top of page 6.

Localised setting

We note that the Proposal will deliver a very fragmented zoning and MLS spatial arrangement in the landscape. This includes providing a single island-like R5 lot (Lot 54) with a 2 ha MLS positioned in a sea of RU6 zoning with a 5 ha MLS. Many of the existing lots in the locality are just over 2 ha in size but have a 5 ha MLS. While the Proposal better reconciles the 2 ha zoning with the 2 ha MLS within its Study Area, many existing 2 ha parcels of land outside the Study Area will retain a 5 ha MLS. This includes land immediately north and south of Brisbane Grove Road, and further west of the Proposal. Proceeding with this Planning Proposal in its current may introduce potential land-use conflicts into the area (between the RU6 and proposed R5 lands) or lead to multiple individual Planning Proposals coming forward seeking similar rezoning and MLS changes.

The current configuration of the Proposal may also cause friction between this development and the surrounding properties which will be 2 ha in size but unable to access the 2 ha MLS entitlement. Many of these 2 ha lots appear to be undeveloped based on the existing 5 ha MLS. In light of these matters, Council may wish to pursue a more rationalised and consolidated approach to the configuration of R5 zoned and associated 2 ha MLS. This might include applying this zoning over a broader area such as including all land north of Brisbane Grove Rd and those properties facing Brisbane Grove Road on the southern flank. The C2 zoning could be placed over the land most significantly constrained by flooding or other environmental values. Such an approach would avoid subsequent piecemeal Planning Proposals being submitted for adjoining land to deliver similar zoning and MLS arrangements.

Relationship to proposed Subdivision pattern

The change in zoning and MLS involves 22 existing lots and proposes to deliver 27 lots of 2 ha in size. The indicative subdivision layout plan (Appendix 3) indicates how a 2 ha MLS will be achieved

for the available land. The layout plan excludes the residual land in the north-west that is proposed to be zoned C2.

It is unclear how the proposed subdivision design relates to the proposed zoning C2 boundary. It would be useful for maps to be included showing the proposed zoning configuration (Figure 4) and MLS arrangement (Figure 6) with the proposed subdivision layout (Appendix 3). While it appears that the subdivision is not proposed over the proposed C2 land in the west, it is unclear how the C2 land in the centre of the Study Area, and encompassing the watercourse, aligns with the proposed subdivision configuration and lot boundaries (C2). It would appear that split zoning will be proposed over a number of lots. It is also unclear whether the design will be able to accommodate all the necessary EMA buffer distances. This is probably more a matter for DA stage, but the proposed C3 zoning is relevant in terms of addressing environmental constraints and restricting development in sensitive areas.

Servicing

The lots are to be un-serviced by reticulated town water and sewer system, and will be reliant upon on-site provisions for water supply (p. 39). It is unclear how this will be facilitated. The Water Cycle Management Study identifies one existing bore on the site, used for stock water (new Lot 3). The Proposal, however, makes no mention of groundwater or existing bores or whether further bores are likely to be needed. It is also unknown whether the lots would be able to draw water from the Mulwaree River as they will be separated from the river by other lots arising from the subdivision.

The Proposal will see an intensification of on-site sewerage systems in the area. If lots are proposing to access water from bores, consideration will need to be given where the groundwater supplies may be at risk of contamination from these on-site systems, and how new residents will access water safely.

Watercourses and Farm Dams

The site is bounded by the Mulwaree River in the north. The middle of the site is also bisected by a 2nd order watercourse, a tributary of the river. Several localised drainage features also appear to occur in the north-west of the site predominantly associated with the proposed C2 zone. However, one drainage feature occurs in the north-west of the proposed developable area, as depicted in supporting plans (see Appendices 7b, 7c and 7d). The central watercourse drains south to north and traverses current lots 4/62157, 11/976708 and 18/976708. The north-western drainage feature affects proposed Lots 13-15. Both operate as site constraints in these locations.

The Proposal also indicates that there are seven existing farm dams on site while three new farm dams are proposed (p. 39). The supporting plans show approximately nine existing dams plus a further seven being proposed. The number of farm dams occurring and proposed to occur on site needs to be reconciled as these operate as site constraints. This will affect the location of EMAs due to required buffer distances (see below). This may in turn affect lot configuration and yield.

Water Cycle Management Study (WCMS)

The WCMS covers 63.37 ha of land, i.e. the land to be subdivided and allocated for large lot residential zoning. It excludes the flood-prone land in the north west but does include the C2 zoned area of land along the watercourse in the centre of the site. It is based on a conceptual subdivision designs and indicates that there is sufficient available land to accommodate 27 large lot residential allotments and meet the NorBE requirement at DA stage.

We note that the WCMS includes MUSIC modelling for the proposed 2 km long access road. It identifies that provided suitable control measures are put in place, a NorBE on water quality can be met. The WCMS also identifies that the conceptual subdivision design is capable of meeting a NorBE in terms of providing on-site wastewater management systems. We note some refinement to EMA locations and EMA buffer distances may be required, particularly in relation to the location of farm dams, and may require some reconfiguration of lot boundaries and may reduce yield. Generally, however, there appears to be sufficient land area to accommodate the proposed R5 zoning and a 2 ha MLS.

Water-related Site Plans

Wastewater Management Site Plan

This Plan (Appendix 7b) shows the location of dwellings and EMAs with respect to drainage and other features. The Plan does not depict the 100 m buffer distance from the Mulwaree River, although it would appear that all relevant EMAs achieve this distance.

The Plan depicts a 40 m buffer distance line from the central watercourse and another drainage feature in the north-west of the site. It needs to be determined whether these drainage features have incised channels requiring a wider 100 m EMA buffer distance. As the central watercourse is a 2nd order watercourse, it may require a wider 100m EMA along some or all of its length. This would affect the proposed location of the EMAs in several lots (e.g. proposed Lots 7 and 10). In turn, this may require a change in the lot configuration and could affect yield. This is more a matter for the later subdivision DA and need not stop this Planning Proposal from proceeding.

The locations of seven new farm dams are presented on the plan but the location and EMA buffer distance is not depicted. The proposed EMAs may lie within the 40 m buffer distance and require repositioning. Also, as indicated above, the Proposal indicates that there are seven existing farm dams with three new farm dams occurring on site. The supporting plans show approximately nine existing dams. The number of existing farm dams needs to be clarified in the Planning Proposal. The number and location of retained farm dams will affect EMA buffer distances and may affect lot configuration and yield. Again, this is more a matter for subdivision DA stage.

The plan depicts different coloured pixels in low lying areas and along the drainage features. No key is provided for these colours so we do not know what they mean.

Stormwater Management Site Plan

The Stormwater Management Site Plan is presented in Appendix 7c. This has the same key as the Wastewater Management Site Plan (Appendix 7b) but is different in that the Stormwater plan does not show the EMAs. No stormwater management measures are shown on this plan. It is therefore unclear what this Plan is meant to be showing in relation to stormwater management beyond the location of dwellings and drainage features.

Stormwater Drainage and Flood Impact Site Plan

Stormwater Drainage and Flood Impact Site Plan (Appendix 7d) is very similar to the Wastewater Management Site Plan (Appendix 7b). Both have the same key so it not known what Appendix 7d is actually showing that is different and specific to stormwater management. The main difference in this plan is its name and the removal of the effluent disposal areas. Like the Wastewater Management Site Plan, this depicts different coloured pixels in low lying areas and along the drainage features. It is unknown if these pixels relate to risk ratings or water flows or something else as there is no key for these colours. We ask Council to clarify what this plan is meant to be depicting and to ensure that they the key is appropriate for the plan in question.

Flood Risk

Areas of the site are flood-prone. The Proposal discusses the flooding risks in terms of constraints from riverine and overland flow flooding hazards. The discussion on flooding risks draws from other documents including the recently exhibited draft Floodplain Risk Management Study (FRMS). A number of points are relevant here:

- The maps of riverine flooding risk (Figure 8 and 9) overland flow (Figures 11 and 17) and the riverine flood map (Figure 18) are all based on the current lot configuration. It would be helpful to also present these maps showing the new the proposed subdivision configuration as per the subdivision plan (Figure 3). This would then help readers understand how the proposed subdivision layout responds to the flooding and overland flow risks present. It is also unclear from where these figures are derived; the sources should be stated to help the reader understand the context and sources of information informing the Proposal (see below).
- The north-western part of the site encompassing a large portion of Lot 2 DP 1180093 occurs within the 1:100 riverine flooding event (Figure 8). This and other others in the north of the site

lie within the PMF extent (Figure 9). The zoning boundary of the north-western C2 Environmental Conservation portion of the site generally coincides with the boundary of the 1:100 year flood event. We generally support this approach but ask that the source of Figures 8 and 9 be clarified. If these Figures are based on the earlier flood risk maps of Council, they may need to be updated to draw from the corresponding maps as contained in the draft FRMS.

- Figure 11 (p. 18) presents a risk-based map for flooding noting it is based on an overland flow corridor. The source of this map needs to be clarified. If it draws from the FRMS, then it needs to be clarified whether it is based on overland flow as stated. Our understanding is that the FRMS is primarily based on the assessment of riverine flooding risk.
- The flood risk presented in Figure 11 (and replicated in Figure 17) generally support the flood risk mapping in Figure 8 that depicts the main flooding risk in the north-west. However, a corridor of flooding risk also occurs in the middle of the site associated with the tributary of the Mulwaree River. The Proposal identifies that the areas of highest risk have been assigned the C2 zoning. We generally support this approach and note that minimum land areas lie in Category 3.
- The NorBE tool also considers flooding risk for the 1 in 50 ARI event (roughly 2% AEP) which influences the risk profile level in the wastewater modelling. It may be useful to present a map showing the 2% AEP to see how this related to the C2 zoning the central waterway tributary. Lower risk levels for EMAs may be met by locating EMAs outside the flood prone area based on using the 2% AEP as a minimum standard.
- Figure 18 presents a riverine flood map for the site drawing from the FRMS and based on the Flood Planning Constraint Categories that apply to the site. Land in the north-west is subject to the highest flooding risk. This generally coincides with the C2 zoning proposed for that area.
- A statement is made on page 35 that no development is proposed in the flood planning area (FPA), which itself is generally based on the 1 in 100 year event plus freeboard. The Proposal would benefit by including a map of the FPA.

Contamination Risk

The Planning Proposal is supported by a Preliminary Site Investigation (PSI) for contamination (Appendix 9). The report has been informed by a desktop analysis of available information and a site inspection (walkover). We are concerned that desktop analysis and, in all likelihood the walkover, has been confined to three of the 22 lots. However, it appears that this does include the largest of the existing lots – Lot 2 DP 1180093, therefore covering a reasonable portion of the study area. We make the following comments:

- The site area depicted on Figure 1 of the PSI report does not include Lot 54 DP 976708. It is unclear if this site has been included in the scope of the PSI.
- It needs to be clarified whether the examination of historical aerial photography includes all lots or only the three lots (Lots 10 & 11 DP 976708 and Lot 2 DP 110093 (should read 1180093)) as provided in Table 2 of the Report.
- The examination of past uses should be based on a consideration of the background history of all lots rather than just a selection of the three lots above. We believe that the scope of the past investigation needs to be more comprehensive.
- It needs to be confirmed which lots were examined in the site walkover conducted in May 2021. The relevant lots should be identified by Lot and DP number. The summary dot points appear to read for the whole site when they are likely to be constrained to one or several lots examined.
- How many existing residences are on the site including Lot 54? Do they have on-site waste management systems? Is there likely to be any contamination from these? The issue of existing on-site wastewater systems does not appear to be considered in the PSI report.
- We would like clarification as to whether past intensive agricultural uses have occurred, or are likely to have occurred, on any of the lots. Our main concern here is whether any of the existing

farm dams may have acted as effluent ponds or may have accumulated contamination in sediments from past intensive agricultural uses.

The PSI report identifies two potential sources of contamination and associated contaminants of potential concern: building waste materials scattered across the site surface and potential use of pesticides associated with grazing. The likelihood of contamination from the waste materials and accumulation of pesticides in the soil is considered to be low. The PSI report recommends that Construction Management Plan be prepared and implemented during any future construction works. It also recommends that any fill that is to be disposed of off-site is to conform with the NSW EPA (2014) *Waste Classification Guidelines, Part 1: Classifying Waste guideline*. We generally consider that the recommendations of the PSI report can be implemented at DA stage. However, we would like the report broadened in its scope as described in the dot points above, and the recommendations reconsidered in light of any further additional information that may arise.

Sydney Drinking Water Catchment (Chapter 8 of the Biodiversity and Conservation SEPP)

Section 3.5.1 of the Proposal gives due consideration to the statutory requirements that apply to the Sydney Drinking Water Catchment (SDWC) under Chapter 8 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the B&C SEPP) (p. 16). The Proposal outlines the aims of Chapter 8 with respect to protecting catchment health and water quality. It also notes that an assessment of water quality, to determine whether the development will have a neutral or beneficial effect (NorBE) on water quality, would be undertaken at DA stage. The response also notes that a future DA would be subject to WaterNSW concurrence and should ensure the incorporation of WaterNSW current recommended practices (CRPs). We support these statements.

The response to Chapter 8 of the B&C SEPP notes that the site is not serviced by the Goulburn's reticulated water and sewer. Flood risk considerations and the WCMS are also considered in the response. With regard to the WCMS and associated plans, the Proposal notes that some reorientation of new dams, building envelopes and EMAs may be required at later DA stage to address site constraints, particularly flooding risk. It notes that the overall size of the site (83.8 ha) and the large 2 ha MLS, along with the proposed exclusion of the most constrained areas of flood risk areas from development, all indicates the propensity of the Proposal to achieve a NorBE on water quality. We generally agree with these statements.

Direction 3.3 Sydney Drinking Water Catchment

The Planning Proposal includes a response to Direction 3.3 Sydney Drinking Water Catchments, listing the objectives and requirements of this Direction (pp. 29-33). The Direction requires the Planning Proposal to be consistent with Chapter 8 of the B&C SEPP and to give consideration relevant Strategic Land and Water Capability Assessments (SLWCAs) prepared by WaterNSW. We provide the relevant SLWCA map in Attachment 2 and an analysis of the SLWCA outcomes below.

The requirement for new Planning Proposals to be consistent with Chapter 8 of the B&C SEPP brings into consideration that new development must be able to have a NorBE on water quality. Therefore, Planning Proposals need to be designed so that there is a reasonable likelihood that that can be achieved at DA stage.

A comprehensive response to the Direction is provided referencing the absence of reticulated water and sewer, the presence of flooding risks and drainage paths, and taking into account information contained in the FRMS and WCMS. The response refers to how the Proposal responds to water quality risk considerations by zoning the highest flooding risk areas C2 and by siting EMAs away from areas of inundation. With reference to the WCMS, the response indicates that conceptual subdivision design is able to meet NorBE with each new lot being able to accommodate appropriate on-site wastewater management facilities. We generally agree with this statement and the information contained in this section of the Proposal.

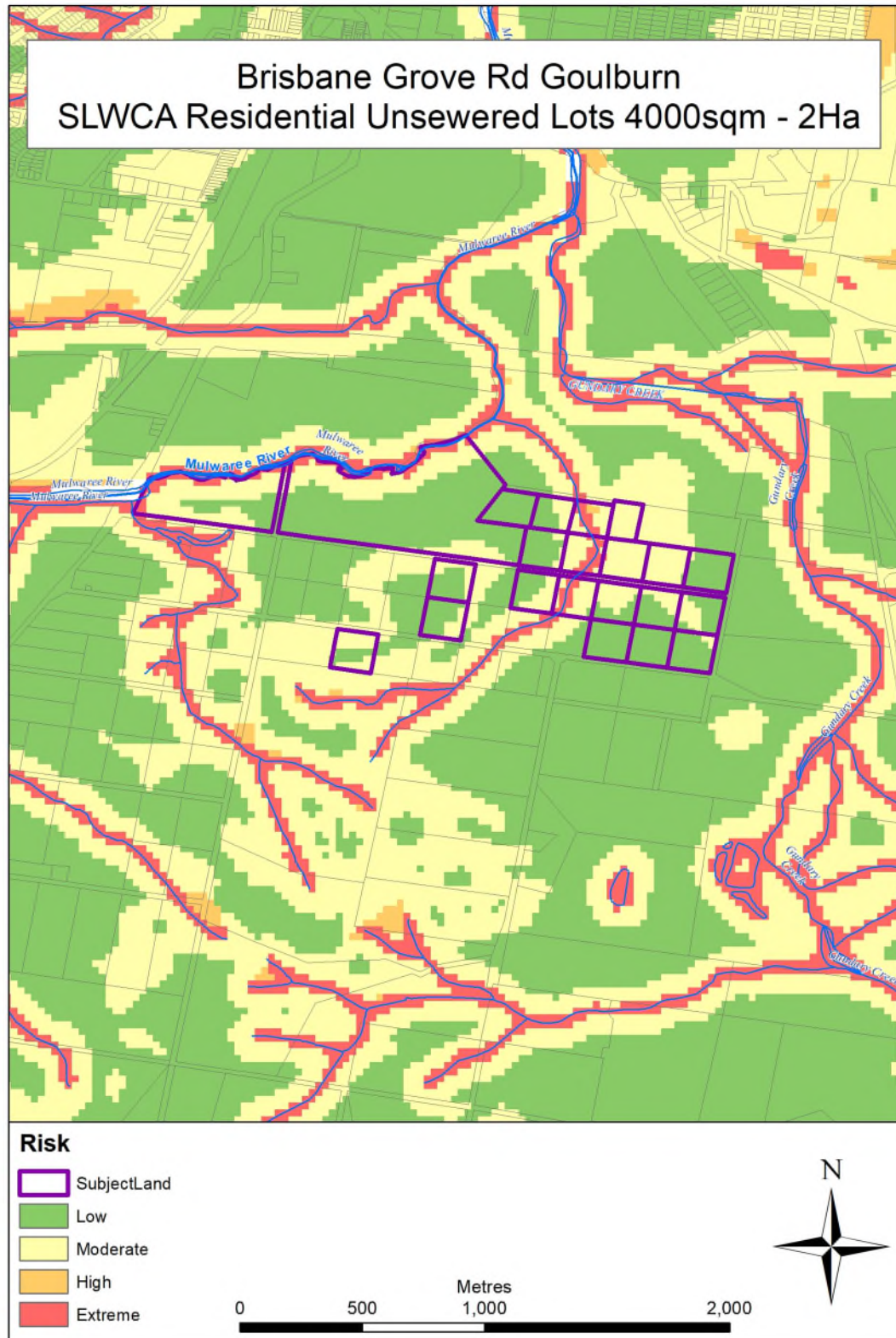
Strategic Land and Water Capability Assessment

WaterNSW has prepared a Strategic Land and Water Capability Assessment (SLWCA) for the site. The most applicable SLWCA is for unsewered residential lots (4,000 sqm – 2 ha; Attachment 2). The SLWCA shows that the water quality risk to the site varies from LOW to EXTREME. The areas

classified as EXTREME are associated with the Mulwaree River and tributary watercourse. Most of the site carries a LOW to MODERATE water quality risk. Areas of EXTREME risk have a VERY LOW capability. Areas of LOW risk generally have a HIGH capability for unsewered development whereas areas of MODERATE risk have a MODERATE capability. We encourage unsewered development to be located in areas of LOW to MODERATE risk.

Please note that the variables influencing the outputs of the SLWCAs include distance to watercourses but do not include flooding risk. Also, as indicated earlier, there appears to be local drainage features in the north-west of the site which also need to be taken into account as a site constraint.

ATTACHMENT 2 – MAPS



Map 1. SLWCA Unsewered Residential development (lots 4,000 m² to 2 ha) for Brisbane Grove Rd Goulburn