

31 January 2025

Contact: Stuart Little  
Telephone: 0436 948 347  
Our ref: D2025/5536

Ms Dialina Day  
Senior Strategic Planner  
Goulburn Mulwaree Council  
84 Bourke Street  
GOULBURN NSW 2580

**RE: Planning Proposal to Rezone and Amend Minimum Lot Size at 515 Crookwell Road Kingsdale  
(REZ\_0007\_2122: PP-2022-1940)**

Dear Ms Day,

I refer to the Post-Gateway Planning Portal referral of a Planning Proposal (dated December 2024) to Rezone and Amend Minimum Lot Size at 515 Crookwell Road Kingsdale.

The Proposal seeks to rezone approximately 53 ha of land across parts of two lots (Lots 103 and 104 DP 1007433) to provide rural residential development opportunities in the area. This would be facilitated by rezoning the land from C3 Environmental Management to R5 Large Lot Residential and C2 Environmental Conservation, and to amend the Minimum Lot Size (MLS) provisions from 100 ha to 2 ha for the proposed R5 land and for a 'no MLS' arrangement to apply to the C2 land. The subject land would be mapped as an Urban Release Area (URA) to resolve traffic management and access issues. The site is unsewered and would remain so.

The Planning Proposal includes a subdivision layout plan. We have treated the plan as being conceptual only indicating how the site might be developed under the proposed zoning and MLS arrangement while responding to various environmental and site constraints.

WaterNSW provided earlier comments on this Proposal on 6 September 2023 (Our Ref: D2023/78705). We note that the revised Planning Proposal takes into consideration and largely responds to our earlier comments. Since providing those comments, a number of new supporting reports have been prepared including the Water Cycle Management Plan and Flood Impact Risk Assessment (FIRA) while the Planning Proposal itself has been updated. This has resulted in us re-examining the water quality issues and interaction of proposed control measures including stormwater. Our assessment here focuses on the updated Planning Proposal and the new information now available.

We make the following comments:

- At a broad level the Proposal is responsive to water-related constraints, with the Planning Proposal area being contained to that area of land draining away from Sooley Dam.

- The Water Cycle Management Plan (WCMP, 2024) responds to our earlier comments on stormwater. However, the wastewater and effluent management area (EMA) considerations, including EMA requirements and associated buffers, are reliant on the earlier Water Sensitive Urban Design (WSUD, 2022) report. It is unclear how the proposed stormwater measures of the WCMP and EMA areas of the WSUD report will interact and affect available space, taking into account required EMA buffer distances.
- The Planning Proposal should include an accompanying plan showing the indicative proposed location of stormwater control measures, drainage features, EMAs, and associated EMA buffer distances. This plan should also provide building footprints, farm dams, and take account of the constraints presented by the overland flow risk and associated proposed C2 zoning. In this regard, we hold concerns that the south-eastern quadrant of the site is more constrained than we initially considered. Any later subdivision DA will also need to take greater account of these constraints above. Lot yield may not be as great as currently anticipated.
- It is currently unclear whether one or two groundwater bores occur on site. The number of bores occurring on and in proximity to the site will need to be reconciled at subdivision DA stage. This may affect the location of EMAs and the overall subdivision layout depending on the location and intended future uses of these bores.
- We understand that the proposed URA designation is to rationalise and provide a single entry and exit point onto Crookwell Road for this and an adjoining Planning Proposal area. However, we remain concerned that the proposed URA designation may raise expectations that the site can accommodate a further intensification of unsewered development or a further reduction in the MLS at a later time when the area is not proposed to be serviced by water or sewer. The URA designation is ultimately a matter for Council and the Department of Planning, Housing and Infrastructure.
- While several contamination assessments accompany the Proposal, further assessment of contamination risk, including groundwater contamination risk, should inform any subsequent subdivision DA.

Our detailed comments elaborating on these points are provided in Attachment 1. Should you have any questions regarding this letter, please contact Stuart Little ([stuart.little@waterNSW.com.au](mailto:stuart.little@waterNSW.com.au)).

Yours sincerely,



**ALISON KNIHA**  
**Environmental Planning Assessments & Approvals Manager**

## **ATTACHMENT 1 – DETAILED COMMENTS**

### **Watercourses and Water Features**

The Planning Proposal includes a Drainage Path Map (Figure 13). Three 1<sup>st</sup> order (Strahler) drainage features occur on the site, draining southward and away from Sooley Dam.

The land is not subject to riverine flooding risks. However, overland flow flooding risks are associated with the natural drainage paths. These areas are to be zoned C2 Environmental Conservation protecting such areas from new dwellings and associated development. We support this approach.

The planning proposal area includes two farm dams, one of which is to be retained and the other to be removed by infilling. Requirements for a dewatering plan form part of the recommendations of the detailed site investigation (DSI) report. This would need to accompany any later subdivision DA.

### **Subdivision layout plan**

The Proposal estimates that the rezoning could yield up to 24 large residential lots based on the conceptual subdivision plan. We make the following comments:

- The subdivision layout plan (Appendix 2b) includes a scale bar that appears to be incorrect. The scale bar suggests each proposed lot is 25 m wide. This makes it very difficult to interpret the proposed sizes of lots and whether appropriate EMA buffer distances can or will be achieved. The plan should be resubmitted with a correct scale bar.
- The proposed lot configuration bisects several drainage features and does not necessarily optimise protection of the watercourses. It also creates a number of lots that would have split zoning. This does not necessarily optimise protection of the drainage features. The proposed C2 zoning will also constrain the ancillary uses associated with dwellings (e.g. stormwater and effluent management measures) to the R5 zone. These constraints will influence the overall subdivision lot design and yield, particularly in the south-east of the site. Future subdivision design plans will need to take these matters into greater account (see also comments below).

### **Wastewater and Stormwater Management**

In our September 2023 advice, we noted that the Proposal was responsive to water-related constraints, having particular regard to zoning and being able to achieve relevant EMA buffer distances based on the drainage features present. However, we noted that further refinement to the subdivision design may be required at subdivision DA stage to respond to environmental and other constraints. Having examined this matter further, we note that EMA locations with respect to watercourses in the south-east seem to be a particular constraint, particularly if stormwater control measures are also proposed for this area.

The WSUD Report is dated May 2022 and was previously reviewed by us. An additional WCMP Report (dated 13 June 2024) has been prepared and accompanies the Proposal. We make the following comments.

- The proposed stormwater measures differ between the two reports. The Planning Proposal should clarify which stormwater control measures are now being advocated as well as clarifying the relationship between the two reports.
- The WSUD Report relies on a bioretention swale (2,500 m total length) on the road reserve. In our previous correspondence, we outlined our concerns regarding reliance on bioretention swales on either side of the road reserve as put forward in the WSUD (2022) Report. We note that the 2024 WCMP report responds to those concerns, proposing swales (rather than bioretention swales) along the subdivision roads, with proposed lot-scale bioretention basins (16 m<sup>2</sup>) and 34 kL rainwater tanks burdening each lot (subdivision works only scenario). There is no indicative plan showing the proposed

location of these measure and their relationship to EMAs while taking into account other constraints (see below). Also, as the soil is shallow (0.5 m) and consists of light/medium clay below 0.5 m, a bioretention basin may not be a suitable treatment option. Other options for stormwater treatment may need to be considered at subdivision DA stage.

- The current overall subdivision layout plan (as presented in the Planning Proposal and accompanying WCMP and WSUD reports) only shows drainage features and proposed EMA buffer distances but does not present indicative location of proposed stormwater control measures and EMAs with respect to dwelling envelopes and other constraints. The Proposal should include an accompanying plan showing the indicative proposed location of stormwater control measures, EMAs and the EMA buffer distances as well as taking account of natural drainage features. This is needed to ensure that the 2 ha MLS is suitable, particularly in the south-east of the site. The WaterNSW 2023 [Water Sensitive Design Guide for Rural Residential Subdivisions](#) should be consulted in this regard. Please also note that the C2 zoning will also prohibit any ancillary works associated with dwellings (such as EMAs and stormwater control measures) from occurring areas so zoned.

### **URA Designation**

Our previous correspondence raised concern over the Urban Release Area (URA) designation for the site. We understand that the proposed URA designation will help consolidate access onto Crookwell Road from this and an adjoining Planning Proposal area in the south, thereby reducing the potential number of entry points onto Crookwell Road.

We note that Planning Proposal responds to our previous concerns over the URA designation. However, we remain concerned that designating the land as a URA will raise expectations for reticulated water and sewer in the foreseeable future. The site lies 2 km from the current urban edge and we do not wish to see the URA designation being used as a reason to seek later further reductions in the MLS if the site is to remain unsewered. While the URA designation is more a matter for Council and the Department of Planning, Housing and Infrastructure to reconcile, we do not want to see the URA designation being viewed as implicit support for potentially more intensive unsewered development in the future.

### **Contamination Risks**

The Proposal includes a Preliminary Site Investigation, Environmental Site Investigation DSI including further updated versions of the DSI report prepared in April and June 2023. Those reports informed our September 2023 assessment of the Proposal. As raised previously, the soils contain elevated level of Chromium with one of the six groundwater samples having Chromium (Cr-IV) exceeding the ANZECC 2000 - 95% species protection level. The elevated Cr was attributed to naturally occurring geocentric sources rather than historic land uses of the site. Exceedances of copper and zinc were also found in water samples for the two farm dams, although these were associated with surface water runoff given the site is currently an agricultural working property. The Planning Proposal clarifies that one farm dam will be retained and one removed, and that farm dam water is not proposed to be used for drinking water purposes.

There are some data gaps in the contamination assessments (e.g. absence of soil sampling of ancillary buildings, minimum sampling densities for Areas of Environmental Concern needing to be achieved). We support the recommendations of the DSI Report (June 2023) report which includes decommissioning of the existing septic system and associated soils testing, a surface dewatering plan (for farm dams) and adoption of an unexpected finds procedure (P. 40). We also note the recommendation for further investigation and monitoring of groundwater in the vicinity of where the exceedance was detected including the monitoring of Cr-IV in groundwater (P.39). These matters will need to be addressed in any future subdivision DA.

It still needs to be clarified whether one or two bores occur within the Planning Proposal area. Further detailed bore information will be required at subdivision stage along with confirmation as to whether bores on (or within 100 m of the site) are or will be used for domestic water supply. This is important given the exceedance of Cr-VI found in groundwater and in determining EMA buffer distances. This also points to the need for further monitoring of groundwater for Cr-VI as proposed. Such monitoring should be undertaken in advance of, and to help inform, any later subdivision DA.

We note that no remediation action plan is currently required for the site. However, there remains a possibility of one being required at DA stage pending the outcome of further investigations. This is a matter that will need to be considered at subdivision DA stage.

### **Direction 3.3 Sydney Drinking Water Catchment**

The Proposal includes a detailed response to Direction 3.3 Sydney Drinking Water Catchment and includes considers issues previously raised us in the Pre-Gateway consultation. We note the following:

The response draws from the WSUD and WCMP reports (discussed above).

The Proposal notes that the overland flow corridor and C2 zoning is likely to require some rearrangement of the concept subdivision design to ensure that future residential development and associated infrastructure avoids high risk areas for water quality and to ensure that a Neutral or Beneficial Effect (NorBE) on water quality can be achieved at DA stage (P. 40). It also notes that that the subdivision design will require some alteration at DA stage to ensure that ancillary development including wastewater systems are located outside areas subject to overland flooding risk (P. 40). We agree with these statements.

The response suggests that part of the Planning Proposal area will be zoned C3 Environmental Management and not be subject to a MLS (P. 41). We believe that the Proposal is in fact making reference to the proposed E2 Environmental Conservation zone. This matter warrants clarification and potential correction.

The Planning Proposal (P. 42) includes a Strategic Land and Water Capability Assessment (SLWCA) for the site based on unsewered residential lots 4,000 m<sup>2</sup> – 2 ha. The SLWCA has been previously provided by us. We generally agree with the information contained in relation to the SLWCA including the identified correction of the SLWCA map. Please note that the SLWCA modelling and outputs are not based on flooding risk which needs to be considered separately.

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