

12 April 2024

Contact: *Stuart Little*

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Our ref: *D2024/25369*

Kate Wooll
Business Manager Strategic Planning
Goulburn Mulwaree Council
Locked Bag 22
GOUBURN NSW 2580

Dear Ms Wooll,

Planning Proposal to Rezone 44 Middle Arm Road, Goulburn to R2 Low Density Residential and RE1 Public Recreation (REZ/0001/2324)(PP_2023_1505).

I refer to your email of 20 March 2024 requesting pre-gateway comments on a Planning Proposal (dated March 2024) for 44 Middle Arm Road, Goulburn. We understand that the Proposal concerns 11.7 ha of land (Lot 2 DP 569505) situated to the north of Goulburn.

The Proposal seeks to rezone one lot from RU6 Transition to part R2 Low Density Residential and part RE1 Public Recreation, with the RE1 zoning applying to watercourses and other easements. The Proposal also seeks to change the Minimum Lot Size (MLS) from 20 ha to 700 m² for the R2 zoned land with no MLS applying to the proposed RE1 land. The Proposal identifies that the land use table for the RE1 zone is also proposed to be amended to permit 'drainage' with development consent. This change would affect all RE1 zones covered by the Goulburn Mulwaree Local Environmental Plan 2009.

It is intended that the land would be serviced by reticulated water and sewer as the site immediately adjoins residentially zoned land (R2) in the south, although that land has yet to be developed. The conceptual subdivision plan envisages a 93-lot subdivision with an open space area for drainage easements and a stormwater basin on the northern boundary. We have treated the concept subdivision plan as indicative of how the site might be developed based on the zoning and recognise that the subdivision design might be further refined or modified at subdivision development application stage.

Before proceeding to Gateway, we have noted some inconsistencies in the current Proposal that warrant addressing.

The Proposal needs to clarify its' zoning response to flooding risk associated with the two drainage features occurring on site. The Proposal refers to all flood-prone land being zoned

RE1 suggesting that the RE1 zoning would apply up to the Probable Maximum Flood (PMF) limit. Elsewhere the Proposal overlays the zoning boundaries with flood risk maps demonstrating the RE1 zoning is just being applied to the highest risk areas. The difference in approach mainly concerns the zoning and subdivision design proposed for the central drainage feature that flows south to north. The Planning Proposal needs to be updated to be consistent in its approach to flood risk and how RE1 zoning would apply to the central drainage feature.

Sections of the Planning Proposal refer to the soil and slopes of the site being suitable for on-site effluent disposal, inferring that unsewered development might occur on the site. We understand that the site is to be serviced with reticulated water and sewer. The Proposal needs to clarify that it is being put forward for sewer development only. We do not support any interim on-site effluent management development under a 700 m² MLS arrangement.

Provided that the above matters are resolved, we do not need to see the Proposal again before it proceeds to a Gateway determination. However, we ask that be notified if the Proposal proceeds to public exhibition stage.

Our detailed comments are provided in Attachment 1. We have underlined our key observations and recommendations for ease of reference.

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

Yours sincerely

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

ALISON KNIHA
Environmental Planning Assessment and Approvals Manager

ATTACHMENT 1 - DETAIL

Proposed Zoning and Planning Controls

The subject land involves one lot (Lot 2 DP 569505) of approximately 11.9 ha.

The Proposal seeks to rezone the land from RU6 Transition to part R2 Low Density Residential and part RE1 Public Recreation, with the RE1 zoning applying to watercourses and other easements. The Proposal also seeks to change the Minimum Lot Size (MLS) from 20 ha to 700 m² for the proposed R2 zone and to remove the MLS for the RE1 zoned areas. The R2 zoning and 700 m² MLS would mirror that of the land adjoining the southern boundary. The Proposal may benefit by clarifying the 'no MLS' arrangement for the RE1 land in the summary of planning control changes in the Introduction (Pp. 5-6).

An amendment is also proposed to the land use table for the RE1 Public Recreation zone to permit 'drainage' with development consent. This is to ensure that any future development of the site can propose and undertake earthworks and drainage within the area covered by this zone. We do not object to this change but observe this change in permissibility would apply ubiquitously to all RE1 zoning in the local government area.

Urban Fringe and Housing Strategy

The site lies within the south-western corner of Precinct 6 Middle Arm East of the Urban and Fringe Housing Strategy (UFHS) and lies within a 'development opportunity' area. It flags that an investigation by Council engineers regarding serviceability constraints is required. The Planning Proposal notes that the site in question can be serviced by road, water and sewer and is contiguous with residentially zoned land in the south. We note these statements and believe that the Proposal is consistent with the UFHS.

Constraints

The north-western corner of the site contains various easements including for a high pressure gas pipelines, electrical and optical fibre easements and a watercourse. This area is proposed to be zoned RE1 along with a section of land running in the centre of the site which contains a non-perennial watercourse. All R2 land proposed for the development lies south and east of the high pressure gas pipelines and associated easement.

Servicing

The site is currently unserviced. However, the site immediately adjoins residentially zoned R2 land in the south, although that land has yet to be developed (P. 5). It is intended that any future subdivision of the land would seek to extend the reticulated water to the site and provide for gravity sewer and interallotment stormwater drainage.

Subdivision Layout Plan

The subdivision layout plan (Figure 2) accords with the proposed zoning and MLS arrangement (Figures 3 & 4). It shows how the site could accommodate a possible yield of 93 lots (based on a 700 m² MLS) while meeting relevant site constraints. We have treated the concept subdivision plan as indicative of how the site might be developed based on

the zoning and recognise that the subdivision design might be further refined or modified at subdivision development application (DA) stage.

Watercourse and water Features

The site is affected two first order drainage features: one crossing the north-western corner and the other being a central drainage feature flowing south to north across the site. The Proposal described these features as drainage depressions. The conceptual zoning responds to the drainage features by zoning these areas RE1. These areas are also considered in the subdivision layout plan.

The site contains two farm dams: one in the middle of the site along the drainage feature and the other in the more elevated south-east quarter. The dam in the south-east is not associated with any mapped drainage features. The location of the drainage features and farm dams is presented in Figures 5 & 8 (Pp. 16, 26). The Planning Proposal notes that the two existing farm dams would be drained and filled (P. 28). There will need to be a dewatering plan prior to decommissioning these dams. This issue can be dealt with at DA stage for the subdivision.

Flood Risk

The site is not affected by risks from riverine flooding (P. 27). However, the two drainage features have related overland flow flooding impacts and risks.

The Proposal indicates that all flood-prone land is proposed to be allocated a RE1 zoning (Pp. 5, 27). The overland flow modelling is presented in Figure 9 (P. 27), which shows flood risk up to and including the Probable Maximum Flood (PMF) event (i.e. encompassing all four Flood Planning Constraint Categories (FPCCs)). Figure 11 (P. 29) provides a comparison of the flood risk mapping (Figure 9) to the proposed zoning map (Figure 3). It is apparent that all flood liable land is not afforded a RE1 zoning as stated on pages 5 and 27.

While the zoning generally accords with the flood risk up to and including the PMF associated with the drainage feature in the north-west of the site, the RE1 zoning boundary does not follow the path of full flooding risk associated the central drainage line. Here, the zoning appears to align more with the levels deemed 'most significantly constrained' and 'next least suitable' which are depicted in red and blue on Figures 9 and 11.

In light of the above, the zoning and corresponding MLS maps either need to be readjusted to cater for all flooding risk up to the PMF or the Proposal to more clearly explain how the zoning is responding to flooding risk (and the FPCC thresholds catered for by the zoning).

Contamination Risk

The UFHS identifies that the environmental constraints for the Middle Arm East Precinct include potential contamination of sites from wastewater irrigation from Council's Sewage Treatment Plant. Email advice from Council (11 April 2024) has indicated that the wastewater irrigation sites are quite some distance to the east and on Taralga Road (so downstream and lower in elevation than the current site), and that there is no likelihood that this site has been affected by this risk.

The Planning Proposal is accompanied by a Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) and a Remedial Action Plan (RAP) to address contamination risk.

The PSI report identifies that no groundwater bores occur on the property although 13 bores lie within 1 km of the site with one bore being 76 m from the site.

The PSI report identifies eight (8) Potential Areas of Environmental Concern (PAEC) for the site. The list is based on a desktop review of past land uses, a consideration of past potentially contaminating activities, and a walkover of the site. Having regard to water quality risks, the PAECs include a stock holding pen (PAEC03), an area where a dam had been filled in east of the house (PAEC07) and a septic tank north of the house (PAEC 08). The PSI recommended a more intrusive investigation of the PAEC site be undertaken to identify any contaminants of concern.

The subsequent DSI was undertaken. The DSI report notes that a further detailed visual inspection was undertaken of each PAEC site, narrowing the extent of potential contamination to two areas – the house and garage, and associated sheds. The DSI notes that the remaining areas were reassessed as having a low risk to human and environmental health.

As a result of the above, the DSI report includes soil sampling of the some (but not all) Areas of Environmental Concern (AEC). Soil samples were taken from an existing dam wall, the filled in dam east of the house (PAEC07), the holding pen (PAEC03) and the cricket pitch. Soil sampling around the septic tank was apparently not undertaken as it is still in use (see DSI report, P.10). Soil testing revealed that all values were below the relevant criteria for the relevant contamination risk guidelines. This includes the soil sample results for the holding pen and filled in dam. We note that while soil sampling was not undertaken for the septic system, the system has been taken into account in the RAP (see below).

The DSI report includes a RAP to manage the demolition and removal of contaminated waste associated with the house, garage and sheds. This includes requirements for pre demolition and assessment of the house, garage and sheds. The RAP also recommends that the septic tank and 1 m of soil around the tank be removed as General Solid Waste. The RAP includes requirements for clearance and classification certificates for soil samples, licensed facilities to receive classified materials and an unexpected finds protocol for demolition and levelling of the site. We agree with these requirements. Any additional measures can be addressed as subdivision DA stage.

We note that no surface or groundwater sampling or farm dam sediment sampling was undertaken as part of the investigation. The septic system is addressed in the RAP and soil sampling of an existing farm dam wall undertaken. None of the soil samples, including the dam wall, revealed risk levels above relevant threshold limits. Also, the existing farm dams are to be dewatered and filled in. Further water and sediment assessment may be necessary for these areas prior to dewatering. If further contamination assessment is warranted, this can be addressed at subdivision stage.

Water Cycle Management Study (WCMS)

The Proposal is accompanied by a Water Cycle Management Study (WCMS). The WCMS overviews the site constraints including utilities, easements, and the presence of two drainage corridors and two farm dams. The WCMS notes that while reticulated water supply, gravity sewer and interallotment stormwater drainage do not currently apply to the land, future subdivision would seek to provide for these utilities and services. However, a new sewer pump station would also be required to transfer the sewerage via a rising main to the existing gravity sewer system (P. 4).

As the site will be serviced, the WCMS focuses on stormwater management measures. It includes a stormwater quality assessment and consideration of stormwater drainage and overland flows.

The WCMS notes that except for the drainage system across the north-western corner of the site, all stormwater runoff generated within the site would be managed within an end-of-line wetland treatment device. The proposed wetland would lie in the northern portion of the site, adjacent to the high-pressure natural gas and optic fibre utilities. The WCMS notes that proposed wetland would replace the lower farm dam and from a major part of the water quality treatment measures as well as providing detention measures to ensure post-development flows do not exceed pre-development flows (P. 12). Vegetation buffers would also be provided. The capacity and design of the wetland to service both stormwater treatment and detention will need further consideration at subdivision DA stage.

The WCMS includes a water quality assessment based on MUSIC modelling. The WCMS indicates how a neutral or beneficial effect (NorBE) on water quality could be achieved by the development. We note that the proposed wetland forms a significant component to the model and is heavily relied upon as part of the water quality treatment measures proposed. The capacity and reliance on the wetland for water treatment will need to be considered in more detail at subdivision DA stage.

Stormwater drainage and overland flows are also considered in the WCMS. The 'post-development' model was undertaken at a 'high' level. It found that surface water could be managed within the road reserves. More detailed modelling will be required at subdivision DA stage taking into account shape and design for proposed swales and other specific engineering designs associated with new proposed drainage infrastructure.

The WCMS refers to the 2021 version of the Water Sensitive Design Guide for Rural Residential Subdivisions, the 2019 version of Using MUSIC in Sydney's Drinking Water Catchment, and 2018 version of the Developments in the Drinking Water Catchment – Water Quality Information Requirements. The latest version of all these documents is 2023 and they are available from the following weblink: <https://www.waternsw.com.au/water-services/catchment-protection/building-and-development>. The Guide for Rural Residential Subdivisions is unlikely to be relevant here given that the land is proposed for residential subdivision and afforded reticulated water and sewer.

Biodiversity and Conservation SEPP

The Proposal responds to the requirements of Part 6.5 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the B&C SEPP) that apply to the Sydney Drinking Water Catchment (SDWC). It overviews the objectives of Part 6.5 and notes that the site is proposed to be serviced by reticulated water and sewer. Consideration is given to the drainage features, farm dams and the WCMS, although the information requires some updating as it infers that the site may be subject to on-site effluent disposal (see below comments). The response notes that any future DA of the site would be required to undertake a NorBE assessment and require the concurrence of WaterNSW.

Minister Direction 3.3 Sydney Drinking Water Catchment.

The Proposal includes a detailed response to Direction 3.3 Sydney Drinking Water Catchment (Pp 24-30). The response discusses the two drainage corridors and the two farm dams, the flood risk to the site from overland flow, the approach of zoning flow inundation paths RE1 and the configuration of the zoning and subdivision concept plan in response to flooding risk. The response also notes that the site is proposed to be serviced by reticulated sewer and water and is contiguous to existing R2 land along Middle Arm Road.

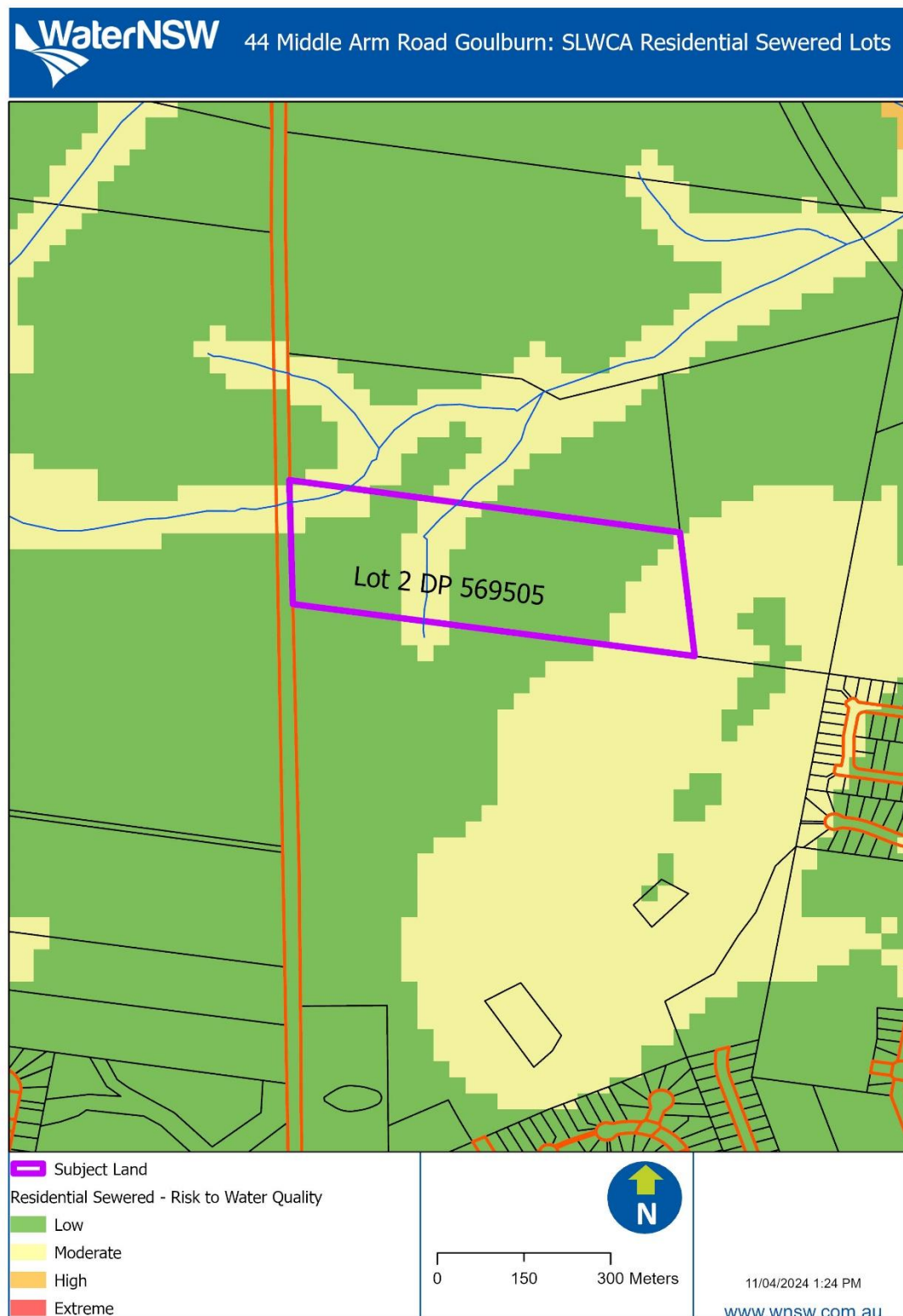
However, comments made on pages 16 and 27 refer to the WCMS concluding that the soil and slopes are suitable for on-site effluent disposal, inferring possible unsewered development of the site. We note that the WCMS covers stormwater management and modelling, not on-site effluent management. The site is to be serviced with reticulated water and sewer rather than providing unsewered development. We request that the reference to on-site effluent disposal be removed as unsewered development is not appropriate under a 700 m² MLS arrangement.

The Proposal notes that a Strategic Land and Water Capability Assessment (SLWCA) still needs to be included and consultation with WaterNSW has yet to be undertaken in accordance with the Direction. We include a copy of the relevant SLWCA in Attachment 2 and discuss the outcomes below.

Strategic Land and Water Capability Assessment

The SLWCA shows that the water quality risks varies from LOW to MODERATE, with the MODERATE risk being associated with the two drainage features and land in the south-east of the site. The areas of MODERATE risk associated with the drainage features generally accord with the proposed location of the RE1 zones. Areas of LOW risk have a HIGH capability for the intended land use while areas of MODERATE risk have a MODERATE capability. Please note that the SLWCA does not consider or take into account flooding risk.

ATTACHMENT 2 – STRATEGIC LAND AND WATER CAPABILITY ASSESSMENT MAP



Map 1. SLWCA Map for Residential Sewered Development.