

20 June 2024

Contact: Stuart Little
Telephone: 0436 948 347
Our ref: D2024/49038

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

Planning Proposal – 158 Gorman Road Goulburn (PP-2023-2264; REZ_0003_2324)

Dear Ms Day,

I refer to your email of 6 June 2024 requesting pre-gateway comments on a Planning Proposal (dated 5 June 2024) for 158 Gorman Road Goulburn (Lot 11 DP 1044967).

We understand it is proposed to rezone part of the lot and amend the minimum lot size (MLS). The Planning Proposal includes a concept site layout that proposes a two-lot subdivision for the site under the new proposed MLS arrangement. We have treated the subdivision plan as indicative of how the site might be subdivided and developed under the proposed rezoning and MLS arrangement. Proposed lot boundaries, building envelopes, access, and effluent management areas (EMA) locations may be further refined at subdivision development application (DA) stage.

The site is constrained by watercourses, drainage features and overland flow flooding risk. From the information presented, it appears difficult for future EMAs to meet the required 40 m and 100 m buffer distances even under the two-lot subdivision arrangement. The indicative subdivision design put forward in the Planning Proposal and supporting Wastewater Management report suggests reduced buffer distances. There seems to be sufficient land area to increase the EMA buffer distances proposed, although this may require reconsideration of the proposed the lot configuration and locations of proposed building envelopes and EMAs. Similarly, the access driveway arrangement for proposed Lot 2 may need further reconsideration to minimise impervious areas and associated run-off. These options and opportunities can be further explored at subdivision DA stage, noting that any future development will need to have a neutral or beneficial effect (NorBE) on water quality.

Overall, we believe there is sufficient land to accommodate a two-lot subdivision from the proposed zoning and MLS changes, however, the land is unlikely to be able to sustain any greater lot yield given the site constraints.

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. However, we ask that be notified if the Proposal proceeds to public exhibition stage.

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 long horizontal flourish extending to the right.

ALISON KNIHA
Environmental Planning Assessments & Approvals Manager

ATTACHMENT 1 - DETAIL

Proposed Zoning and Planning Controls

The Proposal concerns 10.11 ha of rural land situated to the east of Goulburn.

The site is currently zoned RU6 Transition in the west and C3 Environmental Management in the east. The RU6 zoned land has an associated Minimum Lot Size (MLS) of 10 ha and the C3 zone, 100 ha. It is proposed to rezone the RU6 land to R5 Large Lot Residential and amend the MLS to 2 ha. The current C3 zoning and associated 100 ha MLS in the east of the site would remain unchanged.

Concept Site Layout Plan

The Planning Proposal includes a Concept Site Layout Plan that shows how the site could be subdivided under the new proposed zoning and MLS arrangement. We have treated the Concept Site Layout Plan as indicative of how the site might be subdivided under the proposed rezoning and change in MLS arrangement.

The Plan shows the site being subdivided into two lots. One lot of 2 ha (Lot 1) would be accommodated in the south-west corner of the site and contain the present dwelling on the proposed R5 land. Land to the north and west (proposed Lot 2) would encompass approximately 8.116 ha and include the C3 land and proposed R5 land for a dwelling.

Urban Fringe and Housing Strategy

The Proposal is consistent with the Urban Fringe and Housing Strategy (UHFS), which identifies the site as occurring within Precinct 8 – Gorman Road. The UHFS identifies the current RU6 portion as being potentially suitable for Large Lot Residential uses (i.e. R5) with a MLS of 2 ha (see Pp 10-11 of the Planning Proposal; P. 125 of the UHFS).

Servicing

The subject land is unserviced by water and sewer and would remain so. We note the statements (Pp. 18, 31) that the additional proposed lot would need to provide independent on-site wastewater management systems and sufficient water supply storage (rain water collection systems).

Watercourses and Farm Dams

A single farm dam occurs in the north of the site and includes a portion of adjoining Crown road in north. We assume that the farm dam will be retained. The site also includes several watercourses or drainage features.

Based on the [NSW hydrography](#) layer, the site is affected by three drainage features. These are shown in the Strategic Land and Water Capability Assessment (SLWCA) we provide in Attachment 2.

A 1st order (Strahler) drainage feature occurs in the east of the site and drains south-east to north-west across the C3 zoned area and a small portion of the land to be zoned R5.

There are two 1st order (Strahler) drainage features in the west of the site, with the westernmost of these first order drainage features occurring at the boundary of the site with Gorman Road. We observe the following:

- The westernmost feature is not depicted in Figure 2 Proposed Subdivision (P. 4) of the Wastewater Management report or concept subdivision layout plan as presented in Figure 2 of the Planning Proposal. That drainage feature is, however, taken into account in later sections of the Wastewater Management report (P. 8) including in Figure 4, which presents the site plan with indicative EMAs, buffer distances and building envelopes (see below).

- Based on the NSW hydrography layer, the two 1st order drainage features in the west converge to create a 2nd order (Strahler) watercourse in the vicinity of the northern boundary where proposed Lot 1 adjoins Lot 2 in the west of the site. Figure 4 of the Wastewater Management report depicts these 1st order drainage features as converging at the farm dam.
- The information for proposed Lot 1 identifies these as being 'drainage depressions'. The relationship between these water features and EMAs is discussed further below.

Wastewater Management Report & Effluent Management Areas

As indicated, the Planning Proposal is accompanied by a Wastewater Management report. This is based on the proposed subdivision delivering a 2 ha lot (proposed Lot 1) and a 8.116 ha residual lot (proposed Lot 2) as presented in the Concept Site Layout Plan.

The supporting Wastewater Management report refers to the two drainage features present on Lot 1 as being 'drainage depressions'. This being the case, they would normally attract a 40 m buffer distance although the Wastewater Management report considers a reduced buffer of 26 m and 35 m as being applicable. This is depicted on Figure 4 and discussed on pages 16-17 of the report. We note that proposed Lot 1 contains the existing dwelling and that part of the reason for the proposed reduced buffer is to utilise the existing EMA. The buffer requirements and options for EMA location can be further explored at DA stage including any proposed reconfiguration of intended lot boundaries which might deliver better options for wastewater management and water quality outcomes.

The Wastewater Management report notes that a 1st order watercourse occurs on proposed Lot 2 and that the identified available EMA has been located 80 m from the watercourse. The report seemingly justifies a variation from the 100 m buffer distance on the basis of the natural slope of the land directing effluent away from the watercourse. We note that there appears to be opportunities to locate the EMA further south-westward (i.e. away from the drainage feature) and potentially meet the required 100 m buffer distance. However, any repositioning of the EMA would need to also take into account the water quality risks from flooding as presented in Figure 9 of Planning Proposal. These matters can be further investigated at subdivision DA stage.

Groundwater Bores

The Wastewater Management report identifies that WaterNSW requires that no effluent disposal areas occur within 100 m of bores used for potable water supply. The report notes that no registered bores occur within 100 m of the available EMAs. We further note that Preliminary Site Investigation (PSI) report identifies three (3) registered groundwater bores within a 500 m radius of the site, each used for stock/domestic purposes. A relevant table is provided on page 45 in the Planning Proposal which indicates that none of the bores occur within 100 m of the site.

Stormwater

The supporting Wastewater Management report does not include consideration of stormwater control and management measures. It is unclear what stormwater control measures will be required for the site including for the proposed access driveway. Given the small scale of the proposed subdivision and yield likely achieved from the rezoning and change in MLS, the stormwater management issue can be addressed at DA stage for the subdivision and when development is proposed for a later dwelling on proposed Lot 2. However, consideration should be given to access arrangements and reducing impervious area footprints when considering final lot design and configuration at subdivision DA stage.

Any future development of the site will need to have a neutral or beneficial effect (NorBE) on water quality as required under Part 6.5 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Flood Risk

The Planning Proposal notes that the land is not subject to riverine flooding but parts of the land are subject to flooding from overland flow (Pp. 14, 16, 31). We note that the overland flow flood risk informed by Council's preliminary overland flow flood maps.

A relevant overland flow flood risk map is presented on Figure 9(P. 20) of the Planning Proposal. The overland flow paths are generally associated with the existing drainage features on site, with the main central drainage feature carrying the broadest areas for flood risk. However, the proposed R5 zone also contains land areas that carry no flood risk. We note from Figure 9 that the existing dwelling is located outside the overland flow flood risk areas. The Proposal notes that for proposed Lot 2, access can be accommodated to maintain safe vehicle access during a Probable Maximum Flood (PMF) event. While the information on P. 12 suggests that the proposed building envelope for Lot 2 lies outside the flood risk area, elsewhere the Proposal notes that part of the envelope lies in the shallowest areas of the overland flow path (P. 31). However, there appears to be sufficient room for the proposed envelope to be located outside the PMF. The position of the proposed building envelope can be further refined at subdivision DA stage if required.

Contamination Risk

The Planning Proposal is accompanied by a Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) report. The PSI report identified several areas of potential areas of environmental concern. This includes fill areas associated with a topsoil stockpile, current and former on-site dams, and drainage line cut and fill areas. There was also a risk from the site's former use as an orchard and from potential hazardous building materials associated with historic site structures. While the PSI generally found the site suitable for proposed subdivision, it recommended that a DSI report be prepared for any future DA to better define any actual contamination risks (if any).

The DSI includes consideration of two areas of environmental concern – fill areas (described above) and areas associated with the former use of the site as an orchard. The DSI Report found no concentrations of contaminants of potential concern (COPC) from the topsoil stockpile, fill, fill around current and former dams, or the drainage line through the centre of the site. In the consideration of the use as a former orchard, there were no indications of chemical contamination present and concentrations of COPC from soil samples across the site were below adopted assessment criteria levels. We note that some metal concentrations (Arsenic, Chromium, Copper, Lead, Nickel and Zinc) were above the laboratory limit of reporting (LOR), but concentrations were below the HIL-A level (health-based investigation level for standard residential use) and Ecological Investigation Levels (EIL) for the protection of the environment (DSI report, P. 24).¹

The DSI included additional soil samples from the drainage channel in the centre of the site along with water and sediment from the farm dam. Results for the dam sediment and the drainage channel indicated that concentrations of COPC were below the adopted assessment criteria. However, water sampling of the farm dam revealed heavy metal levels of Arsenic, Copper, Nickel and Zinc which are stated as exceeding the Water Quality Guidelines (ANZG 2018) drinking water guidelines values.² The concentrations of these metals along

¹ It needs to be clarified whether the DSI report means EIL for urban residential and public open space. The EIL is generally referred to throughout the DSI document as being for 'urban residential and public open space'.

² Please note that the Planning Proposal refers to the Australian Drinking Water Guidelines (ADWG) (2011) whereas the DSI Report refers to ANZG (2018). It needs to be clarified where the DSI is referring to the ADWG or the ANZG (2018) in this context. Please also note that the Planning Proposal (P. 48) refers to the water sampling as having Arsenic, Chromium, Copper, Lead, Nickel and Zinc which exceeded the Australian Drinking Water Guideline (ADWG) values. The DSI report notes that these six metals had concentrations above the laboratory but only Arsenic, Copper, Nickel and Zinc had levels above the ADWG values. We ask that the Planning Proposal information be rechecked.

with Chromium and Lead were attributed to natural metal concentrations associated with the soil rather than anthropogenic sources. The DSI notes that as the dam water is not used for potable water supply, the concentrations do not pose a risk to human receptors.

In terms of hazardous building materials associated with historic structures, no asbestos was detected on the site (DSI Report, P. 12, 28). However, it appears that sampling of the ruins in the C3 zoned area was not included on the investigation area for the DSI Report which was limited to an area of approximately 4.74 ha generally associated with the current RU6 zoned land (proposed R5 zone) (P.4, and Figures 2 & 3 of Appendix A of the DSI Report). We note that any additional consideration of asbestos or risks from hazardous building materials can be considered at DA stage through the incorporation of an unexpected finds protocol.

It appears that neither the PSI nor DSI report identify the existing EMA for the existing dwelling as a potential source of contamination. This matter may warrant further consideration but can be addressed at DA stage if required.

The DSI report concluded that concentrations of COPC were below the adopted health-based criteria for low density residential use and ecological receptors for urban residential and public open space. Based on those results, from a contamination perspective, the report concludes that the site is suitable for proposed subdivision and rural residential use. Overall, we believe the preparation of the PSI and DSI reports address the contamination risks of the site for the purposes of the Planning Proposal.

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. The response notes that the site occurs within the Sydney Drinking Water Catchment but that the provisions relating to Special Areas do not apply in this circumstance. We agree with this.

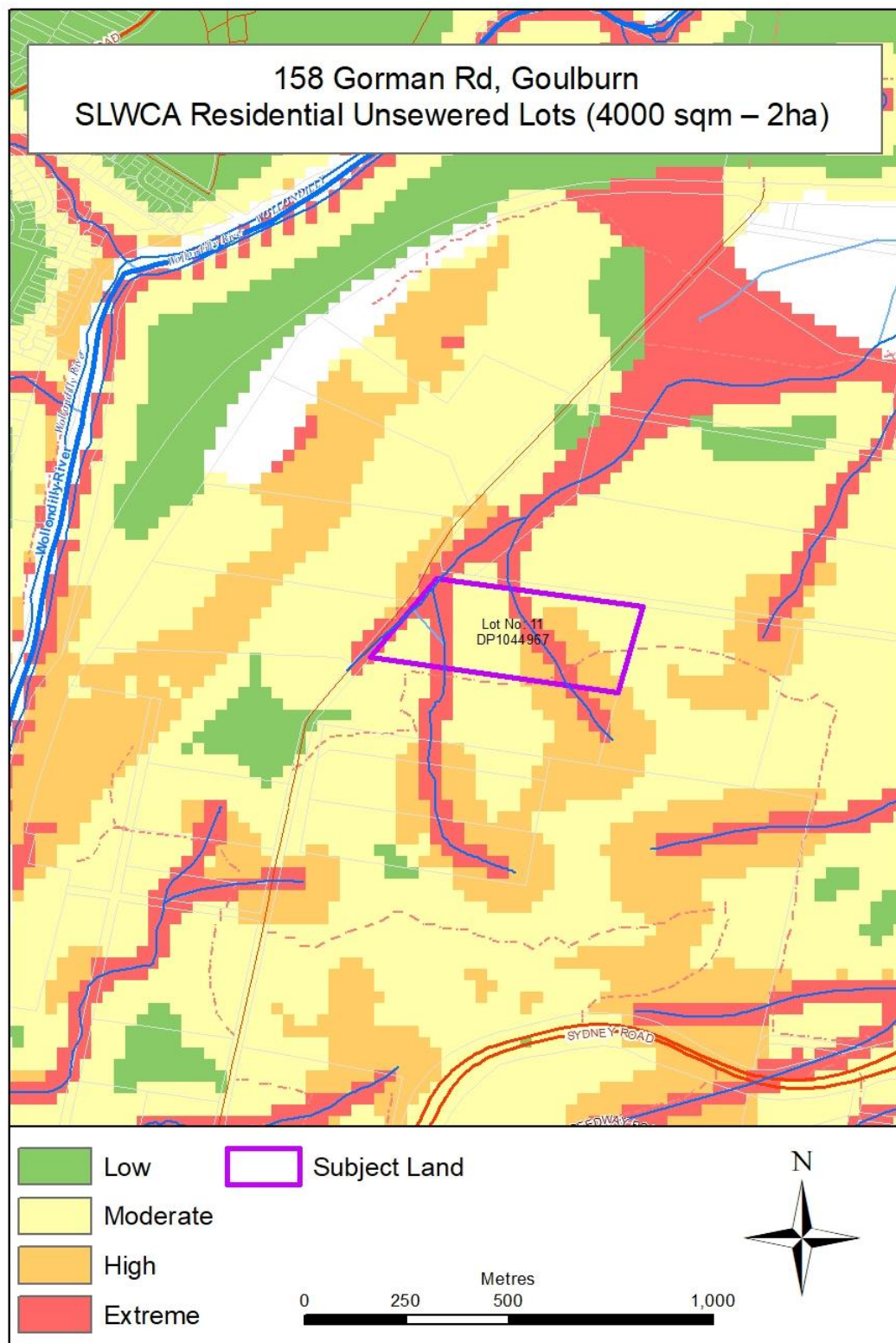
The response notes that the site is not serviced by water and sewerage, but that parts of the land contain drainage paths which direct overland flow to the Wollondilly River. The response notes that the proposed EMA (for new Lot 2) is located wholly outside overland flow flood-prone area but the proposed building envelope lies partly in the shallowest part of the overland flow flood path. The Proposal notes that the ultimate subdivision design will require some alteration at DA stage to ensure that building envelopes are located wholly outside overland flow flood prone areas. We note and support this comment.

The Proposal notes that pre-Gateway consultation is being conducted with WaterNSW as required by the Direction including in relation to 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 of the SLWCA 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 Strategic Land and Water Capability Assessment (SLWCA) for the site based on the SLWCA for residential unsewered lots (4000 m² – 2 ha) (See Attachment 2). The SLWCA shows that the water quality risks for the site varies from MODERATE to EXTREME. The areas of EXTREME risk are associated with the drainage features. Areas of EXTREME risk have a VERY LOW capability for the intended use while areas of HIGH risk have a LOW capability. Areas of MODERATE risk have a MODERATE capability for the intended use. Areas of MODERATE risk are generally confined to the proposed R5 zoned land although the R5 area also contains areas of HIGH and EXTREME risk which should be avoided. There appears to be sufficient areas of MODERATE risk accommodate rural residential use of the land at the 2 ha MLS envisaged. Please note that the SLWCA 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 158 Gorman Road Goulburn