

21 December 2023

Contact: *Stuart Little*

Telephone: *0436 948 347*

Our ref: *D2023/168091*

David Kieran
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOUBURN NSW 2580

Dear Mr Kiernan,

Planning Proposal – 20-24 Lockyer Street Goulburn (PP_2023_2555; REZ/0004/2324)

I refer to your email of 21 November 2023 regarding a Planning Proposal and supporting information to rezone land at 20-24 Lockyer Street Goulburn (Lot 2 DP1238214). The Proposal concerns 12 ha of land zoned RU2 (Rural Landscape) on the edge of an existing urban area zoned E4 General Industrial. The Proposal seeks to rezone the site to E4, consistent with land in the north and to remove the Minimum Lot Size (MLS) requirements associated with the RU2 zoning. We note that the subject site was previously included within the former 'Dossie Street Planning Proposal', which proceeded to Gateway but was not further progressed.

The key issues with the site are the inherent steepness of the land and potential issues with stormwater management. Industrial development generally requires flat land, and the change in land use will generate large impervious areas for warehouses, buildings, parking, roads, access and other hardstand. In particular, the site will require large areas of cut and fill that will need to be carefully managed during the construction stage. The site constraints and proposed impervious areas will present challenges for water quality during construction, operation and on-going maintenance stages of the development.

The approach taken by the Planning Proposal is to generate a development design that maximises industrial uses across the entire site, providing engineering solutions to address site constraints. A conceptual layout plan accompanies the Planning Proposal showing a 'stepped' platform approach for proposed buildings in response to the slope constraints. The approach generally bypasses the initial question regarding whether the site is suitable for the proposed land use and instead shows how the site could be developed to maximise its development potential for industrial uses.

WaterNSW believes that the flatter and more gently sloping areas in the north of the site are more suited for general industrial use than the steeper sections in the west and south. Our preference would be to see the steeper areas of land retained as RU2 and allowing a footprint of E4 zoning in the north. We caution against the proposed industrial zoning on the south-west and south of the site.

If the proposed industrial (E4) zoning is to occur over the entire site as proposed, any industrial development proposed may well need to be of a lesser intensity or provide more comprehensive stormwater control measures than those proposed in the conceptual layout plan. This may have a bearing on scale of the proposed development. We would also like to discuss wither Council whether additional Development Control Plan provisions might be developed for the site to help secure stormwater management design outcomes.

Detailed comments have been provided in Attachment 1. Any further correspondence on this matter should be directed to environmental.assessments@waternsw.com.au.

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 read "Alison Kniha", with a long horizontal flourish extending to the right.

ALISON KNIHA
Environmental Planning, Assessments and Approvals Manager

ATTACHMENT 1 - DETAIL

Relationship to Former Dossie Street Proposal

The Planning Proposal concerns land previously included within the former 'Dossie Street Planning Proposal', which proceeded to Gateway but was not further progressed (page 12). Originally the Dossie Street Proposal suggested IN1 General Industrial zoning over the entire Lot 2 site. The 23 September 2020 version of that Proposal sought to rezone the north-western part of the land IN1 General Industrial (equivalent to E4 General Industrial) with the remainder of the site being proposed as R5 Large Lot Residential. This was in response to site constraints, notably slope and water quality risks. We note that the current Proposal has reverted to proposing General Industrial (now E4 zoning) over the entire lot (see below).

Zoning

The site contains an area of approximately 12.35 ha with frontage onto Lockyer Street. The land is currently zoned RU2 Rural Landscape under the Goulburn Mulwaree Local Environmental Plan 2009 (LEP) with some small patches in the north being zoned E4 General Industrial. It is proposed to rezone the land E4 General Industrial, consistent with the zoning immediately north of the site. It is also proposed to amend the Minimum Lot Size (MLS) from 100 ha (which corresponds with the RU2 land) so that no MLS applies to the lot. Again this is consistent with the MLS arrangement that applies to the E4 land in the north. Current and proposed zoning and MLS maps are included in the Proposal (Figures 16-18).

As no MLS will apply to the site, allotment sizes may vary significantly at subdivision stage. It will be necessary to ensure that subdivision ensures that offspring allotments and the overall subdivision design provides sufficient land area to accommodate stormwater treatment measures.

Waterways and Water Features

The Planning Proposal does not currently provide a sufficient description of the waterways and water features on site. We note that a first order watercourse (drainage feature) occurs at the centre of the site, flowing southward before entering a larger perennial watercourse beyond the southern boundary of the site in proximity to the Hume Highway. Based on aerial imagery, there are also four farm dams on site. The concept subdivision sketch does not include the water feature nor the farm dams, suggesting that these will be removed and the site recontoured through cut and fill.

The Proposal would benefit by more clearly describing the water features occurring on the site and whether these are proposed for removal. This is particularly important given that Direction 3.3 Sydney Drinking Water Catchment now requires consideration of existing water quality risks to waterways occurring on or adjacent to the site.

Flooding Risk

Supplementary information provided to us by Council on 11 December 2023 indicates that, based on Council's overland flow modelling, the site is unaffected by flooding risk except the most south-eastern corner which is Category 4 (which essentially applies to land under

the Probably Maximum Flood (PMF) limit. Based on this information, flooding risk is not a major site constraint. The relevant flood risk information should be included in the Planning Proposal to ensure this issue is adequately addressed.

Slope

The main constraint in relation to the site is slope. The site drops about 46 m from approximately 694 metres asl in the south-west corner to approximately 648 m in the south-east corner. The steepest grades (15-20% slope) are encountered in the south-west of the site. Grades are also generally steeper in the south of the site.

Industrial development generally requires flat land. Significant earthworks (cut and fill) will be required to create reasonably-sized flat areas for any proposed industrial uses. The supporting Civil Engineering Works report identifies that 123,185 m³ will be cut (to fill) and 39,071 m³ will be cut (to export). Stormwater runoff velocities are also likely to be exacerbated by the steepness of the land. The issue of stormwater management is discussed further below.

Servicing

The Proposal is supported by an Engineering Services Infrastructure Report (Appendix 10; dated 20 October 2023) Supplementary information provided by Council on 11 December 2023 confirms that the site is intended to be serviced by Council's reticulated water and sewer services.

Layout Plan

We have treated the conceptual layout plan as indicative of how the site might be developed. There is sufficient space on the site to accommodate some development and associated stormwater treatment measures. However, the type and extent of measures will depend on the scale and intensity of the final development. Achieving a neutral or beneficial effect (NorBE) on water quality may require some redesign of the development footprint and related stormwater control measures at DA stage. The degree of impervious area and overall intensification may need to be reduced and/or alternative stormwater treatment measures employed. Supplementary pervious areas may also be needed and spread more evenly throughout the site.

Water Cycle and Stormwater Management Strategy (WCMS)

In terms of water quality risk, we hold concerns that the development design underpinning the request for rezoning is intensive relevant to the site area. The total site area is 123,566 m² with a proposed net developable area of 110,778m² (see supporting Urban Design Report).

The Proposal includes a supporting Water Cycle and Stormwater Management Strategy Report (WCMS). We have considered the WCMS in conjunction with the indicative subdivision layout plan. The report concludes that the 'proposed works with the WSUD Neutral or Beneficial (NoBE) strategy and management can help provide a safe and ecologically sustainable environment'. The proposed stormwater management measures includes a pit and pipe network system, overland flow paths (roads and swales), on-site

stormwater detention (OSD) systems, rainwater tanks, Oceanguards/ OceanProtect 'Jellyfish' systems and bioretention basin(s).

The stormwater management design is heavily dependent upon the OSD/ Bioretention basin area proposed in the south-east corner. The Bioretention basin(s) is intended to receive and assist in the treatment of all stormwater runoff from the site. This includes from the main proposed access road and the stormwater arising from the development footprint of the warehouses and offices including carparks driveways and other hardstand areas. The other treatment measures include rainwater tanks and jellyfish, but there is little pervious area proposed other than in the south-east corner. We raise the following:

- There appears to be too much emphasis placed on the bioretention system as the prime means for achieving NorBE across the site.
- Measures appear to be needed to slow the velocity of the water before it reaches the bioretention basin(s).
- The bioretention basin system (6,200 m²) appears too large to be reliably maintained and managed. An artificial wetland may be another option.
- The bioretention basin(s) appears to be servicing both the proposed new road as well as the individual allotments. Which body will be responsible for management and maintaining the bioretention basin(s) area over the longer term? Meeting NorBE at DA stage and on an on-going basis will depend on how well this proposed area is managed and maintained.
- There will also need to be sufficient area allocated for on-site detention, separate to any bioretention required for water quality purposes.
- The allocated area in the south-east corner is also presumably being relied upon for irrigation. This again raises the question whether there is sufficient area for the effective management of stormwater.

The above matters will need to be clearly reconciled at DA stage.

Contamination Risk

The Planning Proposal is accompanied by a supporting Preliminary Site Investigation (PSI) Report for Contamination. The report was prepared in 2019 and is based on a site inspection conducted on 30 September 2019. There is no comment as to whether the condition of the site may have changed since 2019. We recommend a supplementary site inspection be undertaken to confirm that no further changes have occurred and that the findings of the PSI are current.

The report is based on the zoning that was proposed as part of former Dossie Street Proposal where the land was proposed for commercial/ industrial uses and large lot residential development. The commercial/industrial use considerations are relevant to the current Planning Proposal.

The report notes that there was a minor oil spill, several stockpiles, a septic system, earth bunds and a fragment of pipe made of potential asbestos containing material (PACM) on site. Appendix B of the PSI Report includes the relevant locations of concern. The stockpiles contained inert materials such as clay, gravel, cobbles and anthropogenic substances including asphalt, concrete fragments, scrap metal and plastics. The report suggests that the stockpiles are be used to fill-in the on-site dams.

The Investigation concluded that the likelihood for gross chemical contamination to be present on the site was low although localised areas of moderate risk were present. It noted that further intrusive testing may be needed. However, overall the PSI report concludes that the site could be made suitable for industrial/ commercial and large lot residential uses, subject to the recommendations contained in the report. Further testing would be required if the on-site fill material were to be used to back-fill the on-site dams (see below). Further intrusive soil testing may also be required to identify any unforeseen contamination.

We note that there has been an additional Excavated Natural Material Assessment for the stockpile material on site and that following removal of unsuitable material, remaining material can be considered for on-site re-use. The report is not clear whether the material is intended to fill-in the dams.

Any further testing of the stockpiles can be undertaken at DA stage. We also believe that any development application should be accompanied by a dam dewatering report to ensure that any environmental impacts from the dam water and sediments, including from potentially contaminated materials, can be effectively managed.

Direction 3.3. Sydney Drinking Water Catchment

The Planning Proposal responds to section 9.1 Ministerial Direction 3.3 Sydney Drinking Water Catchment. The proposal states that the Direction requires that any new development have a neutral or beneficial effect on water quality and that WaterNSW is engaged as part of the Planning Proposal process.

The Direction requires consultation with WaterNSW as stated. The general principle is that water quality within the SDWC must be protected. The Proposal must give effect to this and specific principles including that new development must have a NorBE on water quality. The proposal also requires consistency with Part 6.5 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP). As Planning Proposals are not developments to which NorBE can be applied but, rather, concern changes in land use, we generally adopt the principle that there needs to be a reasonable likelihood that NorBE will be achieved DA stage for the intended land use. The issue of NorBE is discussed separately in this response with respect to stormwater.

The Direction requires the Proposal to identify any water quality (including groundwater) risks to any waterway occurring on, or adjacent to the site. The Proposal needs to respond to this requirement. Please see our comments above on this matter.

The proposal also needs to give consideration to the outcomes of any Strategic Land and Water Capability Assessment (SLWCA). We have attached the relevant SLWCA in Attachment 2. The outcomes of the SLWCA are discussed below.

The land is not in a designated Special Area so the provisions of Direction 3.3 relating to Special Areas do not apply in this instance.

Strategic Land and Water Capability Assessment (SLWCA)

The site is intended to be zoned E4 General Industrial. WaterNSW has applied the SLWCA for Light Industry to determine the capability of the site for this land use (Attachment 2). The SLWCA indicates that the site has a LOW to MODERATE risk to water quality. Areas of LOW Risk have a HIGH capability for the intended use. Areas of MODERATE risk have a MODERATE capability for the intended use. We believe that outcome of the SWLCA underestimates the risk and influence of slope on the site and that the important Stream Proximity factor has been overshadowed by other inputs. In this instance, the outcomes of the SLWCA should be treated cautiously.

State Environmental Planning Policy (Biodiversity and Conservation) 2011

The Proposal briefly responds to State Environmental Planning Policy (Biodiversity and Conservation) 2021, noting that the Proposal is consistent with Chapter 6 of the SEPP and, by reference to the WCMS, the Proposal would have a NorBE on water quality (including groundwater). We note that the SEPP also establishes requirements for concurrence, for DAs to apply the NorBE Tool, and for development consents to be consistent with the [Neutral or Beneficial Effect on Water Quality Assessment Guideline](#) (WaterNSW 2022).

ATTACHMENT 2 – STRATEGIC LAND AND WATER CAPABILITY ASSESSMENT (SLWCA)



Legend

- | | |
|--------------------|-------------|
| — Contours 5m | RISK |
| — Drainage | Low |
| □ Cadastral Lots | Moderate |
| ▬ Lot 2 DP 1238214 | High |
| | Extreme |



0 0.05 0.1 0.2 KM

User: john.bickmore
Date Saved: 19/12/2023 11:59 AM
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