

28 March 2025

Contact: Stuart Little
Telephone: 0436 948 347
Our ref: D2025/29167

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

Dear Ms Day,

RE: Planning Proposal to Rezone and Amend Minimum Lot Size at 407 & 457 Crookwell Road Kingsdale (PP-2023-414; Ref-3405) – Additional Comment

WaterNSW has previously provided comments at various stages for this Planning Proposal, including:

- on the pre-Gateway version (our ref: D2024/24561; 10 April 2024),
- on the Gateway version (16 May 2024), which took account of our comments on the pre-Gateway version,
- comments provided on 21 February 2025 (our ref: D2025/13023) in relation to the Gateway version.

However, from further discussions with Council, we understand there was a more recent Planning Proposal version for agency consultation (Version 3 dated January 2025) that was intended for comment.

Council has now provided us with the Planning Proposal Version 3 document for our consideration. We also note that updated Technical Studies have been prepared since the Gateway version of the Planning Proposal was prepared. These include:

- an updated conceptual subdivision layout plan (Appendix 2c),
- additional contamination assessment advices including a Supplementary Report to the Detailed Site Investigation (DSI) report (Appendices 10f and 10g),
- an updated Water Cycle Management Study (WCMS) by SOWDES (dated 10 December 2024; Appendix 8b), and
- an updated Local Flood & Overland Flow Study (Rev B) (Local Flood Study) by SOWDES dated 10 Dec 2024 (Appendix 15b).

We note the updated WCMS and Local Flood Study include and relate to the updated subdivision layout plan.

Other documents are also available since the Gateway version of the Planning Proposal was prepared. This includes the Draft Sooley Precinct Development Control Plan (DCP), flood data for the 0.05% AEP, designs for external intersection works and the North Goulburn Planning Proposals: Flooding Affection of Roads document. We have focused our updated assessment on the Planning Proposal Version 3 document and supporting technical reports listed in the dot points above.

We note that the proposed local environmental plan (LEP) provisions for zoning, minimum lot size (MLS) and Urban Release Area (URA) designation including the configuration of these planning controls as presented in Figures 5, 7 and 8 of the Proposal remain unchanged.

Based on the additional information, we note that there is apparent inconsistent advice between the Supplementary DSI report when compared with that of the WCMS and Local Flood Study regarding whether farm dams will be retained or removed. The Local Flood Study report also suggests the R5 zoned land in the west, which is assigned a MLS of 4,000 m² would be unsewered whereas the Planning Proposal (P. 95) indicates these lots would be sewerage. To date we have assumed that the western R5 zoned areas would be sewerage. These matters require further clarification.

As raised in our previous advice, the Planning Proposal needs to confirm that the Goulburn Sewage Treatment Plant (STP) has sufficient capacity to cater for the proposed rezoning and later subdivision and, if not, how this will be addressed. We do not wish to see the land rezoned if there is a risk the subdivision will be reliant upon a package wastewater treatment system (PWTS) to facilitate the proposed development given the potential risk to water quality.

The advice presented here should be treated as supplementary to the advice we provided on 21 February, taking into account the updated information in the Proposal and supporting technical reports as stated. Our detailed comments taking into account the updated documents are provided in Attachment 1.

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

Yours sincerely



ALISON KNIHA
Environmental Planning, Assessments and Approvals Manager

ATTACHMENT 1 – DETAIL

Updated Conceptual Subdivision Plan

The updated conceptual subdivision layout is presented in Figure 2 and Appendix 2c. We have treated the layout as indicative of how the site might be developed under the proposed planning controls. We make the following observations and comments:

- The revised conceptual subdivision layout plan shows a potential yield of 256 lots, which is 22 lots less than the 278 lots previously proposed. It is therefore overall less intensive. This design also appears to be an overall improvement on the previous plan with flood risk factors better defined and managed.
- There appears similar number of drainage crossings to previous plan. The number of crossings will need to be kept to a minimum. DCCEEW is likely to offer further advice regarding flooding risk.
- From a water quality perspective, there is still a need to protect vegetation during flood events and in proximity to drainage lines, where applicable. It is not clear how the RE1 zone will be used in the long-term but groundcover and vegetation management will be important.
- There has been some change to the road design. The entrance to Crookwell Road now occurs in the far north-east of the property while in the south a new intersection is proposed with Chinaman's Lane. A road now occurs either side of the flood-prone land along the central drainage features. This may increase the runoff in proximity to the central drainage line during storm events but again there appears sufficient space available to accommodate stormwater management measures in the area.
- The Plan generally aligns with and both reflects and respects the zoning types and configurations being put forward in the Planning Proposal. One key difference is that the subdivision plan indicates a blanket C2 zoning over the flood-risk areas whereas the zoning map (Figure 5 of the Planning Proposal) shows two C2 areas in the north with the remaining flood-risk areas being zoned RE1. Effectively, the zoning map proposes RE1 zoning for the flood-affected land adjoining areas proposed R2 zoning, with the C2 zoning being confined to flood-risk land adjoining proposed R5 zones in the north. The Planning Proposal may benefit by clearly indicating that the zoning controls of Figure 5 are being put forward rather than the zones conveyed in the updated subdivision plan.

Contamination Risk

Our letter of 21 February noted how the Gateway version of the Planning Proposal identified six (6) points concerning the contamination assessment that required resolution prior to public exhibition. The response to those matters is now summarised on page 75 of the Proposal with details provided in Appendices 10f and 10g (which provide a response to Council's letter and a Supplementary DSI Report, respectively). The Supplementary DSI report indicates that the site is suitable for rezoning and development provided that the Rectification Action Plan (RAP) is followed. We note, however, that the RAP itself has not been updated to take account of the latest tests and analysis undertaken.

We note that the Draft DCP includes controls to ensure that any future DA for subdivision is accompanied by a Preliminary Site Investigation (PSI), DSI and RAP to ensure that contamination issues are addressed and appropriate steps undertaken to remediate the site. We agree with this approach and note that the RAP will need to be updated to take account of the latest DSI report and findings.

The information presented in Appendix 10f is dated 20 August 2024. The information infers that elevated levels for chromium are not from agricultural land uses or related anthropogenic sources inferring that the levels are naturally occurring. It appears that there has been assessment of leaching potential of the soil and that surface and groundwater sampling has not been undertaken, partly because all water flowing

through the gully is from the fresh water supply pipe. We assume the gully would also capture rainfall runoff. Further soil testing and water sampling of the farm dams has been undertaken. Decommissioning of the existing wastewater system associated with the existing residence is intended to be undertaken when the house is demolished along with associated testing of the soil. This is a matter that will need to be addressed at subdivision DA stage. Appendix 10f notes that animal carcass disposal has followed the relevant NSW Department of Industry (DPI) Guidelines including pit construction and fill material has been removed from the gully.

A Supplementary DSI Report (dated 6 November 2024) is provided in Appendix 10g. This further addresses the likelihood of contamination from hexavalent chromium based on two additional soil samples from the stock yards including consideration of leachate. The report also addresses water contamination risks and decommissioning of the septic system associated with the current residence. The levels of hexavalent chromium and leachate were deemed acceptable and well below the HILS A: residential limit for hexavalent chromium. The elevated levels of Chromium appear to relate to Chromium II and III. The report notes these do not present a risk to human health and remediation is not required from this perspective.

Water from two farm dams was tested. Phosphorus levels were slightly elevated based on values for irrigation but was not of significant concern. The dam downstream from the septic tank indicated that the water had not been affected by effluent from the septic system.

The DSI report also noted that the septic system and all associated pipework would be removed during demolition of the house. Again this is a matter that can be further examined at subdivision DA stage. The report notes that overall the likelihood of contamination of the site is low and that the site is deemed suitable for rezoning on the basis of the RAP being followed. We note that the RAP should be updated to take into account the results of the Supplementary DSI Report. This can occur as part of the subdivision DA process.

This Supplementary DSI report (P. 5) and other information in the Proposal (Pp. 49, 75) notes that the farm dams will be drained and the voids filled with soil from the local area and dam wall. Draining of the dams would occur once the properties were destocked.

The updated Water Cycle Management Study (WCMS) 10 December 2024.

We have examined the updated WCMS and note that it is based on the new revised subdivision design. Figure 4 provides more detail regarding stormwater management measures, showing the proposed location of the biofiltration basins with respect to flood risk. We make the following comments:

- While it is hard to fully distinguish the exact sub-catchments and Gross Pollutant Trap / Bio-filtration Basin locations, we note that there are now 11 smaller, decentralised locations for road / lot drainage (details as per Table 2). Based on Figure 4, these appear to better respond to the flooding risk and associated impacts as they appear to be mainly positioned off-line and outside of main drainage depressions. However, some measures along the central drainage corridor through the site may still be impacted by flood events.
- With the change in road design, we note that some stormwater measures along the central drainage corridor may be impacted by localised flooding from overland flow. The exact location and positioning of the stormwater management measures and proposed roads can be further refined and examined at subdivision DA stage. There appears to be sufficient space within the RE1 and C2 zones to accommodate stormwater management measures.

We make the following additional comments with respect to the updated WCMS:

- On-site Detention (OSD) basins would likely be incorporated as part of the bio-filtration basins. This would require further consideration at subdivision DA stage.
- In the modelling and analysis, lot-scale stormwater measures (e.g. rainwater tanks and/or raingardens) have also been assumed to be required. These would be included in the assessment at the DA stage for NorBE. General land-use assumptions allow modelling of post-development scenario.
- The long-term management and maintenance of stormwater measures will need to be resolved at subdivision DA stage.
- We note that bio-basins are typically operated as sedimentation basins until ~80% of lots have been developed. Finetuning the staging, purposing, location and management of proposed bioretention and detention measures can be addressed at subdivision DA stage.

Local Flood and Overland Flow Study (Local Flood Study)

The Local Flood Study notes that the subject sites is burdened by general overland flows associated with surface water runoff. The report includes Figure 2 that presents the updated conceptual subdivision layout plan pattern with proposed stormwater management reserves.

The Local Flood Study notes that any future development of the land will require the installation of a reticulated water supply, a gravity sewer system and several pump stations, inter-allotment stormwater drainage services, and ancillary infrastructure to most of the Lots. The report notes that all R5 zoned areas would not be connected to the sewer system (P. 4) whereas the Planning Proposal (P. 95) indicates the western R5 zoned lots *would* be sewered. We require clarification whether the R5 zones in the west which are proposed to be 4,000 m² will be serviced with sewer or not.

We observe that the highest flood risk areas are associated with the proposed C2 and RE1 zoning as put forward in the Planning Proposal.

Other – Farm Dams

Four dams occur on the property with one having its dam wall on neighbouring land in the south. The Local Flood Study report (P. 14) notes that the existing farm dams appear to be structurally integral and will be retained in their current form, commenting that there is no intent to remove, enlarge, or re-shape them. The Planning Proposal (Pp. 10, 63) confirms that the dams are not proposed to be removed but, rather, be utilised as part of the proposed future residential stormwater management. However, this contrasts with the advice contained in the Supplementary DSI report and other information in the Proposal (Pp. 50, 75) which notes that the farm dams will be drained and filled. The proposed outcome for the farm dams requires reconciling between the supporting reports and within the Planning Proposal.
