26 March 2024

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2024/20883*

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

Dear Mr Kiernan,

Planning Proposal to Rezone Land and Amend Minimum Lot Size on Lots at 'Allfarthing', 2 Brisbane Grove, Goulburn (REZ/0003/2121) (PP_2024_295).

I refer to your email of 29 February 2024 requesting pre-gateway comments on a Planning Proposal for Allfarthing, 2 Brisbane Grove, Goulburn. The Proposal concerns 34.8 ha of land which is unserviced by reticulated sewer and water.

We understand that the Proposal is a revision of an earlier Planning Proposal for the same site, as the original Proposal did not have a Flood Impact and Risk Assessment (FIRA) and was unable to be completed within the required timeframe. The new Proposal includes a FIRA with accompanying revisions to the conceptual lot layout to ensure no dwellings are sited within flood-prone land.

The land is currently zoned RU6 Transition and has a Minimum Lot Size (MLS) of 10 ha. The Proposal seeks to rezone the land to part R5 Large Lot Residential and part C2 Environmental Conservation (for the flood affected land). The R5 zone is proposed to have an accompanying 2 ha MLS while the C2 zone will have no MLS. A new conceptual subdivision layout Plan accompanies the Proposal showing how the rezoning might be able to deliver a yield of 14 lots under the proposed zoning and MLS arrangements.

WaterNSW made comment on the earlier Proposal in May 2022 (Our Ref: D2022/34298). At that time, the conceptual subdivision layout plan suggested an intended yield of 16 rural residential allotments. We believed that the Proposal required further refinement before exhibition including more clarity regarding flood risk information. We also identified that some refinements to the then proposed C2 boundary and associated 100 ha MLS may be needed, and that Effluent Management Areas (EMAs) may need to better respond to the site constraints which could affect proposed subdivision configuration and expected yield.

We note that the current Proposal includes a FIRA and that the updated conceptual subdivision layout plan includes a revised C2 boundary as informed by the flood risk information. EMAs have also been repositioned based on site constrains and flood risk

information. We have again treated the subdivision layout plan as indicative of the site's ability to sustain the zoning and MLS arrangement proposed and understand that the plan may change or be further refined at later subdivision stage.

WaterNSW has no objection to the Planning Proposal proceeding. However, further refinements to the lot layout may be required at subdivision stage depending on further assessment of site constraints at that time. This may in turn affect overall yield. The proponent is advised to consult the Water NSW (2023) Water Sensitive Design Guide for Rural Residential Subdivisions (Rural Residential Guide) when preparing the subdivision development application for the site.

Our detailed comments 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 Assessment and Approvals Manager

ATTACHMENT 1 - DETAIL

The Site and Proposed Zoning

The site encompasses twelve contiguous lots covering 34.8 ha with one lot containing an existing dwelling. The land is currently zoned RU6 Transition and afforded a 10 ha Minimum Lot Size (MLS). The Proposal seeks to rezone the land to part R5 Large Lot Residential and part C2 Environmental Conservation (for the flood affected land). A 2 ha MLS is proposed for the R5 zone while the C2 zone will have no MLS.

Urban and Fringe Housing Strategy

The site lies within the south-western boundary of Precinct 11 Brisbane Grove of the Urban and Fringe Housing Strategy. The Precinct Summary identifies that the lots are unserviced by water and sewer infrastructure and notes that the area is suited to large lot residential development subject to the resolution of noise and water quality issues. It recommends to rezone land that is least constrained by topography and environmental constraints to Large Lot Residential (noting that the land is and will be unserviced), and that a suitable environmental zoning be applied to flood affected land (discussed below). The Proposal is consistent with these requirements.

Subdivision Layout Plan

The Planning Proposal includes an indicative subdivision layout plan that shows how the site could accommodate a total yield of 14 lots while meeting relevant site constraints, particularly flooding risk. For this Proposal, the subdivision layout plan adopts a hypothetical footprint of 600 m^2 for building footprints and shows effluent disposal areas (100 m^2) separate to the building envelopes. We have treated the subdivision layout plan as conceptual, indicating how the site can accommodate a proposed R5 and 2 ha MLS arrangement while responding to key site constraints.

Servicing

The site is not serviced by reticulated water and sewer. All future lots would be required to provide on-site rainwater collection and on-site wastewater management systems.

Watercourses and water features

The Proposal notes that there are no defined drainage channels through the site although the south-west of the site experiences overland flow impacts. Our drainage mapping identifies a first order drainage feature in the south-west of the site, which coincides with the location of the overland flow area, although the most recent hydrography for the area suggests that there is no drainage depression or feature in this area (see https://maps.six.nsw.gov.au/arcgis/rest/services/public/NSW_Hydrography/MapServer).

We generally believe that there is a drainage depression in the south-west given the presence of an existing farm dam and the overland flow mapping conducted by Council for the area (see Figure 17 of the Planning Proposal). The exact nature of the drainage feature will influence Effluent Management Area (EMA) setback distances. For the

purposes of our assessment we have assumed that the drainage feature is a drainage depression with no incised channel, thereby warranting a 40 m EMA setback distance (see below).

Two existing farm dams occur on the site and are proposed to be retained. An additional seven (7) small farm dams are proposed as water quality treatment devices for stormwater management associated with new access roads. These matters are taken into account in the site constraints and design of the conceptual subdivision layout plan (see below).

Response to Flood Risk

The Proposal responds to Flood Risk by siting the proposed C2 zone to coincide with the overland flow Flood Planning Area (FPA). We support this approach but requests that Council doublecheck the zoning boundary aligns with the FPA as presented in Figure B9 of the supporting Flood Assessment Report. We note that the entire site lies outside the FPA for riverine flooding risk.

The conceptual subdivision layout plan has been designed to respond to flooding risk and demonstrates how a 2 ha MLS can be provided while addressing water quality risks arising during flood events. Specifically, a supporting conceptual flood assessment site plan (Appendix 16b) shows the conceptual subdivision layout, with the FPA and Probable Maximum Flood (PMF) areas for both the overland flow and riverine flooding risk. Comparison of this Plan to the wastewater management site plan (Appendix 10b) shows how all effluent disposal areas and proposed dams for water quality treatment can be located outside of PMF areas for overland flow and riverine flooding. We support this approach.

Effluent Management Areas (EMAs)

In terms of buffer distances, it is unclear whether the EMAs are all achieving the required 40 m setback distance from farm dams, particularly proposed Lot 13. However, there appears to be sufficient space for the 40 m setback distance to be achieved. The location of the EMAs with respect to proposed EMA buffer distances can be further refined at subdivision stage.

If the site is affected by a drainage depression in the south-west corner, a 40 m buffer distance is also required for any EMA. The wastewater management site plan demonstrates that there is sufficient space to accommodate a 40 m EMA setback distance. If further examination of this area reveals that the land is affected by an incised channel or gully rather than a drainage depression, a 100 m EMA buffer will be required. This may affect lot configuration and yield. However, these matters are more relevant to the subdivision DA and can be addressed at that time.

The existing property has a groundwater bore that has been used for stock drinking water. The location of the bore is not depicted on the Wastewater Management Site Plan (Appendix 10b) and so is not operating as a site constraint. The Water Cycle Management

Study (WCMS) (Appendix 10a) notes that subdivision of the property would result in separation and removal of infrastructure associated with the groundwater bore. All remaining groundwater bores are greater than 100 m from the property.

For the purposes of assessing the Planning Proposal we have assumed, based on the information given, that the existing bore will not be used for domestic supply. This matter will need to be verified further at subdivision stage and may affect lot configuration and yield if domestic use of the bore is to be provided. This does not limit the ability of the overall area to accommodate a R5 zoning and associated 2 ha MLS.

Water Cycle Management Study

The Proposal includes a Water Cycle Management Study (WCMS) with a stormwater quality assessment, consideration of stormwater drainage and flood impacts, and wastewater management assessment. The document 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 stormwater modelling shows how a neutral or beneficial effect (NorBE) on water quality be achieved for the main and branch roads at later subdivision DA stage. This is based on the use of grassy swales and seven (7) new small farm dams. The exact nature and management of these measures will need to be considered further at subdivision stage. There is sufficient room to accommodate the necessary stormwater treatment measures as well as building footprints and EMAs.

The wastewater assessment includes consideration of the Rural Residential Guideline and shows the location of indicative EMAs taking into account relevant environmental constraints. The WCMS also notes that proposed lots may be slightly constrained in relation to effluent management opportunities and that further detailed site analysis and design will be undertaken at the time of future residential land development. We agree with this approach and note that detailed assessments can be undertaken at subdivision DA stage.

Contamination Risk

WaterNSW has examined the Preliminary Site Investigation (PSI; dated May 2021) in its previous assessments of the Proposal. The PSI examines contamination risk based on a desktop review, relevant information searches, and a site walkover. Potential sources of contamination are identified as being limited to fill and current site buildings. Due to the limited likely quantity of fill and small amount of hazardous building materials being present, an intrusive investigation was not required. We agree with this conclusion.

Recommendations contained in the PSI report include the preparation of a hazardous building material assessment and construction environment management plan (incorporating an unexpected finds protocol). If fill is to be disposed of off-site, the report recommends an assessment of material in accordance with NSW EPA (2014) Waste Classification Guidelines, Part 1: Classifying before waste is removed. We agree with these recommendations and believe they can be implemented at DA stage.

Biodiversity and Conservation SEPP

The Proposal takes into account and responds to Part 6.5 Sydney Drinking Water Catchment of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the B&C SEPP). It overviews the objectives of Part 6.5 and refers to the supporting WCMS with respect to the Proposal's ability to deliver later development that would be able to achieve a NorBE on water quality. The response notes that, as the site is unserviced, all lots would be required to provide on-site rainwater tanks for rainwater collection and on-site wastewater management systems. It also notes that any future DA of the site would be required to undertake a NorBE assessment and require the concurrence of WaterNSW. We note and agree with these statements.

Minister Direction 3.3 Sydney Drinking Water Catchment.

The Proposal includes a detailed response to Direction 3.3 Sydney Drinking Water Catchment and takes into account our previous advices on earlier versions of the Proposal. In summary, the Proposal takes into account riverine and overland flow flooding risks, the absence of water and sewer servicing, the proposed zoning of the overland flow FPA to C2, groundwater risks, and the provisions and location of EMAs and new stormwater dams taking into account flooding risks. The response also includes a copy of the relevant Strategic Land and Water Capability Assessment, which we provided previously. This shows that the area of EXTREME risk coincides with the overland flow risk area which is to be afforded C2 zoning.

The Proposal concludes that it is consistent with Direction 3.3. We agree with this conclusion.