21 February 2025

Contact: Stuart Little
Telephone: 0436 948 347
Our ref: D2025/13023

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)

I refer to the Planning Portal referral of the above-mentioned Planning Proposal (Gateway Version dated 16 May 2024). We understand that the Proposal concerns three lots (Lots 70, 73 and 77 DP 1006688) covering approximately 50.70 ha of land and that it seeks to:

- rezone the land from RU6 Transition to part R2 Low Density Residential, part R5 Large Lot Residential, part RE1 Public Recreation and part C2 Environmental Conservation
- amend the Minimum Lot Size (MLS) provisions from 10 ha an apply an MLS of 4,000 m^2 and 2 ha for the R5 portion of land, 700 m^2 for the R2 portion, and apply "no MLS" to the RE1 and C2 areas
- include the land as an Urban Release Area (URA).

We understand that the site would be serviced by water and sewer except for the land north of the high pressure gas main, which would remain unsewered. A subdivision concept plan accompanies the Proposal foreshadowing a yield of approximately 278 lots. We have treated the subdivision plan as indicative of how the site might be developed under the proposed zoning and MLS arrangement. Further refinement to the subdivision layout plan is likely to be required at subdivision development application (DA) stage, particularly in relation to the configuration of the larger lots on the proposed R5 land.

WaterNSW provided previous detailed comments on the Proposal in April 2024 (Our Ref: D2024/24561). Our main concerns were in relation to the URA extending over unsewered land in the north, the need for further consideration of the elevated chromium levels found in the soil samples, the conceptual subdivision plan not giving due account of the C2 zoning and flooding risk associated with this zoning, and further clarification regarding the intention for farm dams on the site. While the current Proposal includes and refers to our April 2024 correspondence, including the Strategic Land and Water Capability Assessments (SLWCAs) we provided, a number of the above matters are still to be addressed.

We remain concerned about the URA designation over the land north of the high pressure gas main that will remain unsewered. URA designation over the unsewered area could lead to expectations for more intensive unsewered development beyond the capability of the land or that the unsewered portion can and will be sewered in due course. However, we also understand that the URA designation of this northern area is to

ensure a single access onto Crookwell Road for this Proposal and the adjoining unsewered Planning Proposal area (515 Crookwell Road).

We would prefer for the URA boundaries to exclude the land that would remain unsewered. Alternatively, any accompanying development control plan (DCP) for the URA should place limits on development in the unsewered area. The boundaries of the area proposed for URA designation is ultimately a matter for Council and the Department of Planning, Housing and Infrastructure (DPHI) to decide upon.

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.

We understand that the proposed R5 zone is intended to deliver five large lots in the north (2 ha MLS) and five in the west (4,000 m^2 MLS). We understand that the area north of the high pressure gas main would remain unsewered and that the 4,000 m^2 MLS area south of the high pressure gas main would be serviced with sewer and water. We have not assessed the Proposal from the perspective of the 4,000 m^2 MLS lots being unsewered.

The Planning Proposal (p.70) refers to the elevated levels of Chromium and lists six points which it identifies as needing to be resolved prior to the public exhibition of the Proposal. We have not been able to find where and how these matters have been addressed. This matter warrants attention prior to exhibition.

On a final matter, our last submission may have resulted in some ambiguity regarding our position on staging of the development. To clarify, we would not be supportive of any initial unsewered development on the site (apart from the northern lots which would remain unsewered) as the risk of unsewered development south of the high pressure gas line has not been assessed in the Proposal. A 700 m^2 MLS is not capable of sustaining unsewered development.

Our detailed comments are provided in Appendix 1. These consider how the issues raised in our last submission have been addressed. We also consider new information contained in the Proposal and supporting reports. As indicated above, there are still some matters outstanding that require clarification or resolution.

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

Yours sincerely

ALISON KNIHA
Environmental Planning and Assessments and Approvals Manager

ATTACHMENT 1 - DETAIL

Minimum Lot Size

Our previous submission identified that the proposed MLS arrangement for the C2 Environmental Conservation and RE1 Public Recreation land should be clearly stated in the summary description on page 11. The Proposal (p.11) now clarifies that the C2 and RE1 land will have no accompanying MLS provision.

Urban Release Area Designation

Our previous submission requested clarification as to whether the whole site was to be identified as an Urban Release Area (URA) or only part of the land area. This was based on a comparison of Figures 3 and 9 and the description of the URA contained in the Planning Proposal. The confusion arose from Figures 3 and 8 depicting the URA designation for the Planning Proposal site whereas Figure 9 depicts the entire proposed URA area including both the Planning Proposal site and that part of the adjoining land at 515 Crookwell Road to the north. The fact that Figure 9 applies to both sites could be made clearer. We have operated from the understanding that the entire Planning Proposal area (Lots 70, 73 and 77 DP 1006688) would be designated as an URA including both the future sewered and unsewered portions of the land.

The URA designation is intended to apply to both this site and part of an adjoining site in the north (515 Crookwell Road). Our main concern is that the proposed URA designation in the north of the site where the land is to remain unsewered could lead to expectations for more intensive development. This carries associated water quality risks. Please see our comments in the covering letter herewith.

Subdivision Concept Plan

We have treated the subdivision concept plan as being indicative regarding how the site might be developed. We note that the Subdivision Plan includes a 'staging' order that is to be disregarded.

Our previous submission raised concerns that the conceptual subdivision layout plan did not depict the lot sizes of the off-spring lots which made it difficult to understand whether the plan was able to deliver lots that met the proposed 700 m^2 MLS requirement. While the attached subdivision layout plan (Appendix 2B) does not indicate the lot sizes of the offspring lots, we have located this information in the supporting Road and Lot Layout Plan (Plan: T02104-SK-101-Road and Lot Layout). This verifies that the offspring lots for the proposed R2 Low Density Residential Zone are greater than the 700 m^2 MLS.

There may need to be some minor refinement of the lot boundaries for the five unsewered lots (2 ha MLS) in the north and the five lots (4,000 m^2 MLS) in the west. Two proposed offspring lots in the south-west do not apparently meet the 4,000 m^2 MLS.

The current design would also see split C2/R5 zoning across several lots in the north. Lot design and configuration should take account and conform with the WaterNSW (2023) publication Water Sensitive Design Guide for Rural Residential Subdivisions: A WaterNSW Current Recommended Practice (CRP). Under the CRP, lot boundaries should be designed to run along features such as drainage lines and should be located to minimise the impact on sensitive areas (such as steep land or highly erosive soils, rivers, watercourses and dams; see p.53). The subdivision concept plan may require further redesign in the north to better accommodate the C2 zoned land and in the west to address the proposed MLS requirement.

Servicing

The site is currently unserviced by sewer and water. All future lots will be serviced by mains water and sewer except for the proposed R5 (large lot residential) zoned areas north of the high pressure gas main (p.74). The Proposal notes that future land subdivision will warrant the augmentation of sewerage infrastructure and

that this will be considered at the Development Application (DA) stage of the development. It further notes that the Mistful Park commercial area is located in close proximity to the site from where water and sewerage services can be provided. We raise the following points:

- The Planning Proposal would benefit from the inclusion of supplementary plans showing the current location of water and sewer infrastructure to justify the points made.
- Currently, the Proposal does not describe the capacity of the Goulburn Sewage Treatment Plant (STP) and whether the STP has sufficient capacity to sustain the proposed zoning and intended lot yield and associated dwellings. Further information regarding the capacity of the Goulburn STP is required including identifying whether there is sufficient capacity in the STP to sustain development of the proposed area. If there are issues with the capacity of the STP, then the Proposal should outline how the development might be staged to ensure that the site can be effectively serviced.

Farm Dams

The Water Cycle Management Study (WCMS; SEEC Report dated 6 November 2023) indicates that there are four farm dams on the site, although one dam in the centre southern end of the site has its dam wall on an adjoining property.

Our last submission raised concerns over the downstream dam in the south having its dam wall located on the neighbouring property and whether this dam would be adversely affected by the proposed change in land use brought about by this Planning Proposal. We sought for the Proposal to include greater consideration regarding how the new intended land uses and development of the land would interact with this farm dam and whether additional measures would be needed to protect it or repurpose its function.

Having re-examined the WCMS, we note that for stormwater management, six bioretention basins are proposed for the site as well as grassed swales, pits and pipes, and lot specific erosion and sediment controls. The proposed location of bioretention basins, as based on the conceptual subdivision layout plan, are provided in Figures 2 and 7 of the WCMS. The plan indicates two bioretention basins positioned off-line in the vicinity of the farm dam. This reflects the intention to manage stormwater on-site and not rely on the farm dam. More detailed investigation of stormwater management measures and any refinements in their proposed location can be resolved at subdivision DA stage.

In our previous correspondence we raised that the Proposal needed to clarify whether the farm dams are proposed to be removed, retain or repurposed. The current Proposal does not clarify this matter. However, Figure 2 of the WCMS seems to suggest that the dam in the south-west will be infilled while the other dams would be retained. The farm dams do not occupy significant land areas on the property. Also, stormwater management measures take account of the drainage and do not appear to rely on the existing dams for stormwater control. The zoning is also responsive to the farm dams and drainage features with a C2 or RE1 zoning applying to the drainage features and farm dam locations. Resolution of whether farm dams are to be removed, retained or repurposed can be finalised at subdivision DA stage.

Flood risk

The Planning Proposal provides a detailed consideration of flooding risk. The site is not subject to riverine flooding although overland flow risks are present in association with the drainage features present on site.

The Proposal is accompanied by the Localised Flood and Overland Flow Study (March 2024; Appendix 15) and a Flood Impact and Risk Assessment (FIRA) report (Appendix 14). The FIRA includes recommendations for flood mitigation and informs flood risk assessment and occupant evacuation. The Proposal also includes an overland flow hazard map (Figure 13, p.30), which depicts overland flow hazards occurring in a north-south direct across the middle of the site and additional hazard areas occurring in the south-east.

We understand that the RE1 and C2 zoning applies to flood-prone land and ensures that the full extent of inundation does not adversely affect future residents. We note that the zoning will also operate to protect water quality in these areas.

Effluent Disposal and Management

We note that the unsewered areas (an estimated five lots in the north) will require on-site wastewater management systems and associated effluent management areas (EMAs). The shallow bedrock may limit the range of on-site wastewater treatment measures available. As these areas are proposed to be zoned R5 with a 2 ha MLS with some areas zoned C2 and no MLS, there would appear to be sufficient area to accommodate a dwelling house and EMAs while meeting required setback distances.

As raised in our previous correspondence, for the unsewered area north of the high pressure gas main, the subdivision DA will need to include a subdivision layout plan shows how and where EMAs can be located taking into account flooding risk as well as other buffer distance requirements.

Water Cycle Management Study - Stormwater

Our previous correspondence sought for the inclusion of a subdivision plan showing the combined location of existing drainage features, farm dams and the proposed stormwater control measures, notably bioretention basins. We note that Figure 2 of the WCMS shows these features.

The subdivision design is based on large, centralised bio-retention basins with typically a combined onsite detention function. Vegetation in these areas will need to be protected during flood events and in proximity to drainage lines. The RE1 zoning will help protect these areas.

The RE1 zoning will precede subdivision development. This will influence the land uses that are prohibited and those that require consent or can occur without consent within the RE1 area. The later subdivision will need to consider the permissibility of uses and how stormwater management measures will be characterised and delivered relative to the permissibility of uses. The proponent of the stormwater management measures in the RE1 area may need to be clarified in relation to the delivery of these measures relative to the zoning controls. Consideration also needs to be given to long-term responsibility for maintaining the stormwater management measures. This will need to be made clear at subdivision DA stage.

Contamination Risk

With regard to contamination risk, the Planning Proposal (p.70) refers to the elevated levels of Chromium and lists six points which it identifies as needing to be resolved prior to the public exhibition of the Proposal. We have not been able to find where and how these matters have been addressed. The listed points on page 70 should be addressed prior to exhibition as indicated in the Proposal.

Ministerial Direction 3.3 Sydney Drinking Water Catchment

The Proposal includes a comprehensive response to Ministerial Direction 3.3 Sydney Drinking Water Catchment. This includes consideration of drainage features, servicing, sewage and stormwater management, effluent disposal, and flooding risks. The Proposal includes and discusses Strategic Land and Water Capability Assessments (SLWCAs) previously provided by us.

The Proposal generally responds to water quality risks as informed by the SLWCAs. Areas of EXTREME and HIGH risk are generally associated with the drainage features in the north where the lots will remain unsewered. These drainage features are proposed for C2 zoning which will help protect flood-prone areas from future development and implicitly help protect water quality.