

23 May 2024

Contact: *Stuart Little*

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Our ref: *D2024/40486*

Ms Kate Wooll  
Business Manager Strategic Planning  
Goulburn Mulwaree Council  
Locked Bag 22  
GOUBURN NSW 2580

Dear Ms Wooll,

**Planning Proposal to Rezone Part 129 Marys Mount Rd and 110 – 118 Middle Arm Road to R2 Low Density Residential and Part C2 Environmental Conservation.**

I refer to your email of 3 May 2024 regarding a Planning Proposal for Part 129 Marys Mount Road and 110 – 118 Middle Arm Road (Lots 1-2, DP 1290900, Lots 2-3 DP 1290193), seeking to rezone the land to R2 Low Density Residential and Part C2 Environmental Conservation. We note that the site will be serviced by reticulated water and sewer and that it lies immediately adjacent to (as well as containing) residentially zoned land.

At face value, the proposed new C2 zoning will potentially implicitly protect water quality as well as biodiversity by protecting vegetation and groundcover. However, the Proposal intends to have no minimum lot size (MLS) for the proposed C2 land, potentially exposing this area to subdivision and associated fragmentation.

The Proposal would benefit by better explaining how the 'no MLS' arrangement will assist protection of the C2 area. At face value, a large lot size (e.g. 10 ha) for the C2 zone may be beneficial for its protection rather than a 'no MLS' arrangement.

Our detailed comments are provided in Attachment 1 while a relevant Strategic Land and Water Capability Assessment map for the site is provided in Attachment 2.

If you have any questions regarding this letter, please contact Stuart Little at [stuart.little@waternsw.com.au](mailto: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 Assessment and Approvals Manager**

## **ATTACHMENT 1 - DETAILED COMMENTS**

### **The Site**

The size of the land area subject to the Proposal does not appear to be stated. However, based on relevant maps and information, the site is characterised by mostly cleared grazing land that is being developed as a residential subdivision. An area of native vegetation that is subject to an approved Biodiversity Development Assessment Report (BDAR) is proposed to be set aside as a reserve.

### **Watercourses and Flooding Risk**

The site is located on top of a hill and does not contain any watercourses (P. 40).

The Planning Proposal notes that the site is not affected by riverine or major tributary flooding (P.12, 33). A relevant map of riverine flooding risk is presented in Figure 2 (P. 33).

A relevant overland flow map is presented in Figure 5. The overland flow modelling identifies a drainage corridor (overland flow path) occurs along the western boundary of 129 Marys Mount Road and in the east of 110-118 Middle Arm Road. These areas are zoned R2 and lie outside the area proposed for rezoning (see Figure 13, P. 35).

### **Zoning and Minimum Lot Size**

The site is currently zoned part R2 and part RU6 Transition. The Proposal largely concerns a rezoning of land zoned RU6 Transition lying in the centre of the site. This area is bordered by R2 Low Density Residential in the west and east. The R2 land has a minimum lot size (MLS) of 700 m<sup>2</sup> while the RU6 land has a MLS of 100 ha.

The Proposal notes that further biodiversity assessment has found that some of the RU6 land does not hold significant biodiversity value while part of the R2 zoned land at 129 Marys Mount Road does. It is proposed to zone the significant biodiversity value land C2 with the remainder of the land to be zoned R2. The R2 land would be afforded a 700 m<sup>2</sup> MLS while 'no MLS' would apply to the C2 zoned land.

Several points are relevant here:

- Areas zoned C2 would not be developed and therefore implicitly operate to protect water quality by protecting vegetation and groundcover.
- The size of the site is not currently described so it is difficult to understand the implications of the proposed changes in MLS for the site.
- There is a risk that the C2 land could be highly subdivided under a 'no MLS' arrangement, compromising the biodiversity value and C2 zoning of the land, and any implicit benefits for water quality. The Planning Proposal does not sufficiently justify why the C2 zone should be afforded a 'no MLS' arrangement in this situation, particularly given the nature and density of surrounding R2 zoning.

- The Proposal would benefit by including relevant map(s) demonstrating how the C2 boundary accords with the areas of biodiversity value and briefly describing how the proposed C2 zones would be managed.

### **Contamination Risk**

The site mainly involves No 129 Marys Mount Road ("Blakeley's Run"). This land is subject to an existing development consent. The Preliminary Site Investigation (PSI) submitted with the development application (DA) is resubmitted with the Proposal. For this component of the site, contamination risk and management is addressed through the DA process already.

A separate PSI report has been prepared for 110-118 Middle Arm Road for that portion of land in the west that is to be rezoned from RU6 to R2 (see Appendix 10 to the Proposal). The PSI report includes a review of existing information and inspection of the site. The report notes that the site has been used for residential purposes and possibly some grazing. The risk of gross chemical contamination to the site is considered to be low. The report notes that any surface rubbish material and asbestos encountered on-site during later development should be appropriately disposed off-site to a NSW EPA approved landfill. We note that if further assessment is needed, this can be undertaken at DA stage. An unexpected finds protocol may also be required at that time. These matters can be further pursued at DA stage.

### **Direction 3.3 Sydney Drinking Water Catchment**

The Proposal includes a detailed response to s 9.1 Ministerial Direction 3.3 Sydney Drinking Water Catchment (P. 27-29), noting that only a 1 ha area sits outside of the current subdivision. The response notes that the site will be serviced by water and sewer, and that there are no natural drainage paths creeks or rivers in the subject area, although there are overland flow paths. It also acknowledges that the site is not within a Special Area and that any future development application (for subdivision or modification of existing approvals) would require further detailed assessment and design information to satisfy the Neutral or beneficial effect (NorBE) on water quality requirement. We agree with these statements.

To complete the consideration of Direction 3.3, we include a Strategic Land and Water Capability Assessment (SLWCA) map in Attachment 2. The outcomes of the SLWCA show that for residential sewer development the water quality risk varies from LOW to MODERATE. Areas with a LOW risk have a HIGH capability for the intended land use while areas with a MODERATE risk have MODERATE capability.

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

### **Other**

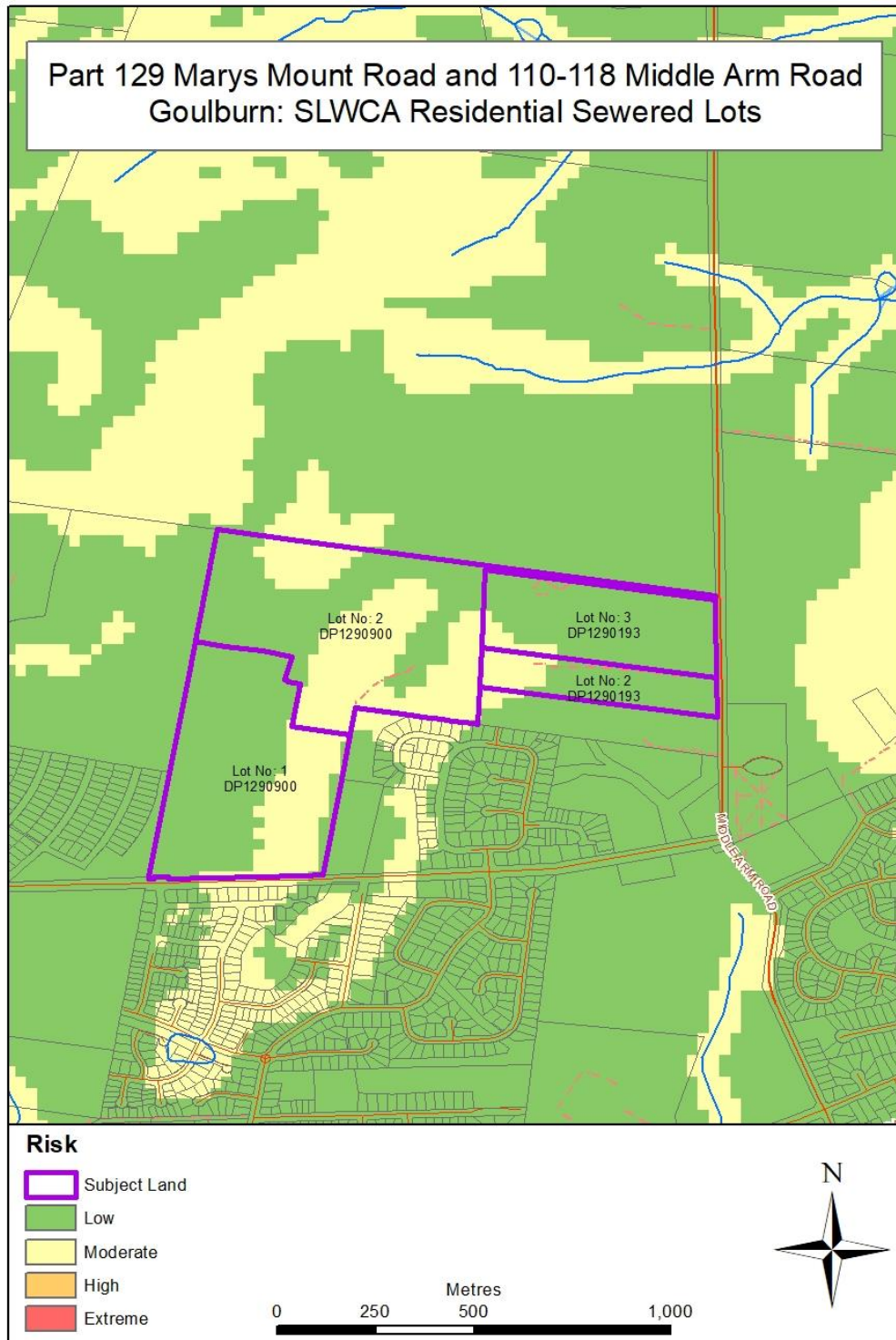
The Proposal would benefit by including the site area (ha) of the four lots implicated by the proposal and the subject area (ha) proposed for rezoning and MLS changes.

The explanation of provisions under section 2.1 (P. 8) would benefit by more clearly explaining how:

- part of the existing R2 land (with a MLS of 700 m<sup>2</sup>) at 129 Marys Mount Road would also be subject to changes to the MLS provisions where the land would be rezoned to C2
- the Proposal interrelates with the Goulburn Mulwaree Local Environmental Plan (LEP) Amendment No 19 that was made in 2020 and requires community title subdivision to meet the MLS associated with the RU6 zone.

The number of Figures seems to be inconsistent in some areas (e.g. Figure 2 and then Figure 11, P. 33)

**ATTACHMENT 2 – STRATEGIC LAND AND WATER CAPABILITY ASSESSMENT**



**Map 1.** SLWCA Map for Residential Sewered Development.