20 March 2024

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2024/16696*

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

Dear Mr Kiernan,

Planning Proposal to Rezone and Amend Minimum Lot Size and Lots at 292 Rosemont Road, Goulburn (PP_2024_101; REZ/0006/2122)

I refer to your email of 23 February 2024 requesting pre-gateway comments on a Planning Proposal for 292 Rosemont Road. We understand that this is a revised Planning Proposal as the former Proposal for 48 Mountain Ash Road and 292 Rosemont Road failed at Gateway due a lack of Flood Impact and Risk Assessment (FIRA). We note that the new Planning Proposal only concerns the Rosemont Road site.

WaterNSW made comment on the earlier combined Proposal in January 2023 (Our Ref: D2023/3192). At that time, we indicated that the Rosemont site was capable of sustaining a R5 Large Lot Residential and C2 Environmental Conservation zoning, with the R5 zoning having a 2 ha Minimum Lot Size (MLS). Our submission also acknowledged that further flood risk assessment was required and there was a need for more information on groundwater bore locations. Both these issues have now been addressed with the Proposal now including a supporting FIRA Report.

The Proposal seeks a partial rezoning of the land from existing RU6 Transition to R5 Large Lot Residential and C2 Environmental Conservation. The C2 zoning is assigned to the flood prone land. The proposed R5 zone would be afforded a MLS of 2 ha while the proposed C2 area would be afforded no MLS. The remaining land in the south would retain the current RU6 Transition zoning and current 20 ha MLS.

An indicative subdivision layout plan accompanies the Proposal. Changes to the original proposal include a reduced proposed number of lots (from 5 to 4) with all flood-prone land categories (not just categories 1 and 2) being rezoned to C2. There is also a reduced R5 footprint which is now limited to the northern part of the site. We have again treated the subdivision layout plan as indicative of the site's ability to sustain the zoning and MLS arrangement proposed. The subdivision concept plan and zoning configuration also better respond to site constraints, particularly flooding risk.

WaterNSW has no objection to the Planning Proposal.

Our detailed comments are provided in Attachment 1. We will provide comments on the proposed development control plan (DCP) chapter separately given that it affects a broader area and multiple sites.

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 subject site encompasses Lot 117 and 118 DP 126140 and has an area of approximately 32.7 ha. The Proposal seeks a partial rezoning of approximately 11.44 ha of land from existing RU6 Transition to R5 Large Lot Residential and approximately 9.45 ha of land to C2 Environmental Conservation encompassing flood prone land. The proposed R5 zone would be afforded a Minimum Lot Size (MLS) of 2 ha while the proposed C2 area would be afforded no MLS. The remaining 11.75 ha of land in the south would retain the current RU6 Transition zoning and current 20 ha MLS.

Background

WaterNSW made comment on the earlier 48 Mountain Ash and 292 Rosemont Road Proposal in January 2023 (Our Ref: D2022/3192). At that time, we believed the Rosemont site was capable of sustaining a R5 Large Lot Residential and C2 Environmental Conservation zoning, with the R5 zoning having a 2 ha MLS.

Our earlier submission noted that there needed to be more information on groundwater bore locations. The new Proposal notes that site contains two existing farm dams but no existing groundwater bores (P. 32). The location of groundwater bores in relation to the site is depicted on Figure 15 (P. 33) and further discussed in the supporting Onsite Wastewater Assessment Report. We also note that there are no effluent management areas (EMAs) or dwellings on site (P. 32).

In response to the earlier combined Proposal, we acknowledged that while the site was not affected by riverine flooding, it was affected by overland flow flooding risk (stormwater runoff) in the vicinity of drainage channels. Flooding risk advice had then yet to be obtained from the former Department of Planning and Environment - Flooding Division (now part of the Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW)). We indicated our support for obtaining that advice, noting that such advice should accompany the Proposal. We note that a Flood Impact and Risk Assessment (FIRA) now accompanies the Proposal (discussed below).

Indicative Subdivision Layout Plan

The Proposal includes an indicative subdivision layout plan. This shows a proposed lot yield of four (4) lots and a configuration of proposed housing footprints based on 40 m and 100 m buffer distances from watercourses. With the exception of one lot which adopts a 3,000 m^2 area, the conceptual layout plan generally adopts a 4,000 m^2 footprint for the development envelopes to accommodate buildings and EMAs.

The conceptual layout plan shows that all flood prone land (not just categories 1 and 2) would be rezoned to C2. The R5 footprint is limited to the northern part of the site, leaving the existing RU6 zone as a residual zoning in the south. There is also no access to Barrett's Lane, which experiences inundation. Based on the layout plan, three lots would have RU5 zoning and there would be one residual lot containing split RU5/C2/RU6 zoning with the

dwelling and EMA footprint being located within the proposed R5 zone. We have treated the subdivision layout plan as indicative of the site's ability to sustain the zoning and MLS arrangements proposed, while delivering necessary EMA buffer distances.

The layout plan responds to site constraints, particularly flooding risk. It shows how the housing envelopes (which include proposed EMAs) can meet a 40 m and 100 m buffer distances from drainage lines and drainage channels. Any new rural residential development will need to ensure that EMAs are located at least from 100 m creeks and incised drainage lines. They will also need to be located outside the 1:100 flood zone to prevent effluent entering rivers or watercourses (see Table 3.1 (page 43) of the WaterNSW (2023) Water Sensitive Design Guide for Rural Residential Subdivisions). This requirement is also demonstrated on the conceptual layout plan.

Buffer distances from the two dams are not shown. The EMAs will need to be located at least 40 m distant from the two existing farm dams if these are to be retained. To this end, it is unclear if the south-westernmost envelope can achieve the 40 m buffer distance from the farm in the centre of the site. That said, we believe that there is sufficient land area to accommodate the proposed zoning and MLS arrangement while meeting all required buffer distances. Lot configuration may need to be further refined, but this is a matter for later subdivision rather than the Planning Proposal.

As indicated earlier, the Proposal notes that there are no existing groundwater bores on site, so these are not a constraint to EMAs in this circumstance.

Urban and Fringe Housing Strategy

The site occurs within Precinct 10: Mountain Ash of the Goulburn Mulwaree Urban Fringe Housing Strategy. The Strategy recommends land that is least constrained by topography and environmental constraints be rezoned to Large Lot Residential. The Proposal notes that it affords flood affected land a C2 zoning and is consistent with the Strategy (P. 11). We agree with this conclusion.

Watercourses

The site is constrained by watercourses. Based on the description in the Proposal (P. 19), a perennial drainage channel runs diagonally across the centre of the site, which is also fed by a non-perennial channel. Based on the Strahler system and our drainage layers, it appears that the two converging drainage channels on site comprise two 3rd order streams that enter from the east. These converge in the west of the site to create a 4th order watercourse before it leaves the site in the west, ultimately feeding into Gundary Creek, which then converges into the Mulwaree River. The upstream catchment for the waterway at the point it leaves the site is approximately 398.5 ha.

Flood Impact and Risk Assessment

The Proposal is accompanied by a Flood Impact and Risk Assessment (FIRA; Appendix 14a). The Report (P. 25) notes that the proposed zoning and lot layout zones land within the Flood Planning Area (FPA) as C2 Environmental Conservation and that the building envelopes for

future lots will be outside the Probable Maximum Flood (PMF). The PMF and lot layout is shown in Figure A7 while Figure C1 shows the FPA. Comparing Figure A7 of the FIRA to Figure 18 (P. 36) of the Planning Proposal, it appears that the zoning boundary is based on the PMF, which takes a conservative approach to the zoning. The overland flow modelling on Figures 16 and 17 of the Planning Proposal also supports this. WaterNSW notes and supports the inclusion of the FIRA and approach taken to the C2 zoning.

Servicing

We note that 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 effluent management systems.

Contamination

A Preliminary Site Investigation (PSI) (Contamination Assessment) Report has been prepared for the site. This includes a limited desktop review, site walkover, and soil sampling. The report concludes that the soils are considered suitable for development from a contamination perspective, subject to the report's recommendations being implemented. The recommendation includes that no further additional investigation is warranted. By this we understand that the PSI is not recommending the need for a Detailed Site Investigation. The report also recommends that an unexpected find protocol be adopted.

We support these recommendations and note they can be implemented at DA stage. It appears that the PSI report did not sample water or sediments from the farm dams which could be retained or dewatered. Further examination of the farm dams is warranted, but this does not need to occur at Planning Proposal stage and can be dealt with at subdivision stage.

On Site Wastewater Assessment App 10a)

The Proposal is accompanied by a supporting Onsite Wastewater Management Assessment Report. The Report identifies that the use of on-site wastewater management is feasible for the proposed 4-lot subdivision. WaterNSW notes that there is sufficient available space for the proposed rural residential development to accommodate on-site systems and EMAs. More detailed assessment of sewerage management may be required at subdivision stage.

Stormwater

The Proposal is accompanied by a MUSIC Assessment. The report refers to requirements of the former Sydney Drinking Water Catchments SEPP rather than the current requirements of Part 6.5 of the B&C SEPP (see below). The document refers to the 2011 NorBE Guideline rather than the current 2022 version while the Guide to MUSIC Modelling is undated. The most current version is WaterNSW 2023 Using MUSIC in Sydney Drinking Water Catchment. Reference should be made to the current legislative requirements and versions of the documents.

The Report shows conceptually how a NorBE would be achieved for a post development scenario. The supporting plans and information on (Pp. 15-16) show how proposed buildings, lot design and access road and associated impervious areas could be accommodated

while having a NorBE on water quality through the use water quality treatment measures, notably swales and bioretention basins. The report is sufficient for the Planning Proposal although a more detailed examination of MUSIC modelling and proposed water quality treatment measures is likely to be needed at subdivision stage. We believe that there is enough space on the site to accommodate the necessary stormwater treatment measures.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Proposal addresses Part 6.5 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the B&C SEPP), noting that later development consent cannot be granted unless the development has a neutral or beneficial effect (NorBE) on water quality. We note that that Part 6.5 also requires new development to be consistent with the WaterNSW (2022) Neutral or Beneficial Effect on Water Quality Assessment Guideline.

Ministerial Direction 3.3 Sydney Drinking Water Catchment

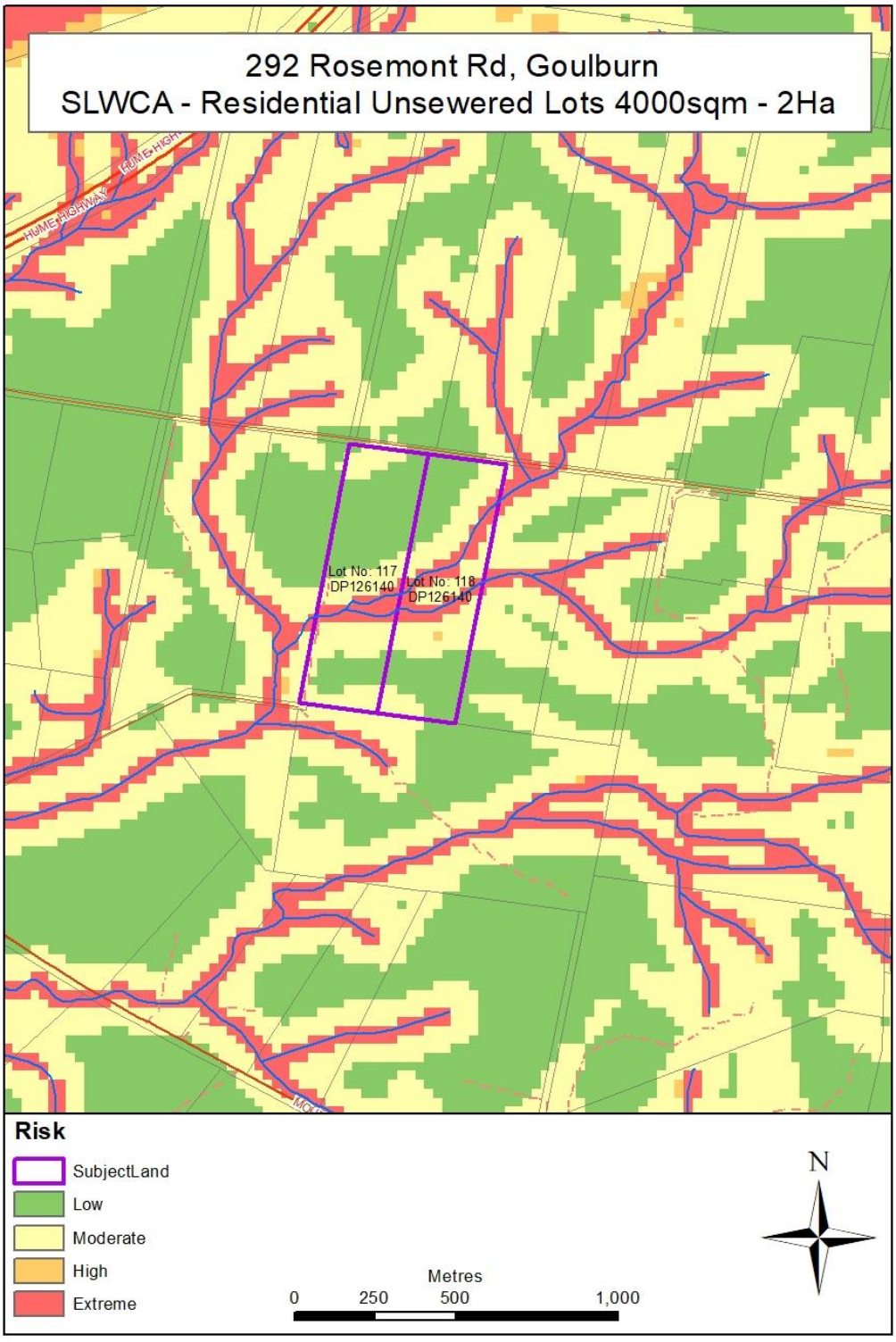
The Planning Proposal includes a comprehensive response to the requirements of Direction 3.3 Sydney Drinking Water Catchment (Pp. 31-37). This addresses issues such as servicing constraints, watercourses, groundwater bores, EMAs, on-site effluent management and wastewater disposal, and stormwater. The Proposal acknowledges that a Strategic Land and Water Capability Assessment (SLWCA) is still required to be provided. We provide the relevant SLWCA in Attachment 2. The Proposal notes that it is consistent with Direction 3.3, albeit noting that consultation with WaterNSW is still required. We agree with this conclusion and notes that this correspondence serves to meet the Pre-Gateway consultation required under Direction 3.3.

Strategic Land and Water Capability Assessment (SLWCA)

We provide a copy of the SLWCA for Residential Unsewered Lots (4,000 m^2 to 2 ha) in Attachment 2. This is the most appropriate SLWCA given the intended land use for the site. Please note that while locations and distance from waterways is factored into the SLWCA analysis, flood risk is not factored into the SLWCA modelling and risk outputs.

The SLWCA shows that the water quality risk for the site varies from LOW to EXTREME. Area of EXTREME risk are associated with the watercourses. Areas of EXTREME risk have a VERY LOW capability for unsewered development. These areas are also associated with the areas proposed for C2 zoning. The remaining areas are generally associated with a LOW or MEDIUM risk to water quality. Areas of LOW risk have a HIGH capability for unsewered residential development. Areas of MODERATE risk have a MODERATE capability for unsewered development. The areas in the north of the site that are proposed for RU5 zoning have a LOW to MODERATE capability for unsewered development. The proposed zoning is therefore largely compatible with the water quality risks for the site as generated by the SLWCA analysis and outputs.

ATTACHMENT 2 – STRATEGIC LAND AND WATER CAPABILITY ASSESSMENT



Map 1. 292 Rosemont Road, Goulburn: Strategic Land and Water Capability Assessment (SLWCA) for Residential Unsewered Lots (4000 m^2 – 2 ha).