

## **SUBMISSION : DRAFT CUMBERLAND PLAINS PLAN**

**PROPOSED E2 BOUNDARY /ZONING – [REDACTED] *Bringelly NSW***

**BASES OF SUBMISSION : - REVIEW OF PROPOSED E2 BOUNDARY [REDACTED]  
Bringelly NSW. [REDACTED]**

### **Context/Background**

- We Michael Nies, Kathryn Nies, Norman Powell and Nerida Powell are the current landowners of 21 Dwyer Road, Bringelly NSW.
- We purchased the property in 2001.
- At time of purchase the section 149 Certificate ( Environment and Assessment Act 1979) clearly stated that our property is not environmentally affected by “tidal inundation nor flooding”.
- As landowners there has been no indication prior to the receipt of the letter from the Department that our land was affected by riparian corridors as there are no signs of river, stream banks or saturated soils. All of which are indicative traits of riparian corridors.
- No Department officers accessed our property to assess the land for riparian corridors. We can only deduce that the proposed E2 zonings based on boundaries to protect the stated Level 2 Straher waterways has been determined from aerial maps only. Given the effects of these boundaries on the future development and utilization of the land, a more thorough analysis is warranted.
- To support our observations, we employed the services of Mal Brown, an independent consultant with riparian management expertise, from Northrop Consulting Engineers.

### **Report from Northrop Consulting**

- Attached ( Appendix A) is the report from Northrop Consulting that was prepared and deduced from their aerial analysis and a thorough field inspection.
- The field inspection occurred on the 19<sup>th</sup> September 2020 which confirmed no active stream processes, with a recommendation that the mapped waterway could be extinguished and removed from the proposed zoning with no loss of waterway values.
- There was no stream processes observed between [REDACTED] Bringelly. These 3 properties are all affected by the same proposed E2 zoning. There was however clear evidence of stream processes on the other side of Dwyer Road.

We wish to have this report to be included as a part of our official submission to the Draft Cumberland Plain Planning Partnership.

**Outcome being sought**

1. We request due consideration of the attached report along with an on the ground analysis of the property.
2. We seek to have the mapped waterway removed from the proposed zoning of our property at [REDACTED] Bringelly NSW [REDACTED]

We look forward to hearing a response from a member of your team in regards to this matter.

Kind regards,

Michael Nies

[REDACTED]

Kathryn Nies

[REDACTED]

Norman Powell

[REDACTED]

Nerida Powell

7 October 2020

Contact details - Michael Nies

[REDACTED]

[REDACTED]

28 September 2020

Michael Nies  
[REDACTED]  
Bringelly NSW 2556

Dear Michael,

**Re: Draft Cumberland Plain Conservation Plan**  
Riparian Assessment at [REDACTED] Bringelly

It is my understanding that you wish to make a submission to the NSW DPIE in relation to the draft Plan which is currently on exhibition. You represent yourself and your neighbours, as follows:

- [REDACTED] Chris and Dianne Whyte
- [REDACTED] Carmen Morgan
- [REDACTED] Michael & Kathryn Nies and Norman & Nerida Powell

### **Background and context**

I am an independent consultant with expertise in riparian management matters. This formed part of my experience when working for NSW Dept of Land & Water Conservation (Ecological Services Unit) in the 1990s, and subsequently as an engineering, water and environment consultant.

I was approached by Helen Anderson, Chair of a Committee of landowners in the Dwyer Road precinct and referred to as the Southern Gateway Precinct in the suburb of Bringelly. The Committee represents 250 landowners in the boundary of the Southern Gateway Precinct – Aerotropolis. This Committee facilitates communications with Government and potential investors.

The Chair advised me that the *Draft Cumberland Plain Conservation Plan* had been released for public exhibition, identifying proposed E2 zoning in the current R5 (large residential lot) section of the precinct. I was advised that 62 properties are affected by the proposed E2 zoning, with 45 linked to 2<sup>nd</sup> Order Strahler mapped waterways. I was also made aware that Environmentally Significant lands had been mapped.

I was asked if I would consider the implications of the 2<sup>nd</sup> Order Strahler riparian zones to determine if I would prepare a submission on behalf of the Committee.

In response, I conducted a high-level desktop assessment to assess the mapped 2<sup>nd</sup> Order Strahler waterways. I concluded that in relation to the precise definition of 2<sup>nd</sup> Order Strahler waterways, that the mapping was accurate, with 20m riparian zones designated either side of the waterways, as per the NSW Guidelines. I then conducted a desk-top assessment of each of the mapped 2<sup>nd</sup> Order waterways using aerial photography. I was able to identify several of the mapped waterways that warranted further exploration. Specifically, I identified that several of the mapped waterways demonstrated no evidence of stream processes or values. I also determined that in two cases there were two parallel waterways in close proximity. The mark-up I provided to the Chair is as shown in



Figure 1. I advised the Chair that there may be a case for a submission on the affected properties, and that I would need to conduct field investigations to confirm my findings.

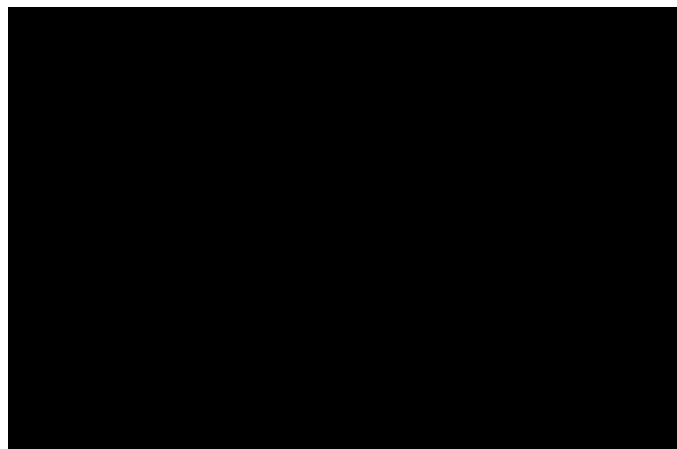
After informing the Chair of my findings, individual affected landowners in the precinct were advised make contact with me, including you. Any submissions would be on behalf of affected landowners, as opposed to the entire Committee. I conducted field investigations on Saturday 19<sup>th</sup> September 2020. This was a fine day with no preceding rainfall.



**Figure 1: Marked up 2<sup>nd</sup> Order Strahler waterways map showing areas for potential ground truthing**

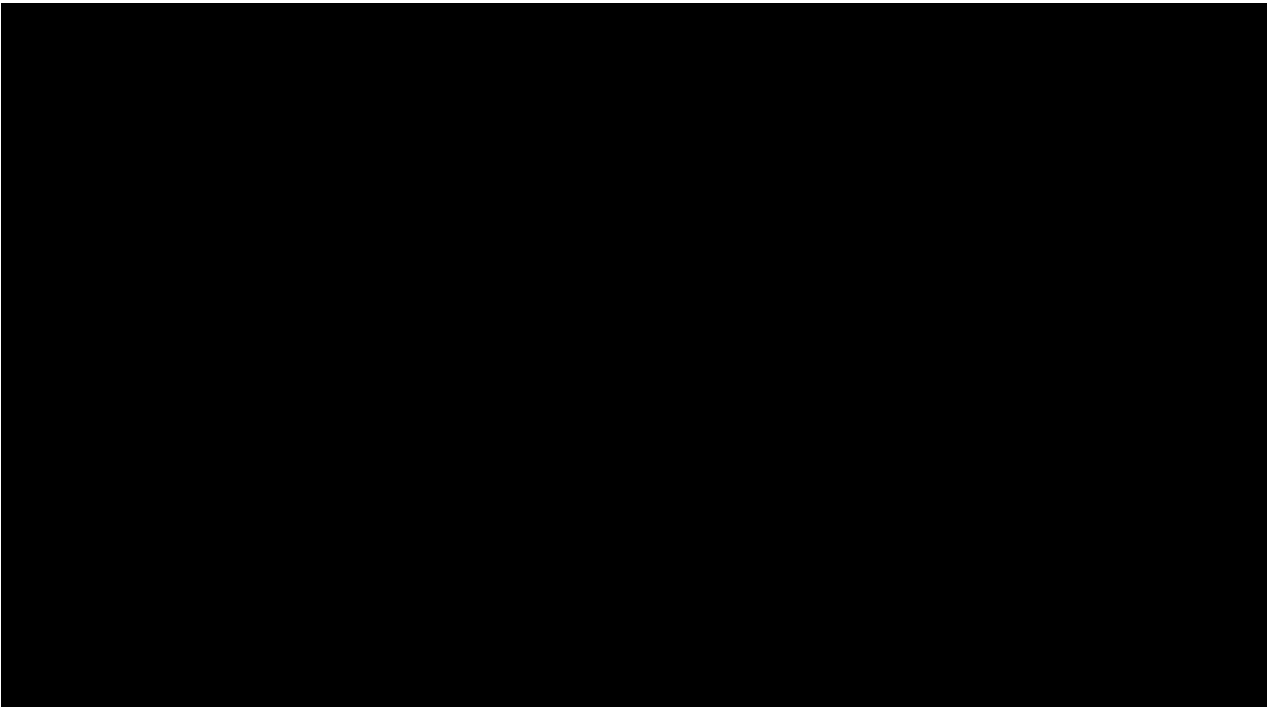
**Findings at** 

The location of the properties is shown circled in blue in Figure 2.



**Figure 2:** 

The topographic map and aerial photograph of the properties are superimposed in Figure 3. It reveals no evidence of stream processes occurring on any of the three properties.



**Figure 3: Snip from Six Maps showing waterways at [REDACTED]. The blue line is the mapped 2<sup>nd</sup> Order Strahler waterway**

I inspected the waterway in the presence of Kathryn and Michael Nies and Norm Powell, owners of No. 21. They advised me that they had purchased the property 20 years or so prior and that they had not made any changes by way of earthworks in the vicinity of the waterway in that time.

The mapped waterway connects and includes two farm dams. I observed the following in relation to the waterway:

- The farm dam on [REDACTED] spills to the west and makes its way overland to the other farm dam at [REDACTED] (Figure 4)
- There is a vegetated flow path leading from No. [REDACTED] (Figure 5).
- There was no evidence of stream processes observed any of the three properties (Figures 4, 5 and 6).
- By way of contrast, there is clear evidence of stream processes on the downstream property, on the opposite side of [REDACTED], i.e. an inlet channel to a wetland (Figure 7)



Figure 4: Dam wall at [redacted]



Figure 5: Looking downslope from dam wall at [redacted] to dam at [redacted]

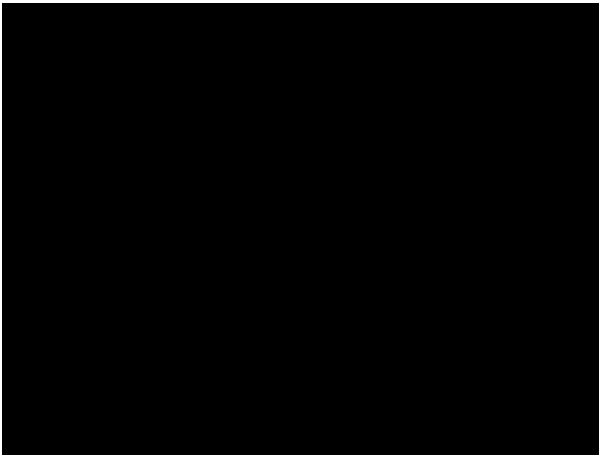


Figure 6: Outflow from [redacted]

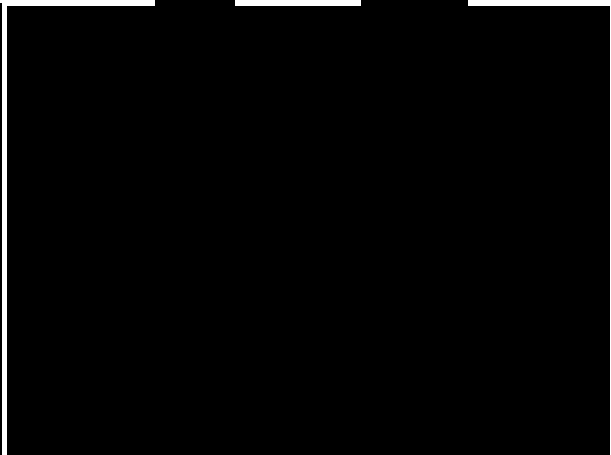
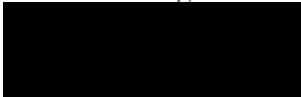


Figure 7: Inlet channel to wetland on downstream property

I conclude that the mapped 2<sup>nd</sup> Order Strahler waterway on [redacted] has no evidence of active stream processes. In my opinion, the mapped waterway could be extinguished and removed from the proposed zoning with no loss of waterway values.

I authorise you to use this information as the basis of a submission to NSWDPPE.

Yours faithfully,



**Mal Brown**

Principal | Senior Engineer

Master of Natural Resources; Bachelor of Env'tl Sci (Hons)

On behalf of Northrop Consulting Engineers Pty Ltd