

Friday, 09 October 2020

Department of Planning, Industry & Environment Green & Resilient Places Division Locked Bag 5022 Parramatta NSW 2124

Dear Sir / Madam

# <u>Submission to exhibition of Draft Cumberland Plain Conservation Plan ('draft CPCP') – North Wilton Precinct, Wilton Growth Area</u>

Thank you for the opportunity to make submissions on the draft CPCP exhibition documents. We also acknowledge receipt of the information provided in your email advice of 26 August 2020 which in part responds to our submissions of 27 May 2020 (copies attached).

We congratulate the NSW Government and the Department in their efforts in preparing the CPCP. The finalised plan will be a much-needed, critical piece of environmental policy and legislation that supports both the long-term growth of Western Sydney while protecting important biodiversity in the region.

Bradcorp appreciates the ongoing consultation and dialogue over the preparation of the CPCP. We acknowledge the complexities in preparing such a plan to achieve the overall vision of supporting the delivery of infrastructure, housing and jobs for the Western Parkland City in a planned and strategic way that protects and maintains important biodiversity. This submission is being made with that in mind.

We note that the exhibited mapping has, in part, taken into account early feedback from Bradcorp. This related to the need to recognise the strategic road network for the Wilton Growth Area as well as other suggested measures to efficiently and logically develop the land without compromising good biodiversity outcomes. There are still however a number of matters we either need to again raise or now bring to the Department's attention. These are outlined below.

### **Riparian Corridors**

We note the advice in your email of 26 August 2020. With respect, the advice does not in our view properly recognise or acknowledge our previous submission & supporting information on 27 May 2020 that the rezoning process for North Wilton included ground truthing stream assessments supporting the removal of streams which are now proposed to be excluded as urban capable land and be included as Environmental Conservation land.

The streams referred to are identified at Notes 1 and 3 in the plan at Attachment 3 of our submission of 27 May 2020.

The practical effect of excluding these streams and zoning them as Environmental Conservation land will mean that:

- Delivery of the northern sub-arterial road serving the North Wilton Precinct will be unnecessarily impacted.
- Delivery of an essential road link to the Town Centre Precinct and the Wilton primary/secondary school will also be unnecessarily impacted.

Based on the above, these proposed 'urban capable land' exclusions would not contribute to maintaining important biodiversity and would unnecessarily complicate the delivery of important infrastructure. This, in our view, is inconsistent with the overall vision for the CPCP referred to above.

We again request that the streams in question be included as urban capable land to enable the delivery of the infrastructure and road links that have been planned for by DPIE.

#### Maldon Dombarton Rail Corridor and Easements

We note that the Maldon MDRC, 132kv powerline easement and right of way along the Hume Motorway at North Wilton are still not proposed to be bio-certified under the draft CPCP.

## As outlined previously:

- two major road crossings are required to link North Wilton to the Town Centre Precinct, both of which form an integral part of the Strategic Road Network identified in Wilton 2040.
- Additionally, a pedestrian link between the Precincts over the MDRC has also been identified by the DPIE.
- Land within the 132kv powerline the easement can be developed by either being included within future lots, open space or the road network.
- The right of way along the Hume Motorway, currently providing legal access to the MDRC, will be removed and developed for urban purposes once the sub-arterial road network is constructed to replace it.

Please refer to Notes 2, 4, 5, 6 and 7 in the plan at Attachment 3 of our submission of 27 May 2020 for the locations referred to.

We note your email advice that if no vegetation (within these corridors) are impacted, it is likely that the approval process to develop them will be straight forward.

It is apparent that any vegetation within the MDRC where these crossings are located is of no biodiversity significance. This is also the case for the majority of the land within the powerline easement where it is abutted by 'urban capable' land and land within the right of way. We therefore consider that to exclude the crossings, easement and right of way lands will add an unnecessary step in obtaining approval to deliver important infrastructure (in the case of the MDRC crossings) or the efficient delivery of urban land. Again, this approach is inconsistent with the overall vision for the CPCP of supporting important infrastructure and delivering housing while maintaining important biodiversity.

We accept that this may not be the case for all easements within the nominated areas of the Plan. However, for the reasons outlined above, a "one size fits all" approach as proposed by the Draft CPCP is not an efficient or good planning outcome. We again request that the

MDRC (at the least the crossing locations), powerline easement area and right of way lands be included as urban capable land and bio-diversity certified.

### Proposed Environmental Conservation Zone

The explanation of intended effect for the proposed SEPP for Strategic Conservation Planning ('the Conservation SEPP') provides the following:

In some cases, an E2 zone will already exist under another EPI but its provisions will be inconsistent with the E2 zone proposed under this SEPP. If the land is identified as avoided land, the proposed SEPP will remove some permitted land uses of the existing E2 zone to align the zone with the E2 zone proposed under this SEPP

In the case of North Wilton, the existing E2 Zone is proposed to be amended to align with proposed non-certified land avoided for biodiversity reasons or avoided for other purposes. Significantly, the proposed E2 Zone under the Conservation SEPP will remove the following current permissible land uses from E2 Zoned land under the Growth Centres SEPP:

Information and education facilities; Kiosks; Recreation areas; Roads

The Conservation SEPP will only permit *environmental protection works* and *flood mitigation work* in the proposed zoned E2 zone.

We refer to our earlier discussion of riparian corridors and the streams referred to at Notes 1 and 3 in the plan at Attachment 3 of our submission of 27 May 2020. The intended prohibition of roads in the proposed E2 Zone will effectively mean that any planned roads, i.e. the northern sub-arterial road and road link to the Town Centre Precinct and the Wilton primary/secondary school will need to be relocated. This is despite ground-truthing stream assessments undertaken as part of Precinct Planning supporting their removal. This is a significant change which, in our view, is not supported by the evidence.

Based on the above, in the case of North Wilton we would strongly request that the current range of permitted land uses for the E2 zone remain as is.

### Shale Sandstone Transition Forest ('SSTF') mapping

We note that the draft CPCP mapping identifies significant parts of the North Wilton 'urban capable' land as part of a SSTF Threatened Ecological Community. These areas predominantly comprise of degraded Derived Native Grassland ('DNG'). We understand that the determination of required offsets area under the Plan takes account of these areas being declared urban capable.

We have discussed the classification of the DNG areas as SSTF with ecological consultants, Niche Environment & Heritage. It is our understanding from those discussions that:

- Insofar as the legal definition for SSTF in NSW is concerned their does not appear to be any provision for the community to comprise a grassland only (derived from the woodland community) variant of the community.
- Whilst it is true that some EEC final determinations note that DNG variants of the
  woodland community, if contiguous with the woodland variant (i.e. grass adjacent to
  trees) may contribute to the 'patch' of the EEC, the SSTF final determination does not
  provide for that.
- The final determination states that SSTF is also listed at a Commonwealth level under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). However, the Commonwealth listing advice excludes some patches, here regarded as Shale Sandstone Transitional Forest, on the basis of condition or

structure thresholds. In other words, the Commonwealth definition of the community, generally has a higher condition threshold than the NSW definition.

On this basis we submit that these predominantly DNG areas should not be identified as SSTF for the purposes of the Plan.

## Cumberland Plain Woodland ('CPW') mapping

We note that the draft CPCP mapping identifies parts (90ha) of the areas proposed to be certified 'urban capable' land as part of a CPW Threatened Ecological Community. The areas identified are in fact individual 'paddock' trees. We understand that the determination of required offsets area under the Plan also takes account of these areas being declared urban capable.

We do not believe that these areas constitute CPW communities as per the final determination. On this basis we submit that these areas of individual trees should not be identified as CPW for the purposes of the Plan.

### Exclusion of Stage 1 DA area

The Draft CPCP excludes areas that are the subject of current, yet undetermined development applications. In the case of North Wilton, this excludes the land area covered by our Stage 1 subdivision and Sub-Arterial road application. We understand the basis for its exclusion is that the ecological assessment of the applications is subject to the now repealed *Threatened Species Conservation Act* and complications with having the 'DA land' potentially subject to multiple assessment approaches.

Whilst we understand and would agree with the exclusion of land that is subject to determined development applications, this is not the case here. Whilst we have every confidence that our development applications will be approved, we can't be certain. This would potentially mean that areas within the Growth Areas covered by the Plan would be excluded from the certainty of outcomes, as intended for the Growth Areas. We are also concerned that we would be obligated to pay State Infrastructure Contributions under VPA arrangements for conservation outcomes in an area not identified under the plan as urban capable.

On this basis we believe it is imperative that the Plan does not exclude areas that are subject to undetermined development applications.

## **Existing and Future Maldon Employment Areas**

The existing and future Maldon Employment Areas have been identified, in the majority, as urban capable land under the draft Plan. We raise the following issues:

- The existing Maldon Employment Area, located on the western/south western side of Picton Road, is zoned and largely developed. The TEC mapping shows a significant amount of SSTF TEC on nominated urban capable land here, which we understand would be included as TEC required to be offset under the Plan. Whilst we question the identification of these areas as SSTF (they are essentially grassland) we disagree with this approach in principle on the basis that the land is largely developed. We submit that these areas should not be included for the purposes of calculating required offsets.
- It is our understanding that the future Maldon employment area is affected by an approved mining lease held by South 32. We further understand that a significant, high quality coal resource is present here and that mining is not scheduled to commence for some 30 years with completion more than a decade later. In all likelihood this area will not be developable for the life of this Plan. We therefore

submit that this area should not be included for the purposes of calculating required offsets for the life of this Plan.

Thank you for considering our submissions. We would welcome the opportunity to discuss the above in further detail. If you wish to do so or have any questions please don't hesitate to contact us.

Kind Regards,



**Grahame Kelly**Executive Director

From: DPE PS Biodiversity Mailbox < biodiversity@planning.nsw.gov.au>

Sent: Wednesday, August 26, 2020 5:29:48 PM

Subject: Public exhibition of the Draft Cumberland Plain Conservation Plan

Dear Mr Grogan,

Subject: Public exhibition of the Draft Cumberland Plain Conservation Plan

The Department of Planning, Industry and Environment (the department) is writing to notify you that the Draft Cumberland Plain Conservation Plan (the Plan) is currently on public exhibition.

The Plan is a strategic conservation plan for Western Sydney. It will support the delivery of infrastructure, housing and jobs for the Western Parkland City in a planned and strategic way that protects and maintains important biodiversity. The Plan seeks to streamline biodiversity approvals processes under both NSW and Commonwealth legislation.

The department met with you in late 2019 about the Plan and Bradcorp holdings in the Wilton Growth Area. The meetings were set up to allow you to provide early feedback into the development of the Plan in relation to these landholdings.

In your letter of the 27<sup>th</sup> of May 2020, you raised four specific issues. They are addressed in the responses below:

- 1. Riparian corridors and essential infrastructure:
  - The riparian corridors have been mapped consistently throughout the Plan Area using the LPI 1:25,000 topographic database hydro line layer and calculating the Strahler orders using tools from the ArcHydro extension in ArcGIS. A buffer each side of the centre line with a width correlated to the strahler order has been created to generate a spatial riparian corridor. The Department recognises that additional essential infrastructure, such as local roads, may be needed outside of the urban capable land, to support development in the growth areas.
  - The strategic assessment under Part 10 of the EPBC Act will allow certain essential infrastructure to be developed by, or on behalf of, public authorities outside of the urban capable land, subject to consistency with a guideline proposed under the Plan.
  - Infrastructure that would cross non certified areas, such as riparian corridors, may require assessment and approval under the *Biodiversity Conservation Act* 2016.
- 2. Precinct plans will be amended consistently with the Plan.
  - The zoning for Wilton North was completed prior to the finalisation of the CPCP urban capable footprint. This has resulted in some minor inconsistencies between the zoning and the urban capable footprint.
  - It is proposed that the zoning will be updated to align with the urban capable footprint immediately following approval of the Cumberland Plain Conservation Plan. This will ensure that the land certified for development matches the land zoned for development.
- 3. Maldon Dombarton Rail Corridor and Easements:

- Easements, including the rail corridor, have been consistently excluded from biodiversity certification across the nominated areas of the Plan.
- Any development occurring within the corridor will need to undergo a separate approval noting that if no vegetation is impacted, it is likely that the approval process will be straight forward.
- Note that not all infrastructures were certified through the Growth Centres process and required a specific offsetting program.
- Legislation and process have changed since the Growth Centres were certified.

#### **Land Category Update**

The map at Attachment 1 shows how the land categorisation has changed on these holdings between 2019 and the Plan currently on public exhibition.

The urban capable footprint determined for these holdings were developed following the department's Avoidance Criteria. These criteria were applied consistently throughout all the nominated areas and ensured that areas with a high biodiversity value were not included in the urban capable footprint.

During the early engagement process requests for updates to the certification boundary were considered by the department and only those changes consistent with avoidance criteria with no additional impacts to threatened species or native vegetation could be made.

The department has published the Draft Cumberland Plain Conservation Viewer at <a href="https://www.planning.nsw.gov.au/aboutcumberlandplainconservationplan">https://www.planning.nsw.gov.au/aboutcumberlandplainconservationplan</a> to help landowners identify if their land is affected by the Plan at property scale. It shows land categorisation, presence of mapped threatened ecological communities, presence of koala corridors and other environmental and planning information. Please also refer to our website for more information, including landholder FAQs at <a href="https://www.planning.nsw.gov.au/aboutcumberlandplainconservationplan">https://www.planning.nsw.gov.au/aboutcumberlandplainconservationplan</a>.

If the Plan is approved, all land designated as certified-urban capable will not require further environmental assessment under the NSW *Biodiversity Conservation Act 2016*, or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

### **Proposed Environmental Conservation Zone**

The Plan has identified that some of your land is within the area proposed for environmental conservation (E2) zoning. The proposed change to land use zoning will support the Plan's objectives. This proposed future use is consistent with the strategic plan and vision for your area, which can be reviewed on the department's website <a href="https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts">https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts</a>.

The Plan has also identified that some of your land is already zoned or proposed to be zoned for environmental conservation (E2) under an environmental planning instrument such as a state environmental planning policy (SEPP) or local environmental plan (LEP).

The department is proposing amendments to the permitted land uses for your land, to align these uses with the environmental conservation (E2) zone proposed under the SEPP for strategic conservation planning. Please refer to the Explanation of Intended Effect for more detail on the proposed planning changes relating to the environmental conservation (E2) zone.

Your land may also by affected by other planning controls proposed by the Plan. The department has published the Draft Cumberland Plain Conservation Viewer to help landholders identify if their land

is affected by the Plan. It identifies land proposed for environmental conservation (E2) zoning and other key information.

The Explanation of Intended Effect describes the planning controls proposed by the Plan and will help you understand how land proposed to be zoned for environmental conservation (E2) is affected by the Plan.

If only part of your land is identified for environmental conservation (E2) zoning, the remainder of your land will remain in the existing zoning as identified in the relevant environmental planning instrument such as a SEPP or local environmental plan (LEP).

The proposed environmental conservation (E2) zoning will not affect current uses of the land, and landholders can continue to live on their land, using their properties as they lawfully did before the Plan commenced.

#### Your submission

The Plan package is on public exhibition until 25 September 2020. The department encourages you to the view the documents and make a formal submission on the Plan at <a href="https://www.planningportal.nsw.gov.au/draftplans/exhibition/draft-cumberland-plain-conservation-plan">https://www.planningportal.nsw.gov.au/draftplans/exhibition/draft-cumberland-plain-conservation-plan</a>.

The department will consider all feedback gathered from the submissions when finalising the Plan.

If you require further information, please contact Laura Torrible on

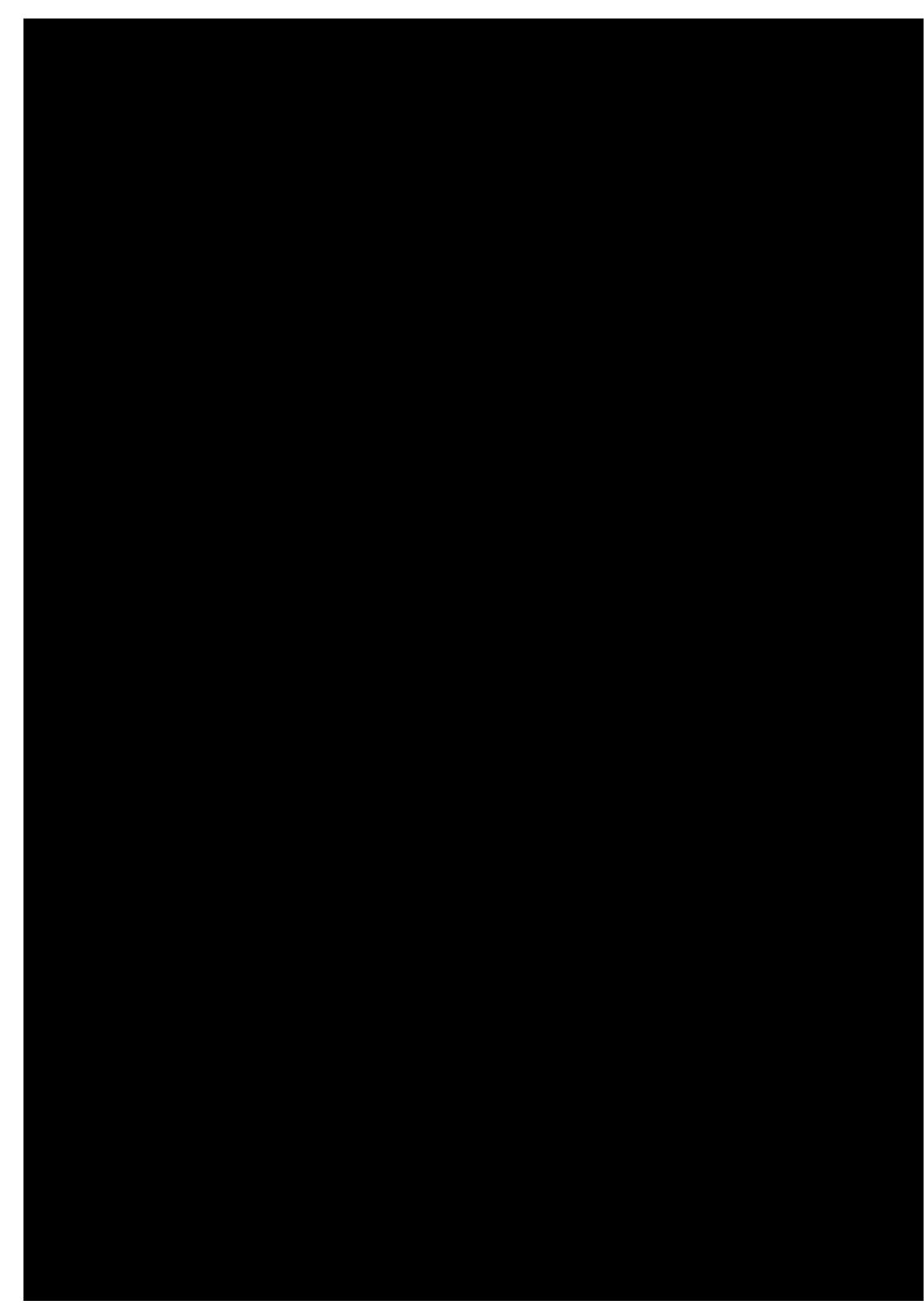
Yours sincerely,

Elizabeth Irwin
Director Conservation & Sustainability
Green & Resilient Places Division
4 Parramatta Square, 12 Darcy St Parramatta, NSW, 2150
www.dpie.nsw.gov.au



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.







Wednesday, 27 May 2020

Mr Steve Hartley
Executive Director
Environment Infrastructure Planning & Resilient Places
Department of Planning, Industry & Environment
Locked Bag 5022
Parramatta NSW 2124

Via email:	

Dear Mr Hartley,

### RE: NORTH WILTON PRECINCT - CUMBERLAND PLAIN CONSERVATION PLAN

Thank you for our telephone conversation on the 20th May 2020. Bradcorp is appreciative of the previous and continuing dialogue with the Department regarding the draft Cumberland Plain Conservation Plan (CPCP).

As discussed, Bradcorp has strong concerns relating to the land at North Wilton proposed to be bio-certified, i.e. the proposed 'urban capable' land. It was appreciated that you had indicated that, if the matters we addressed were found to be valid, then changes may need to be made.

We have now reviewed the details of the proposed Urban Capable footprint for North Wilton provided to us by your team last week. There are a number of issues we need to raise with you.

Unfortunately, in our view the current proposed bio-certification for North Wilton does not recognise the delivery of the Government's strategic road network at Wilton. That road network was finalised by the Government after extensive work and is key to connecting the Wilton precincts. We are sure this potential impact is inadvertent, but hope you agree it needs to be resolved.

The Strategic Road Network is a core part of the Wilton Priority Growth Area and should be bio certified in the CPCP process.

A review of the data provided has identified a number of significant issues, which not only reduce the quantum of proposed bio-certified land, but also make it difficult to efficiently and logically develop the land. These issues are identified below.

### 1. Riparian Corridors

The digital data and accompanying site plan identify that two 'streams' will be excluded from the 'urban capable' classification and will not be bio-certified. In previous discussions with Department of Planning, Industry and Environment (DPIE) staff, Bradcorp noted that as part of the rezoning process, the DPIE and Bradcorp had received correspondence from the then Water NSW, which did not require protection of the streams. As such, the streams were rezoned Urban Development as part of the rezoning of the North Wilton Precinct.

Notwithstanding this, we do not believe that the streams that have been identified for retention have been appropriately ground-truthed. This is particularly case for the stream identified to be retained in the north, which does not demonstrate the required characteristics of a stream and is on land identified as the northern village centre. See attached report and correspondence from Water NSW.

The practical effect of excluding these streams will mean that planned road infrastructure and the core of the northern village centre will not be bio certified.

The northern stream impacts on the northern sub-arterial road serving the North Wilton precinct which is also proposed to cross over the Nepean River to Douglas Park.

The stream in the south of the North Wilton precinct is located in an area where there is an essential road link to the Town Centre Precinct and the Wilton primary/secondary school.

Separate to these impacts, there is history of discussions about these areas which we understood had been concluded in the Precinct Planning Process by the DPIE.

It is unreasonable to suggest that this essential infrastructure will have to be offset outside of the CPCP and contributions of the SIC regime.

In light of the above, we believe the streams must be included as urban capable land to enable the delivery of the infrastructure and road links that have been planned for by DPIE.

#### 2. Maldon Dombarton Rail Corridor

We note that the Maldon MDRC will not be bio-certified as part of the draft CPCP.

Two major road crossings are required to link North Wilton to the Town Centre Precinct, both of which form an integral part of the Strategic Road Network identified in Wilton 2040. Additionally, a pedestrian link between the Precincts over the MDRC has also been identified by the DPIE.

This infrastructure has been identified by DPIE and Transport NSW as integral to the broader Growth Area road and pedestrian network and its approval is subject to Part 4 of the EPA Act.

Without the necessary bio-certification, an unnecessary delay and study on the impact on native vegetation potentially affected will be required. Potentially resulting in unjustified offsetting applied on top of the SIC.

As such, the corridors for the road and pedestrian links over the MDRC should be biocertified as part of the CPCP. To assist the Department with mapping, we attach a plan that illustrates the areas of the MDRC we believe should be bio-certified as part of the CPCP process. The digital data of this plan can be provided to the DPIE if required.

### 3. Easements

The 132kV powerline easement that traverses the site in the north of the precinct is identified to be excluded as part of the draft CPCP. This easement remains in the ownership of Bradcorp and at the very minimum will be developed for roads, the rear of residential lots and open space. Bradcorp has outlined during our conversations with the Department that the electricity infrastructure is likely to be undergrounded and the current easement extinguished. Notwithstanding, in the event this does not eventuate, the land within the easement can be developed by either being included within future lots, open space or the road network.

This is not a new approach. As noted in point 1 above, the bio-certification outcome achieved in the South West Growth Centre also included electricity easements. For example, the 132kV and 330kV powerline easements traversing the Oran Park Precinct are bio-certified. In the case of the 330kV powerline easements, they have been incorporated as part of the open space network or included as part of private residential lots. A similar approach should be considered in the CPCP.

We also note that a right of way along the Hume Motorway, which provides legal access to the Maldon Dombarton Rail Corridor (MDRC) has not been identified as 'urban capable' and consequently will not be bio certified. As with the powerline easement, the right of way is land that remains in the ownership of Bradcorp, with the right of way to be extinguished once the sub-arterial road is delivered.

A further requirement to offset any vegetation in this land in addition to the CPCP and SIC is unreasonable and contrary to the intent of the bio-certification provisions of the Act.

As such, the easement and right of way should be classified as 'urban capable' and included as bio-certified land under the CPCP.

We request the above matters be given urgent consideration and attention.

### 4. Other matters

There are a number of additional areas of land that have an Urban Development zoning that have not been identified as urban capable by the draft CPCP that would result in a reduction of developable land and the application of boundary linework that is impractical from a development design and delivery aspect. While these matters are important in their own right, these were discussed during our meeting on the 20 December 2019 and we understand they can be resolved as part of the exhibition and submissions process for the draft CPCP.

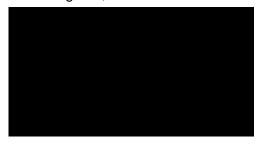
We will be preparing a detailed submission on the alignment of the draft CPCP boundary and the UDZ zoning boundary for further discussion with the Department ahead of, or during the exhibition process.

We respectfully request that the above matters 1-3 be incorporated into the draft CPCP ahead of the exhibition or that there is an undertaking that the recommended Plan post exhibition will remedy the above issues.

We are keen to work collaboratively with the Department and suggest we meet to discuss a way forward to resolve these issues.

Please do not hesitate to contact Grahame Kelly on

# Kind Regards,



Grahame Kelly Executive Director | Bradcorp Holdings Pty Ltd

CC:

Brett Whitworth Deputy Secretary Department of Planning, Industry and Environment

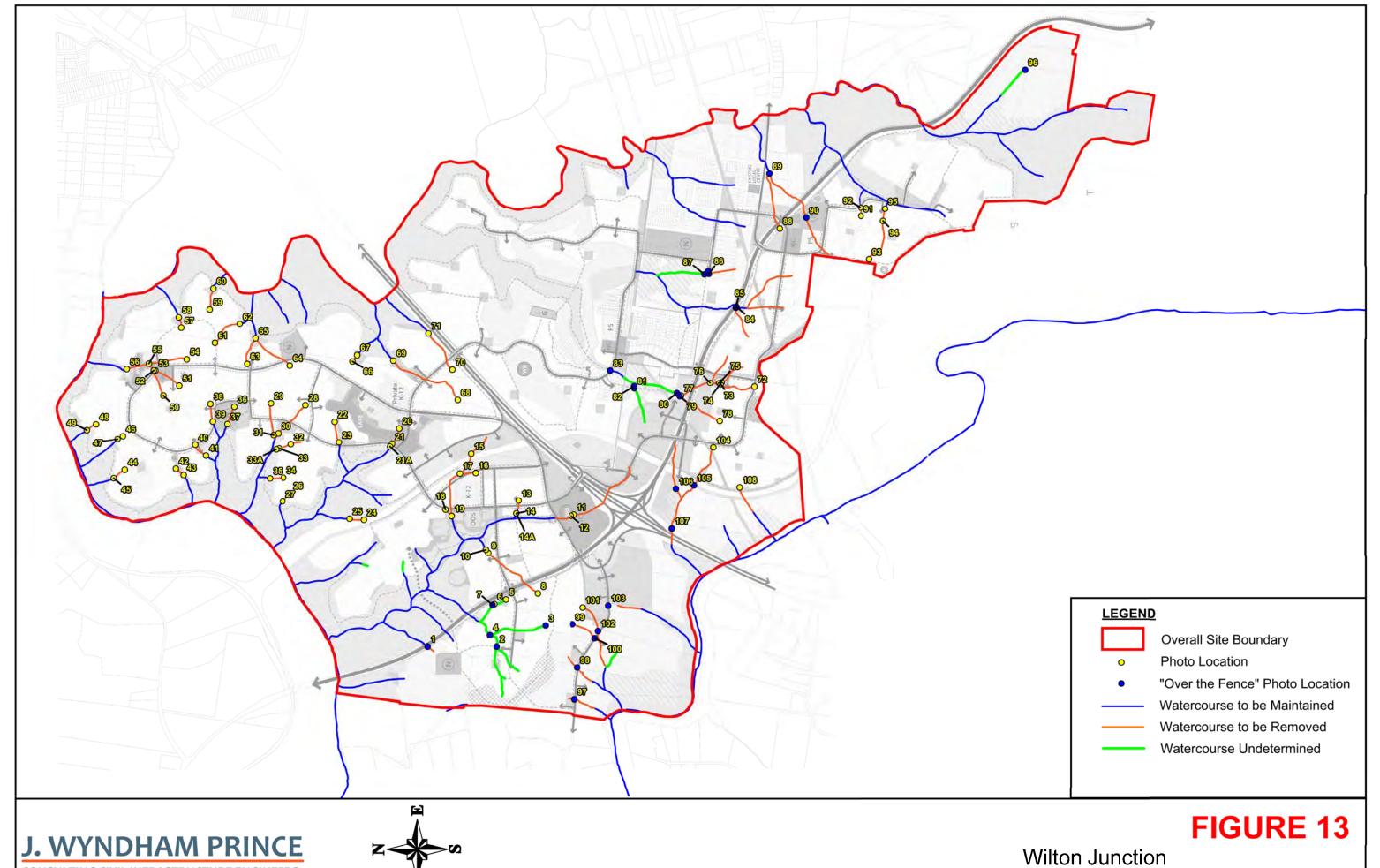


# **ATTACHMENT 1**

Appendix G of the Wilton Junction Water Cycle Management Strategy



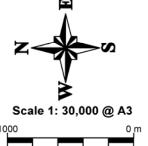
**APPENDIX G - STREAM ASSESSMENT** 



CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

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Wilton Junction
Water Cycle Management Strategy
Photo Locations

Revision: B Dated 30/05/14

9708\_Figure 13 (Photos)

ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)	ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)
1	Downstrea		No defined channel or flowpath. Short grass with scattered trees.  (Note: Photo taken from fence line due to estricted site access.)	N	N	6	Downstr		· Heavy erosion at bank sides. · Meandering upstream at 1 -5 m wide (at 0.5 - 1 m depth). · Large rock bed at water course invert.	-	-
2	Upstrea		Cropped pasture grass. Drains to man-made farm dam. Very wide natural depression/flowpath.  (Note: Photo taken from fence line due to estricted site access.)	-	-	7	Downstream o Boundary Fence		Meandering at 1 - 2 m wide (approximately 0.5 m depth). Heavy vegetation (trees) along banks. Exposed soil and debris at invert.  (Note: Photo taken from fence line due to	-	-
3	Upstrea		Very wide natural depression/flowpath. Drains to man-made farm dam. Cropped pasture grass.  (Note: Photo taken from fence line due to estricted site access.)	-	-	8	Upstrea		restricted site access.)  Very wide natural depression/flowpath. Cropped pasture grass. Drains to concrete cattle crossing under Picton Road (Large culvert approximately 3 x 3.5 m).	N	N
4	Adjacen		Man-made farm dam. Cropped pastured grass. Determination of removal to be ndertaken at a later time.  (Note: Photo taken from fence line due to estricted site access.)	-	-	9	Downstrea		Heavily eroded bank at 1 -2 m wide (approximately 0.5 m depth). Cropped pasture grass with scattered trees.	Υ	N
5	Upstrea		No defined channel. Cropped pasture grass. Very wide natural depression/flowpath.	-	-	10	Just downstream of Photo 9		Large rock bed at water course invert. Sparse vegetation (shrubs).  (Note: Not proposed for removal. ncluded to show bush corridor just downstream.)	N	Y

ID	Photo Location	n Photo		Stream Bank? (Y/N)	River? (Y/N)		Photo Location	Description	Stream Bank? (Y/N)	River? (Y/N)
11	Downstrea		Meandering at 2 - 3m wide. Cropped pasture grass.	Υ	N	15	Upstrea	- No visible flowpath. - Cropped pasture grass.	N	N
122	Upstream Farm Da		Ponding in channel with no visible flow.  Drains under road via pipe crossing to rm dam.  parse vegetation (shrubs).  Cropped pasture grass in overbanks.	Y	N	15	Upstream (looking upstream)	<ul> <li>- Large mound with sparse vegetation (shrubs and small trees).</li> <li>- No observable depression/flowpath.</li> <li>- Possible farm dam.</li> </ul>	N	N
13	Upstrea		No defined channel.  Very wide natural depression/flowpath.  solated ponding.  Cropped pasture grass.	N	N	16	Upstrea	- Very wide natural depression/flowpath Cropped pasture grass.	N	N
14	Downstrea		Meandering channel 1 - 2 m wide. Heavy riparian vegetation. Rock outcrop prior to conenction to bush rridor (5 - 7 m wide).  Note: It is proposed to retain a small ortion of this watercourse as shown on gure 13)	Υ	Y	17	Downstream (looking upstream)	<ul> <li>Very minor natural depression/flowpath.</li> <li>Cropped pasture grass.</li> <li>0.5 m bank depth.</li> <li>Minor meander.</li> </ul>	N	N
14/	Downstrea (looking downstrea		Dense riparian vegetation.  Rock outcrop (5 -7 m wide) before vertical op to invert.  Note: Not proposed for removal. cluded to show bush corridor just ownstream.)	Υ	Y	17	Upstream (looking downstream)	- No defined channel/flowpath Drains to man-made farm dam Cropped pasture grass.	N	N

ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)	ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)
18	Upstream		Natural depression/flowpath.  Downstream of man-made farm dam.  Cropped pasture grass.	N	N	22	Upstre		Defined bank at 1 - 2 m wide pproximately 1 m depth). heavily eroded/exposed soil due to estock. Cropped pasture grass.	Y	N
19	Downstream		Natural depression/flowpath.  Downstream of man-made farm dam.  Cropped pasture grass.	N	N	23	Downstr		Defined bank at 1 - 2 m wide pproxmiately 0.5 - 1.5 m depth). Heavily eroded/exposed soil due to estock. Sparse vegetation (shrubs). Cropped pasture grass in overbank.	Y	N
20	Upstream		No defined channel. Cropped pasture grass. Very wide natural depression/flowpath. Some erosion at invert.	N	N	24	Upstre		No defined channel. Very wide natural depression/flowpath.	N	N
21	Downstream		Meandering defined channel at 1 - 5 m wide. Scattered rocks and exposed soil/erosion t invert. Cropped pasture grass in overbank.	Y	N	25	Downstr		Very wide depression/flowpath No defined channel. Exposed soil/erosion.	N	N
21A	Downstream		Channel 2 - 3 m wide with scattered rocks t invert. Riparian vegetation with scattered trees nd shrubs. Ponded water with no visible flow onnectivity.  (Note: Not proposed for removal. ncluded to show bush corridor just ownstream.)	Y	Υ	26	Upstre		No defined channel. Wide natural flowpath/depression. Scattered rocks and vegetation (shrubs).	N	N

ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)		Photo Location	Photo	Description	Stream Bank? (Y/N)	River?
27	Downstream		ide natural depression/flowpath. o defined channel. inor exposed soil at invert. ropped pasture grass with groups of es.	N	N	32	Upstre		Defined channel at 2 - 5 m bank pproximately 0.5 - 1 m depth). Heavily eroded/exposed soil due to vestock. Cropped pasture grass. Minimal vegetation upstream.	Y	N
28	Upstream		ery wide natural flowpath. o defined channel. igh cropped pasture grass. ownstream of heavily eroded farm dam.	N	N	33	Downstr		Defined channel 2 -5 m wide. Heavily eroded/exposed soil due to vestock. Rock outcrop just downstream at bush dge. Poor channel connectivitity.	N	N
29	Upstream		igh cropped pasture grass. ery wide natural depression/flowpath. o defined channel.	N	N	33A	Downstream (looking further downstream)		Channel 2 - 3 m wide with scattered rocks t invert. Riparian vegetation with scattered trees nd shrubs.  (Note: Not proposed for removal. cluded to show bush corridor just ownstream.)	Y	Υ
30	Downstream		o defined channel. ide flowpath ropped pasture grass with groups of es.	N	N	34	Upstre		No defined channel.  Natural depression/flowpath.  Exposed soil.  Cropped pasture grass with scattered ees.	N	N
31	Downstream		efined channel at 2 - 5 m wide proximately 0.5 - 1 m depth). eavily eroded due to livestock. eandering invert. ropped pasture grass.	Υ	N	35	Downst		No defined channel. Natural depression/flowpath. Exposed soil. Scattered shrubs and trees.	N	N

ID	Photo Location	Photo		Stream Bank? (Y/N)	River? (Y/N)		Photo Location	Photo	Description	Stream Bank? (Y/N)	
36	Upstream		- No defined channel. - Very wide natural depression/flowpath. - Cropped pasture grass.	N	N	41	Downstr		Minor channel 1 m wide (approxmiately 0.5 m depth). Widespread exposed soil. Scattered trees and vegetation.	N	N
37	Downstream		- No defined channel. - Very wide natural depression. - Scattered rocks and vegetation (shrubs).	N	N	42	Upstre		No defined channel. Natural depression/flowpath. Cropped pasture grass.	N	N
38	Upstream		<ul> <li>No defined channel</li> <li>Downstream of heavily eroded farm dam.</li> <li>Very wide natural depression/flowpath.</li> <li>Cropped pasture grass.</li> </ul>	N	N	43	Downstr		Poorly defined channel at 1 m wide with meandering invert. Areas of erosion/exposed soil.	N	N
39	Downstream		<ul> <li>No defined channel.</li> <li>Natural depress/flowpath.</li> <li>Heavily eroded channel just downstream if 1.5 - 2 m wide (approximately 0.5 depth).</li> <li>Cropped pasture grass.</li> </ul>	N	N	44	Upstre		<ul> <li>No defined channel.</li> <li>Very wide natural depression/flowpath.</li> <li>Cropped pasture grass.</li> </ul>	N	N
40	Upstream		- No defined channel Downstream of man-made farm dam Very wide natural flowpath Cropped pasture grass with scattered shrubs.	N	N	45	Downstr		Defined channel at 1 m wide (approximately 0.5 depth). Very wide natural flowpath/depression. Erosion/exposed soil due to livestock. Sparse vegetation (shrubs) at invert. Cropped pasture grass in overbank.	N	N

ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)	ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	IRIVATZ
46	Upstream		Man-made farm dam  No defined channel downstream of farm  am.  Heavily eroded.  Cropped pasture grass.	N	N	51	Upstrea		o defined channel. ery wide natural depression/flowpath. igh pasture grass.	N	N
47	Downstream		No defined channel.  Natural depression/flowpath.  Cropped pasture grass.	N	N	52	Downstr		o defined channel. ery wide natural depression/flowpath. ropped pasture grass. cattered vegetation (shrubs).	N	N
48	Upstream		No defined channel.  Natural depression/flowpath.  Cropped pasture grass.	N	N	53	Downstr		o defined channel. atural depression/flowpath. ropped pasture grass. cattered vegetation (shrubs).	N	N
49	Downstream		No defined channel.  Natural depression/flowpath.  Widespread exposed soil/erosion at start f treeline.  Cropped pasture grass with scattered rees.	N	N	54	Upstrea		o defined channel. ery wide natural depression/flowpath. ropped pasture grass.	N	N
50	Upstream		No defined channel. Very wide natural depression/flowpath. High pasture grass.	N	N	55	Downstr		atural depression/flowpath. o defined channel. ropped pasture grass.	N	N

ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)	ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	IRIVERA
55	Upstream		Channel runs alongside man-made farm am at 3 - 10 m wide (approximately 1 - 2 depth).  Exposed soil/erosion.  Eroded drainage swale.  Scattered shrubs and trees.	Υ	N	60	Downstre		No defined channel. Very wide natural depression/flowpath. Cropped pasture grass.	N	N
56	Downstream		Large rock bed at water course invert. Very wide depression/flowpath.	N	N	61	Upstrea		No defined channel. Wide natural depression/flowpath. Cropped pasture grass.	N	N
57	Upstream		No defined channel.  Natural depression/flowpath.  Cropped pasture grass with sparse egetation (shrubs) and trees.	N	N	62	Downstre		Channel invert at 5 - 10m wide pproximately 0.5 m depth). Cropped pasture grass on overbank with catted trees. Eroded farm dam downstream. Erosion/exposed soil due to livestock.	N	N
58	Downstream		Defined channel 1 - 3 m wide pproximately 1 m depth). Cropped pasture grass on overbank with o vegetation in channel. Heavily eroded/exposed soil due to vestock. Scattered trees.	Υ	N	63	Upstrea		No defined channel. Wide natural depression/flowpath. Cropped pasture grass with scattered atural rock.	N	N
59	Upstream		No defined channel. Wide natural depression/flowpath. Cropped pasture grass.	N	N	64	Upstrea		Heavily eroded channel varying 5 - 10m ide. Exposed soil due to livestock. Cropped pasture grass on overbanks with cattered trees.	Y	N

ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)		Photo Location	Photo		Stream Bank? (Y/N)	IRIVATZ
65	Downstream		<ul> <li>Natural V-Drains depression 1 - 3 m wide.</li> <li>Exposed soil/erosion at invert.</li> <li>Cropped pasture grass on overbanks.</li> <li>Scattered rocks and vegetation (shrubs).</li> <li>Significant vegetation proposed to be removed. Refer to SLR report.</li> </ul>	N	N	70	Upstre		<ul> <li>10 - 15 m wide swale alongside boudnary.</li> <li>Pipe culvert discharge under access road.</li> <li>1 - 2 m high bank.</li> <li>Cropped pasture grass.</li> </ul>	Y	N
66	Upstream		- No defined channel Wide natural flowpath Scattered rocks, trees and cropped pasture grass	N	N	71	Downstr		<ul> <li>10 - 15 m wide swale alongside boudnary.</li> <li>Pipe culvert discharge under access road.</li> <li>1 - 2 m high bank.</li> <li>Cropped pasture grass.</li> </ul>	Y	N
67	Downstream		- No defined channel Wide natural flowpath Scattered rocks, trees and cropped pasture grass	N	N	72	Upstre		<ul> <li>No defined channel.</li> <li>Very wide natural depression/flowpath.</li> <li>Drains to farm dam.</li> <li>Cropped pasture grass.</li> </ul>	N	N
68	Upstream		- No defined channel Natural depression/flowpath Cropped pasture grass.	N	N	73	Downstr		<ul> <li>No defined channel.</li> <li>Natural depression/flowpath.</li> <li>Downstream of farm dam.</li> <li>Cropped pasture grass.</li> </ul>	N	N
69	Downstream		<ul> <li>No defined channel.</li> <li>Wide natural depression with scattered rocks at invert.</li> <li>Scattered vegetation and trees.</li> </ul>	N	Y	74	Downstr		<ul> <li>No defined channel.</li> <li>Very wide natural depression/flowpath.</li> <li>Cropped pasture grass.</li> </ul>	N	N

ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)		Photo Location	Photo	Description	Stream Bank? (Y/N)	IRIVATZ
75	Upstream		hannel 3 - 5m wide (approximately 0.5 depth). ropped pasture grass. eavily eroded due to livestock.	Y	N	79	Downstre		o defined channel. eavy erosion at pipe crossing under local d. ery wide flowpath.	N	N
76	Downstream		o defined channel. ery wide natural depression/flowpath. ropped pasture grass.	N	N	80	Upstrea		efined bank 2 m wide through operties (approximately 0.5 m high). ense vegetation downstream of pipe lverts.	-	-
76	Upstream		o defined channel. atural depression/flowpath. ropped pasture grass. rains to pipe crossing under Picton ad.	N	N	81	Downstre		o defined channel. ery wide natural depression/flowpath. ropped pasture grass.	-	-
77	Upstream		efined V-drain grassed swale 2 m wide. hort grass through properties.  Note: Photo taken from fence line due to stricted site access.)	Υ	N	82	Upstea		ery wide flowpath through properties ains to man-made farm dam . hort grass. ull riparian corridor downstream of farm m.  ote: Photo taken from fence line due to tricted site access.	N	N
78	Upstream		o defined channel. ery wide natural depression/flowpath. ropped pasture grass.	N	N	83	Downstre		eandering creek. ense riparian vegetation. ecently embellished riparian corridor der bridge crossing at Bingara Gorge.	-	-

ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)	ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River?
84	Downstream		Natural depression/flowpath. No defined channel. Cropped pasture grass.	N	N	89	Downstr		Very wide natural flowpath through roperties.  No defined channel.  Short/cropped pasture grass.  Defined bank star  ng just downstream of point.	N	N
			Note: Photo taken from fence line due to stricted site access.)						(Note: Photo taken from fence line due to stricted site access.)		
85	Downsteam		atural flowpath. No defined channel. Cropped pasture grass.	N	N	90	Downstr		Very wide natural depression/flowpath. No defined channel. Cropped pasture grass.	N	N
			Note: Photo taken from fence line due to stricted site access.)						(Note: Photo taken from fence line due to stricted site access.)		
86	Downstream		No defined channel. hort grass through properties. ery wide flowpath. 300 mm diameter headwall and pipe lvert under footpath. 3 x 600 mm pipe diameter crossing under ad.	N	N	91	Upstre		No defined channel. Flowpath downstream of farm dam. Cropped pasture grass.	N	N
			Note: Photo taken from fence line due to stricted site access.)								
87	Upstream		Jnclear if defined channel (inaccessible). Dense vegetation. wale along road edge. 3 x 600 mm diameter piped crossing. Note: Not proposed for removal. cluded to show bush corridor just ownstream.) Note: Photo taken from fence line due to stricted site access.)	-	-	92	Downstream		Very wide flowpath downstream of farm am. No defined channel. Cropped pasture grass.	N	N
88	Upstream		Man-made farm dam. Dense vegetation downstream of farm m (non riparian) Cropped pasture grass.	N	N	93	Upste		Defined channel at 5 m wide pproximately 0.5 - 1m depth). Garbage/rubbish in channel. Heavily eroded due to livestock. Steep terrain.	Y	N

ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)		Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)
94	Downstream		Defined channel meandering at 1 - 1.5 m ide (approximately 0.5 m depth).  Ponded water with no visible flow ovement or connectivity.  Eroded due to livestock.  Cropped pasture grass.	Y	N	97	Downstr		<ul> <li>No defined channel.</li> <li>Farm dam downstream of road.</li> <li>Wide natural depression/flowpath.</li> <li>Sparse vegetion (shrubs)</li> <li>Short grass through properties.</li> <li>(Note: Photo taken from fence line due to</li> </ul>	N	N
94	Upstream		Defined channel meandering at 1 - 1.5 m ide (approximately 0.5 m depth). Ponded water with no visible flow ovement or connectivity. Cropped pasture grass.	Y	N	98	Upstre		restricted site access.)  - No defined channel.  - Natural depression/flowpath.  - Cropped pasture grass.  - (Note: Photo taken from fence line due to restricted site access.)	N	N
95	Downstream		Very wide flowpath, No defined channel. Cropped pasture grass.	N	N	98	Downstr		<ul> <li>No defined channel.</li> <li>Farm dam downstream of road.</li> <li>Wide natural depression/flowpath.</li> <li>Sparse vegetion (shrubs)</li> <li>Cropped pasture grass.</li> <li>(Note: Photo taken from fence line due to</li> </ul>	N	N
96	Upstream		Farm dam.  (Note: Photo taken from fence line due to estricted site access.)	-	-	99	Upstream		restricted site access.)  - No defined channel.  - Farm dam.  - Wide natural depression/flowpath.  - Sparse vegetion (shrubs)  - Cropped pasture grass.  - (Note: Photo taken from fence line due to restricted site access.)	N	N
97	Upstream		No defined channel. Very wide depression/flowpath. Cropped pasture grass. Note: Photo taken from fence line due to estricted site access.	N	N	100	Upstream		<ul> <li>No defined bank.</li> <li>Very wide natural depression/flowpath.</li> <li>Cropped pasture grass.</li> <li>Note: Photo taken from fence line due to restricted site access.</li> </ul>	N	N

ID	Photo Location	Photo	Description	Stream Bank? (Y/N)	River? (Y/N)		Photo Location	Photo		Stream Bank? (Y/N)	IRIVATZ
100	Upstream		No defined channel.  arm dam downstream.  /ery wide natural depression/flowpath.  Cropped pasture grass.	N	N	105	Upstream		- Natural depression/flowpath. - Cropped pasture grass.	N	N
			Note: Photo taken from fence line due to stricted site access.						- Note: Photo taken from fence line due to restricted site access.		
101	Upstream		No defined channel.  nterconnecting farm dams downstream.  /ery wide natural depression/flowpath.  Cropped pasture grass.  Note: Photo taken from fence line due to stricted site access.	N	N	105	Downstream		<ul> <li>No defined channel.</li> <li>Farm dam downstream.</li> <li>Natural depression/flowpath.</li> <li>Cropped pasture grass.</li> </ul>	N	N
									- Note: Photo taken from fence line due to restricted site access.		
102	Downstream		No defined channel ery wide natural depression/flowpath. ropped pasture grass.	N	Ν	106	Adjacent		<ul> <li>Interconnecting farm dams downstream.</li> <li>Natural depression/flowpath.</li> <li>Cropped pasture grass with scattered trees.</li> <li>No defined channel.</li> </ul>	N	N
			Note: Photo taken from fence line due to stricted site access.						- Note: Photo taken from fence line due to restricted site access.		
103	Upstream		Farm dam downstream. Natural depression/flowpath. Cropped pasture grass. o defined channel. ote: Photo taken from fence line due to stricted site access.	N	N	107	Downstream		<ul> <li>No defined channel.</li> <li>Wide natural depression/flowpath.</li> <li>Scattered vegetation.</li> <li>Drains to piped culvert under Hume Highway.</li> </ul>	N	N
									- Note: Photo taken from fence line due to restricted site access.		
104	Upstream		Farm dam downstream.  Natural depression/flowpath. ropped pasture grass. o defined channel. ote: Photo taken from fence line due to stricted site access.	N	N	108	Upstream		<ul> <li>No defined channel.</li> <li>Very wide natural depression/flowpath.</li> <li>Cropped pasture grass.</li> </ul>	N	N
									- Note: Photo taken from fence line due to restricted site access.		



# **ATTACHMENT 2**

Email and attachment from Water NSW

**Subject:** FW: Wilton Junction Riparian Assessment

**Date:** Friday, 22 May 2020 at 11:23:52 am Australian Eastern Standard Time

From: Taylor McDermott

Attachments: 9708\_Figure 13 (Photos) B.pdf, image001.png

Αll

Below is correspondence from Water NSW in respect of Wilton Junction Riparian Assessment.

Water NSW agreed to the determination of water courses 15 to 19 and 50 to 56 in Figure 13 as not being waterfront land and can be removed.



**Grahame Kelly**Executive Director

Bradcorp Holdings Pty Ltd Level 29, Chifley Tower 2 Chifley Square, Sydney NSW 2000 02 9231 8645 I 0418 964 426 I bradcorp.com.au

From:

**Sent:** Monday, 18 August 2014 1:22 PM

**To:** David Crompton **Cc:** Tim Baker

**Subject:** Wilton Junction Riparian Assessment

Hi David,

Further to our recent conversation I have reviewed the riparian stream assessment (Appendix G) presented as part of the Wilton Junction Water Cycle Management Plan.

Below is a list of watercourse reaches where additional information is required to support the determinations and/or from the information provided the NSW Office of Water would consider them to be waterfront land:

- Reaches 11 and 12 have defined and/or meandering channels with ponding and would be considered waterfront land.
- Reaches 93 and 94 have defined channels with some ponding and would be considered waterfront land.
- Reaches 88 and 90 require further information/photographic evidence to support determination.

The map provided in Figure 13 identifies watercourses to be retained or removed. The figure shows the retention of a number of reaches determined not to be rivers within the stream assessment report. Further clarification is required within the report to confirm whether all retained watercourses as defined by blue lines in Figure 13 will be managed as Waterfront Land in accordance with the NSW Office of Water Riparian Corridor guidelines.

Can you please organise amendment to the riparian assessment in consideration of the above comments and email to me.

If you wish to discuss any of the above please give me a call.

Regards,

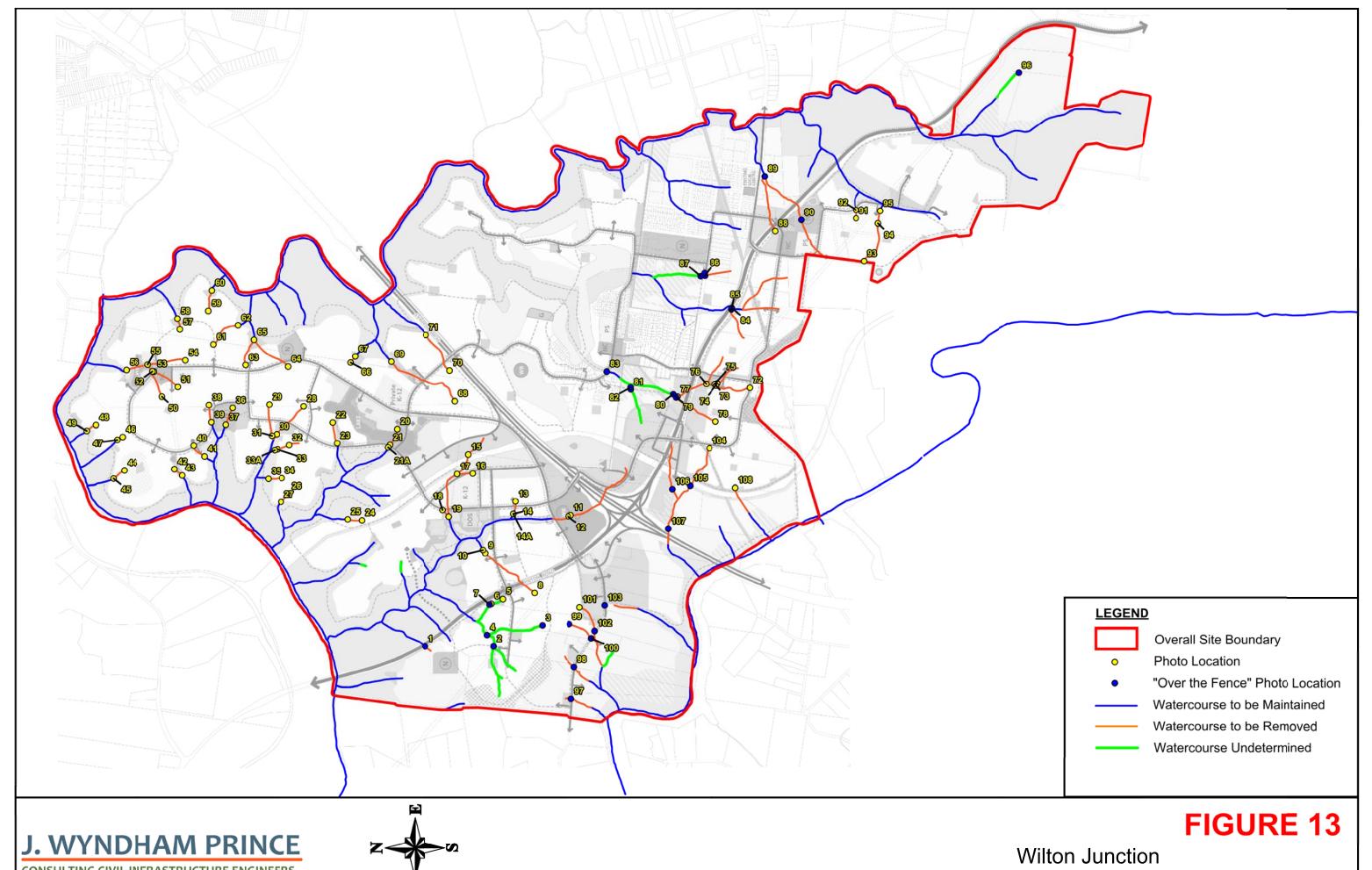
Jeremy Morice | Water Regulation Officer
NSW Department of Primary Industries | NSW Office of Water
Level 0 | 84 Crown Street | Wollongong NSW 2500
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T: 02 4224 9736 | F: 02 4224 9740 |

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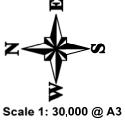
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CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

PO Box 4366 PENRITH WESTFIELD NSW 2750 P 02 4720 3300 F 02 4721 7638

9708\_Figure 13 (Photos)



Water Cycle Management Strategy **Photo Locations** 

Revision: B Dated 30/05/14



# **ATTACHMENT 3**

Urban Capable Land Boundary Review

