

Cassandra Steppacher
[REDACTED]
Glen Alpine 2560

October 9, 2020

Dear Cassandra,

[REDACTED] Cumberland Plain Conservation Plan Review

As requested, I have reviewed the draft Cumberland Plain Conservation Plan (CPCP) proposed E2 zoning of your property

The proposed E2 zoning is due to the presence of a mapped second order watercourse as shown in Figure 1.

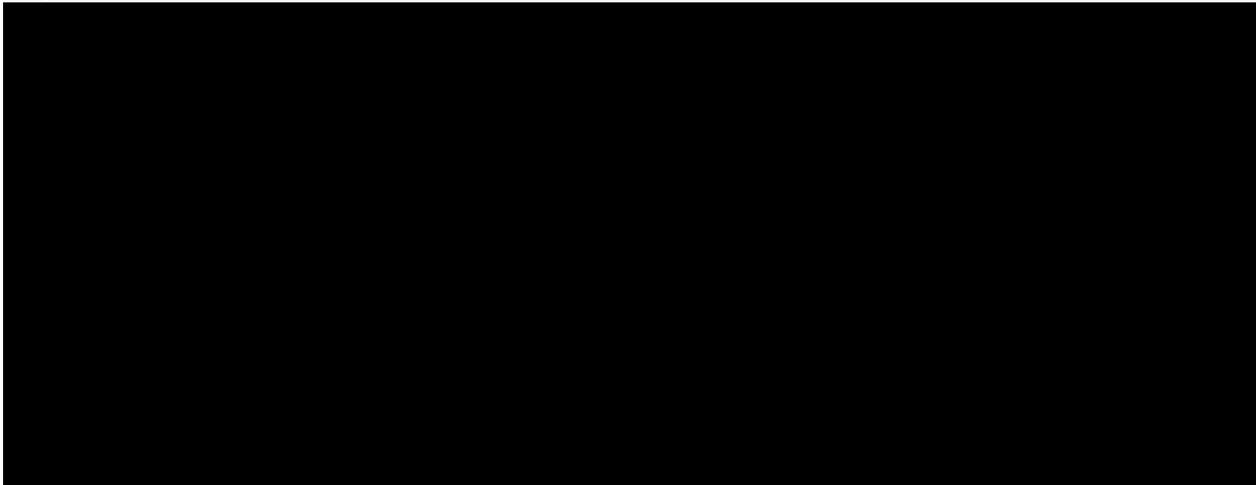


Figure 1. screen grab from Draft CPCP spatial viewer showing location of Lot [REDACTED] against proposed E2 zone

On examination of aerial photography it is apparent that the upstream drainage tributaries are no longer evident in terms of defined banks and channels. Where flow paths are evident, these have been substantially modified as a result of the Hume Highway, Southern Railway Line and residential estate development on Menangle Road.

The first order stream flowing south to north does not contain defined banks and channels, with piped flows emerging for a culvert discharging from the residential estate and is not representative of the watercourse shown in Figure 1.

This may then revert the assumed second order stream located on your property into a first order stream and therefore be inappropriately zoned as E2 under the draft CPCP.

The proposed zoning is also not reflected in Campbelltown City Council's Local Environment Plan's mapping of environmental constraints (which includes riparian protection) nor mapping of terrestrial biodiversity.

The draft exhibited CPCP documentation indicates that the proposed urban capable land boundaries can be updated as a result of consultation if for example:

- Creeks and water features are mapped incorrectly, in which case they must be updated to match the topography and vegetation indicating movement of water through the landscape.

Therefore, I would request the opportunity to have this watercourse appropriately assessed before the draft CPCP proposed zoning is adopted.

Figure 2 illustrates that the land surrounding the watercourse is proposed to be certified as urban capable.

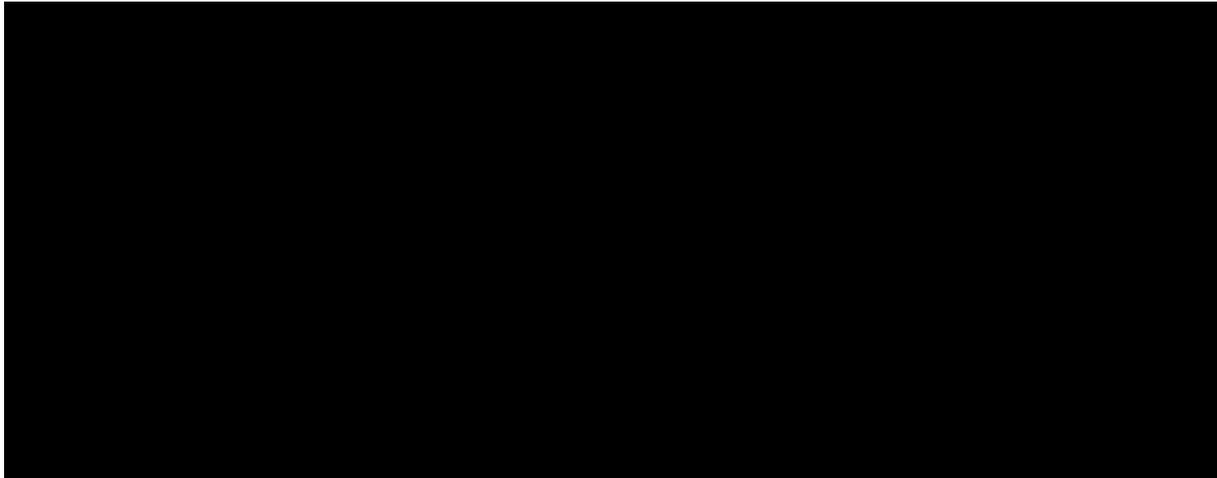


Figure 2. screen grab from Draft CPCP spatial viewer showing location of Lot [REDACTED] against proposed certification

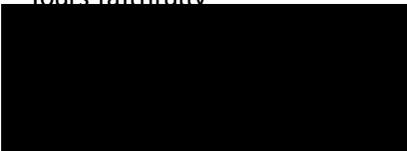
The current proposed alignment of E2 zoning will become an inflexible boundary on which limited development will be permitted. Regardless of how the watercourses are considered in terms of their stream ordering, the management of waterfront land (i.e. any development within 40 m of the top of the bank on each side of stream) is already managed under the *Water Management Act 2000*, which is administered by the Natural Resource Access Regulator (NRAR).

I do not understand why there is a need for this zoning, as it will effectively create two overlapping planning mechanisms. The proposed E2 zoning of the watercourse will also remove the flexibility to realign and/or apply the ‘averaging’ rule when required to provide a riparian buffer zone for any future development. These are provisions under NRAR’s guidelines for development on waterfront land and riparian corridors.

The averaging rule essentially allows that a riparian buffer width can be less wide than that required under the NRAR guidelines providing the lost width is made up elsewhere along the stream length. The narrow slither of proposed urban capable land between the proposed E2 zone and your boundary with Menangle Road will not be developable and could be used more purposefully.

It should be noted that I support the objectives of the draft CPCP and appreciate the vastness and complexities of its undertaking. However, I believe that this particular locality will be unfairly impacted upon by the proposed zoning.

Yours faithfully



Kat Duchatel
CEnvP #601
BAM Accreditation No. BAAS17054

Dear Sir/Madam,

As the owner of [REDACTED] Glen Alpine, NSW, 2560, we are lodging this submission in relation to the Draft Cumberland Plain Conservation Plan. Whilst we appreciate and support the objective of the plan, we and our neighbours (10 to 46 Menangle Road – outlined in red) hold concerns with the Proposed Environmental Conservation Zoning within this area.

At the outset, we agree with the land categorisation of “Certified – Urban Capable” and understand that the area adjacent the watercourse has been categorised as “Non-certified – Avoided for Other Purposes”. As can be seen from the mapping negligible native vegetation remains and the fact that the area has been not been “Non-certified” due to biodiversity reasons begs the question as to why the area has been specified as “Proposed Environmental Conservation Zoning”.

To clarify this matter, I have sought advice from Ecologique (who have extensive waterway and wetland experience). Ecologique confirm that the watercourse does not hold ecological value. A copy of this advice is attached and forms part of this submission. The watercourse is also not connected to adjacent areas of biodiversity value with the area of ‘native vegetation’ to the north having been recently cleared for a residential estate. Therefore, the watercourse is an isolated area of no ecological value. Presumably the area has been designated as “Proposed Environmental Conservation Zoning” due to broadscale mapping defining this as a riparian area. However, as outlined above, the area does not contain a native riparian zone.

Notwithstanding the lack of biodiversity value, we understand the need to protect watercourses from erosion and sedimentation. However, appropriate protections for this are provided through the *Water Management Act 2000*, including the need for a controlled activity approval for works within 40m of the banks of a watercourse. Appropriate and long-standing guidance material is available for such works and does not require zoning as E2 Environmental Protection nor is this consistent with the draft Plan’s avoidance criteria (Appendix B). Specifically, with appropriate controls, the area could be feasibly developed in compliance with existing guidance material and need not be “avoided” due to a ‘riparian’ area.

Furthermore, zoning this area as E2 Environmental Protection not only unnecessarily constrains the development of the surrounding “Certified – Urban Capable” land but would potentially have implications for our residence. As can be seen from the attached figure, our house, circled in yellow is located almost entirely within the ‘watercourse’ and associated buffer. We are therefore uncertain if the zoning of this land as E2 Environmental Protection will affect our ability to undertake any future additions or alterations to our residence.

We therefore object to the Proposed Environmental Conservation Zoning within the area specified in red outline. It is requested that, prior to the finalisation of the plan, this area be specifically reviewed in light of the above and the Proposed Environmental Conservation Zoning removed.

Regards,

Cassandra Steppacher
NSW Environment Manager
Brickworks Limited

