

Date: 30th September 2020

Dear Mr. Hartley & Ms. Elizabeth Irwin,

**Re: Submission to Draft Cumberland Plain Conservation Plan Exhibition**

Submission for property: [REDACTED] Orchard Hills NSW2478

[REDACTED] Land size: 2 Hectares/5 Acres

Thank you for your letter(s) dated 25th August & 22nd September, 2020, advising that our property Lot [REDACTED] may be within the proposed area for environmental conservation (E2) zoning and Riparian corridors.

We are the owners of [REDACTED] Hills, NSW 2748 and we have lived with our family on this property for over 25 years.

We **strongly object** to the proposed E2 Zoning and Riparian corridors on our property, because there is no legitimate reason for our land to be rezoned, as there is no ecology on our land or any biodiversity area that is governed by the Biodiversity Act., Land & Environmental Acts and Water Management Act.

The NSW State Planning Department have attempted to fast track a draft conservation plan with a letter dated the 26th August 2020, received on 31st August 2020. We were given a deadline to have our submissions in by the 23rd September 2020. There was **NO** onsite assessment and **NO** community consultation on our property and neighbouring properties. After much protests from the Orchard Hills residential land owners and intervention of Tanya Davies (MP of Mulgoa) the deadline was extended to 9th October 2020.

We then received a subsequent letter dated the 25th September 2020 from the NSW department of Planning, confirming an extended deadline for submissions until the 9th October 2020.

**It is not right** and **we question** the NSW planning department to fast track & finalize an inaccurate mapping draft conservation plan within 1 month of notifying residential owners on Wentworth Road, Orchard Hills. This was and is done amidst the COVID pandemic further exacerbating family and financial stress on us as a family & as retirees. We along with other residential landowners believe due process and due diligence was not followed as part of the planning process. Under normal planning process, it takes months and years to engage and discuss with the community, residential landowners and other community interests in order to get consensus and agreement.

*The NSW Department of Planning, Industry & environment are proposing to amend & change our property land rights without an on-site assessment and without community consultation to propose a conservation area for E2 zoning and a riparian corridor on our properties. The proposed decision by the NSW State Department is questionable and the motives of the bureaucrats is wrong, inaccurate and betrays*

*the very public trust with the NSW state government. We can assure you this will certainly have an impact for many MP's in their respective state and federal seats at the next election.*

We question why there were **NO** on-site assessments and **NO** community consultation by the Department of Planning with us and all of the nearby and adjoining neighbouring residential landowners. Apart from Lots [REDACTED] all other adjoining and neighbouring properties was selectively excluded by the Department of planning as highlighted in the blue mapping shading areas in the draft conservation plan and we strongly object and reject the proposed conservation draft plan. Whatever the reasons for the exclusion of all of the adjoining & neighbouring properties, then Lot [REDACTED] should also be excluded.

Investigating the draft Cumberland Plain conservation plan (Refer below attached proposed Departmental 2020 mapping & 1988 Survey plans) has now revealed mistakes and inaccuracies by the NSW department of planning. The NSW department of planning should reveal their reasoning and evidence for the proposed inaccurate mapping, identifying riparian corridors and E2 Zoning areas contrary to our findings as follows:

1. The proposed conservation plan includes blue shading which represents land avoided for other purposes (riparian corridors, including the buffer). The blue shading boundary proposed in the departmental mapping has shown our property (Lot [REDACTED] and selectively excludes all of the neighbouring properties to the West and North-West that are the main sources of the storm water runoffs and further excludes house nos. [REDACTED] [REDACTED] which is discharged through the properties.
  - a. House Nos. [REDACTED] [REDACTED] (Storm water runoffs - Mapping excluded from blue shading area)
  - b. Lots [REDACTED] [REDACTED] (Stormwater runoffs - Mapping excluded from blue shading area)
  - c. Lots [REDACTED] [REDACTED] [REDACTED] (Storm water runoffs - Mapping excluded from blue shading area)
  - d. All of the above properties and nearby hill properties (West & North West) are the main sources of the storm water runoffs which is excluded from the draft plan mapping.
2. The light-yellow shading in the departmental mapping area highlighting house property nos. Nos. [REDACTED] is questionable and inaccurate.
3. Storm water runoffs from adjoining & nearby properties discharges the storm water runoffs to Lots [REDACTED] [REDACTED] discharges the excess storm water runoffs through House property Nos. [REDACTED] [REDACTED] across Muscatel Way to the other side of the road in the mapped blue shading area. Why are these properties excluded from the proposed plan?
4. The proposed conservation plan shows the peach shading area represents the

certified - urban capable land which is contrary to our review & investigative process and includes the following properties:

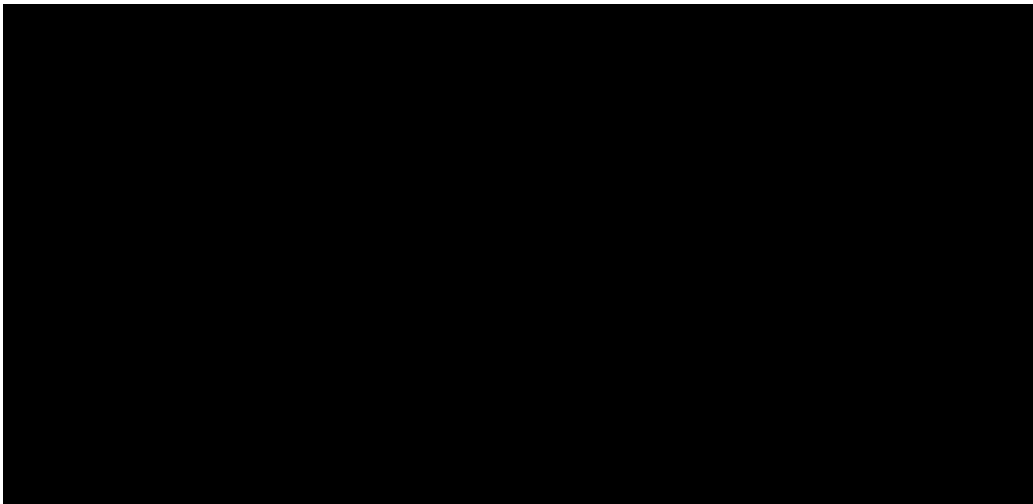


5. Contrary to the proposed conservation plan, all of the properties and nearby hill properties are the main sources of the storm water runoffs coming through onto our properties and then flows through House Nos. [REDACTED] [REDACTED]. These properties are excluded from the mapping, and we have received advice this is inaccurate, questionable and unconstitutional under the NSW departmental planning acts.

**Questionable - NSW Dept. Mapping**  
**(Easements)**  
**E2 Zones & Riparian Corridors**

**Official Survey Map 1988**

**(Please check the dotted lines)**



*I also refer to Water NSW website and the definition of a riparian zone – "island alongside creeks, streams, gullies, rivers and wetlands. These areas are unique and diverse, and are often the most fertile parts of the landscape".*

**How would our property based on this definition from Water NSW comply with the proposed conservation plan?**

NSW Department Planning have selectively excluded over 12 neighbouring properties by mapping an area to prepare the draft Cumberland Conservation plan. This is unconstitutional and contrary to our residential property rights and further, a restriction to our liberty and beneficial rights. This fact, has been verified and confirmed with advice we have received and calls into question the NSW department of Planning, Land & Environment's fairness and due diligence required to complete due process for any proposed conservation plan under the NSW State planning, Land & Environmental & Water Management Acts.

Lot [REDACTED] is a rural paddock with a home and a small man-made constructed dam to

harvest water during the rain or once in century storm water runoffs.

I would like to have this on record, the NSW department of conservation planning made an inaccurate statement in their letter dated 26<sup>th</sup> August 2020, states *"thanking us for granting permission for the ecologists to survey our properties as part of strategic conservation planning process and for mapping & zoning"* which never ever eventuated. This **is grossly and a highly inaccurate** statement and is questionable. **Object strenuously to this incorrect statement.** We were never contacted or visited by an Ecologist or any official from the NSW Department of Planning, Industry & Environment.

*We are now compelled to engage an Ecologist to review the proposed draft Cumberland Plain Conservation Plan and verify and confirm if due process and due diligence were compliant and adhered to under the NSW State Planning, Land & Environmental & Water management Acts.*

We question the NSW department State Planning, their right to change or amend our beneficial rights and restrict our liberty to protect our land and property values given there was **NO** visitation, **NO** community consultation, **NO** on-site assessment on our property and other neighbouring residential properties.

We as owners, **strenuously object and reject the conservation plan proposal** for E2 zoning & Riparian corridors on our property for the following reasons:

1. The Biodiversity mapping of the riparian corridors and E2 Zoning for Lots 1 [REDACTED] [REDACTED] is inaccurate, unconstitutional and non-compliant with the Biodiversity Act, Land and Environment Act and NSW Water Management Acts.
2. We have not verified the research and on-site assessments by the NSW department of Planning. There are numerous inaccuracies and questions that remains unanswered with the draft conservation plan and for the respective House Nos. & Properties as follows:
  - a. House Nos. [REDACTED] Orchard Hills (Mapping excludes original sources of Storm water run offs)
  - b. of [REDACTED] (Mapping excludes original sources of Storm water run off)
  - c. Lots [REDACTED] Orchard Hills (Mapping excludes original sources of Storm water run off)
  - d. Nearby properties on Hills - (Mapping excludes original sources of Storm water run off)
  - e. House Nos. [REDACTED] Orchard Hills (Mapping excludes Discharge of Storm water run off)
3. The NSW State Planning & Environment in their draft plan have not identified and shared the listed animals, Plants & high-value vegetation on my property (Lot [REDACTED] that is of conservation value as stipulated under the Biodiversity Act, Land Environment Act and Water Management Act.

4. **Please note:** There has never been any Koalas, Kangaroos, foxes that live on our property with the only exception of our own few domestic goats.
5. The draft conservation plan creates a legal situation for affected residential owners and possible future litigation with excluded neighbouring properties creating numerous changes and deliberate contouring of their own properties to push the excess storm runoffs from their properties when compared to the original 1988 survey map. (Refer attachment 1988 survey plan below).

The land was cleared and managed as a rural residential allotment over the last 35 years.

Due to the intermittent nature of storm water run offs there should not be any riparian ecology areas that would need conservation which excludes all of the adjoin and neighbouring properties.

It is clearly evident from the aerial photos there should be no E2 zoning and riparian zones within this area. There is no conservation zoning relevant here.

We would be happy to fill up the man created dams with soil on our property just as the neighbouring properties have done over the years and changed their easement and contour over the last 15 years.

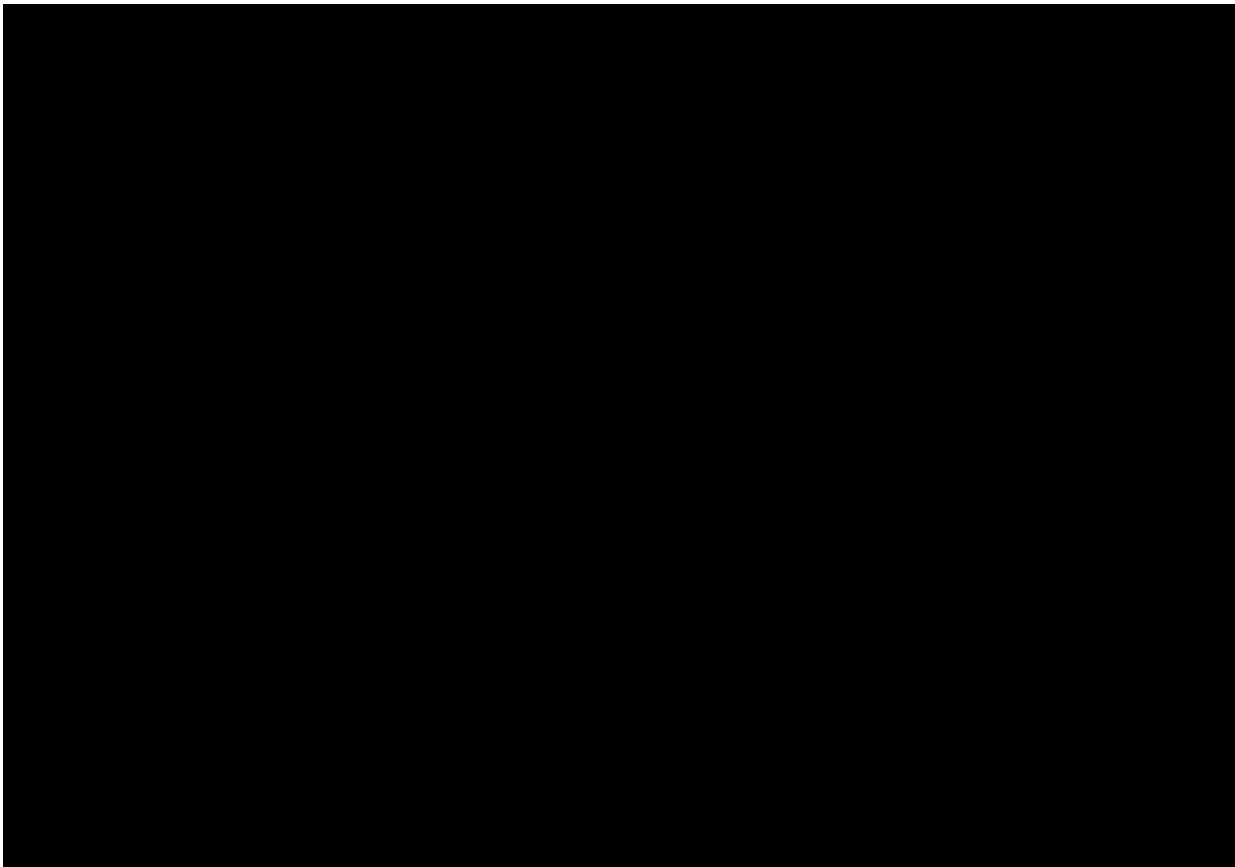
Until such time that a detailed on-site assessment is carried out on all nearby properties in Orchard Hills with the proposed biodiversity conservation zoning, we request that the draft plan be withdrawn with immediate effect and we would be in contact with our local & federal Members of Parliament to support the unfairness and questionable conservation plan on our property in Orchard Hills.

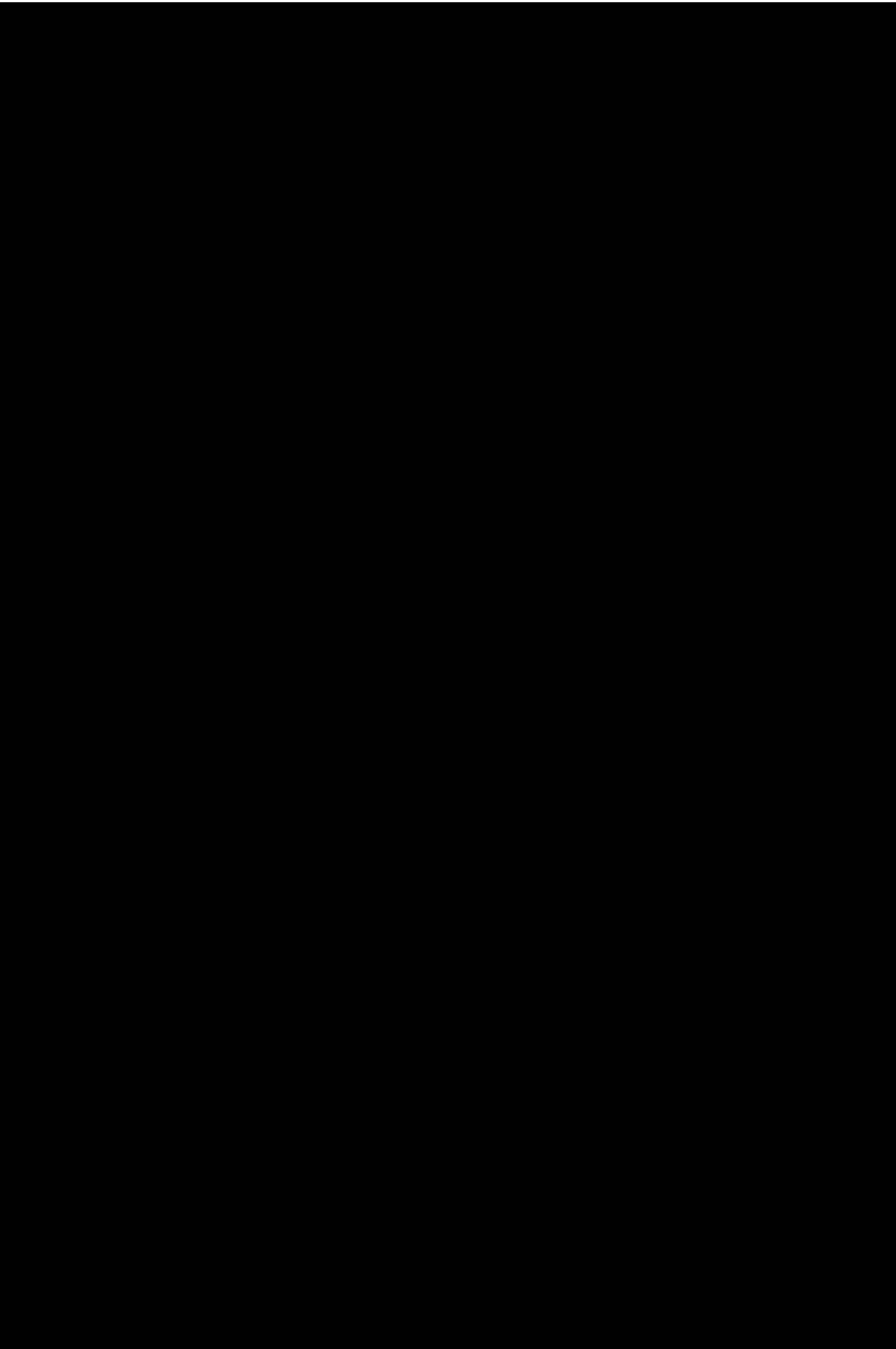
In the meantime, we would appreciate if we can arrange an urgent meeting ASAP to discuss the integrity of the proposed draft plan with the Land owners and go through all of the above information and ensure due process and due diligence was adhered to under the NSW State Planning Acts.

Sincerely"

Matthew & Lorraine Vella  
Owner(s) Lot [REDACTED] / 778298

[REDACTED]





Dear Mr. Steve Hartley & Planning committee members,

I refer to your letter dated 22nd September 2020 and the extension for further submissions.

We have attached an addendum to our previous submission dated 8th October 2020 after the Orchard Hills community meeting held on the 19th October 2020 at St. Mary's.

We look forward to your feedback and response.  
Regards

[Redacted signature]

DATE RECEIVED  
11/10/20 BY JB