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The Hills Shire Council
Hill Road Reserve
Development Opportunity

December 2009

Revision 3



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List of Abbreviations

AHIMS	Aboriginal Heritage Information Management System
ANEF	Australian Noise Exposure Forecast
APZ	Asset Protection Zone
BHDCP	Baulkham Hills Development Control Plan
BGHF	Blue Gum High Forest
BHLEP 2005	Baulkham Hills Local Environmental Plan 2005
CBD	Central Business District
DCP	Development Control Plan
DECCW	Department of Environment, Climate Change and Water
DEWR	Department of Environment and Water Resources Now known as: Department of Environment, Water, Heritage and the Arts.
DG	Director-General
DLEP	Draft Local Environmental Plan
DoP	Department of Planning
EEC	Ecologically Endangered Community
EP&A Act 1979	Environmental Planning and Assessment Act 1979
EPBC Act	Environmental Protection and Biodiversity Act 1999
EPI	Environmental Planning Instrument
FSR	Floor Space Ratio
Ha	Hectare
LEP	Local Environmental Plan
LG Act	Local Government Act 1993
NES	National Environmental Significance
NWSS	North West Subregion Strategy
RFS	Rural Fire Service
RTA	Roads and Traffic Authority



SEPP	State Environmental Planning Policy
SIS	Species Impact Statement
SMS	Sydney Metropolitan Strategy
THSC	The Hills Shire Council
TSC Act	Threatened Species Conservation Act



Executive Summary

In September 2003 a Recreation Needs Study was undertaken to examine the existing provisions for recreational facilities available to residents, and also the future recreational needs of the West Pennant Hills Valley. As part of the study, it was identified that Hill Road reserve was no longer required for open space purposes.

In maximising the opportunities for Hill Road reserve (Lot 32 DP 1004057), Council has included the adjacent property Lot 4 DP 16095 (privately owned) and Lot 3 16095 (Council owned) as part of the subject 'site' for consideration of the development potential.

A number of studies have been completed for the site and in December 2005 Council resolved to prepare and exhibit a draft Local Environmental Plan to rezone the site. This was subsequently not supported by the Department of Environment & Climate Change as it was not considered to be providing adequate protection and future management of the vegetation on the site.

As part of this report, GHD has prepared a flora and fauna assessment, a bushfire study and a review of the planning requirements. These studies, along with the existing flooding investigation study prepared by Patterson Britton (2005), have assisted in formulating the site's opportunities and constraints assessment and mapping.

The objective of this report is to determine the most appropriate development option/s for the site having regard for the various opportunities and constraints.

There is clear evidence that the site is constrained due to the presence of Endangered Ecological Communities (EEC's) and any resultant Asset Protection Zones (APZ) which is required to facilitate development. There is limited development potential for the site in its current form.

There may be development potential of approximately 7,900m² for the subject site, if modification and/or removal of EEC is permitted to allow for the APZ requirements. This footprint considers the topography, surrounding environment and promotes a potential development area that would allow for low-density residential development sympathetic to the surrounding environment.

In order to provide appropriate APZ's the development footprint will impact on the high conservation area, through removal of EEC vegetation, approximately 4380m² or 18% of the current high conservation area. With the removal of any EEC, careful consideration will need to be given for a biodiversity offset strategy. The outline of the proposed offset strategy is described in this report. The guiding philosophy for any potential development is to provide an overall improvement to ecological values, through time, and security for future management of conservation areas.

A biodiversity offset strategy will need to be prepared for consideration by the Department of Climate Change & Water (DECCW). The offset strategy would include a targeted bushland regeneration program rehabilitating suitable areas within the site and an appropriate management plan for the overall site. It should be noted that any loss of vegetation and subsequent rehabilitation will seek, as best as possible, to restore similar vegetation communities as those disturbed by the development.



1. Introduction

GHD has been engaged by The Hills Shire Council to determine the most appropriate development option/s for the Hill Road Reserve site, having regard for the various opportunities and constraints.

In maximising the opportunities for Hill Road reserve (Lot 32 DP 1004057), Council has included the adjacent property Lot 4 DP 16095 (privately owned) and Lot 3 16095 (Council owned) as part of the subject study for consideration.

In September 2003, a Recreation Needs Study was undertaken to examine the existing provisions for recreational facilities available to residents, and also future recreational needs for the West Pennant Hills Valley. As part of the study, it was identified that Hill Road Reserve was no longer required for open space purposes.

Council considered a report in December 2005, outlining the various options for the site and resolved to prepare and exhibit a draft Local Environmental Plan to rezone the entire site to Residential 2(a2), with a site specific development control plan to protect existing vegetation of high conservation value. This rezoning application was subsequently not supported by the Department of Environment & Climate Change as it was not considered to be providing adequate protection and future management of the vegetation on the site.

Council is of the opinion that there may still be development potential for the site and this report investigates this opinion with consideration of the following constraints:

- ▶ Bushfire risk and Asset Protection Zone requirements;
- ▶ Flooding and riparian corridor;
- ▶ Vegetation on the site, including critically endangered vegetation;
- ▶ Open space potential; and
- ▶ Existing residential development in the locality.

The purpose of this report is to review the previous studies, investigate the identified constraints, and outline the potential opportunities for development of the site. Moreover, this report will address appropriate strategies to provide the balance between the development potential and adequate protection and future management of the vegetation communities on the site.



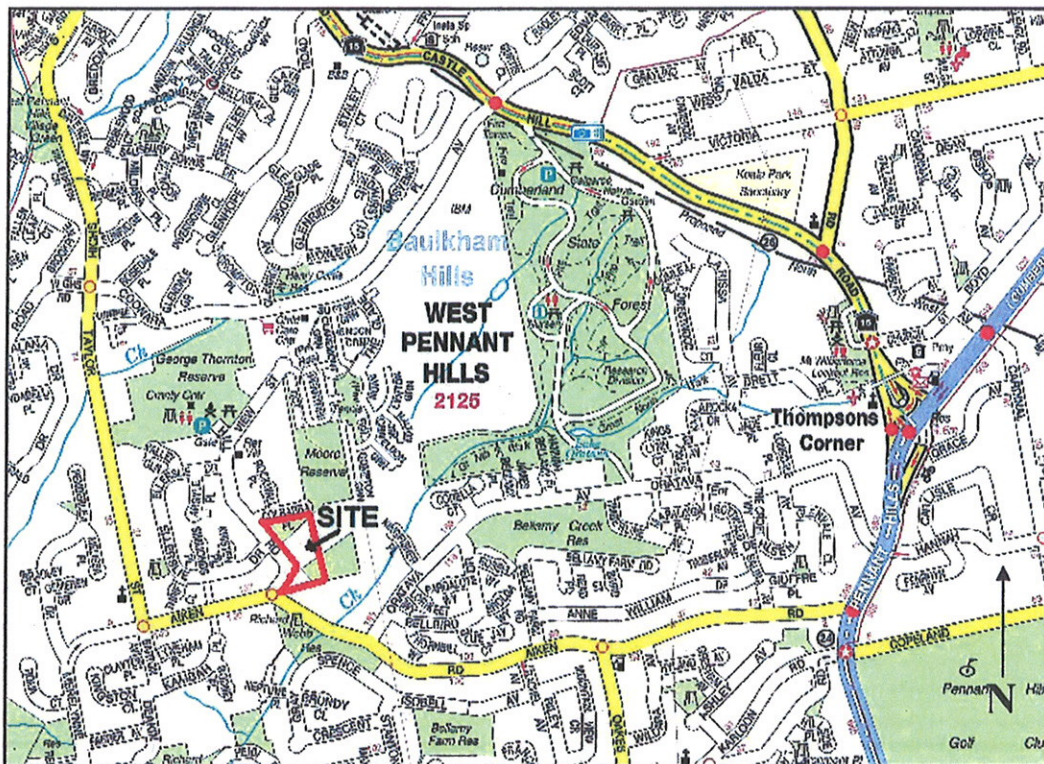
2. Existing Environment and Development Controls

2.1 The Site

2.1.1 Locality

The Hill Road site is located in the suburb of West Pennant Hills approximately 20 kilometres to the north west of the Sydney Central Business District. The majority of the suburb, located in the Baulkham Hills Shire LGA, is situated to the south west of the intersection of Castle Hill and Pennant Hills Roads as illustrated in (Figure 2-1).

Figure 2-1 Location



Source: Universal Business Directory

The suburb of West Pennant Hills has been predominately developed for residential purposes. The only significant non-residential development is the IBM site, located adjacent to the Cumberland State Forest, which is located approximately one kilometre to the north east of the site.

Residential development in West Pennant Hills is generally that of larger detached dwellings connected by a series of arterial and feeder roads. There is a substantial amount of open space and vegetation corridors spread throughout the suburb.



2.1.2 The Subject Site

The subject site is located in the suburb of West Pennant Hills, at the corner of Hill Road and Colbarra Place. The site consists of three parcels of land (Figure 2-2) identified as:

- 1 Hill Road, Lot 3 DP 16095, 1.5 hectares (Owned by The Hills Shire Council).
- 3 Hill Road, Lot 4 DP 16095, 1.1 hectares (privately owned).
- Hill Road Reserve, Lot 32 DP 100405, 1.89 hectares (Owned by The Hills Shire Council).

Figure 2-2 Subject Site



Source: The Hills Shire Council, Aerial photo 2006.

2.1.3 Local Setting

The subject site is surrounded by residential dwellings and open space areas connected by a suburban road network and pedestrian pathways. To the immediate north and west of the study site are Colbarra Place and Hill Road respectively (Figure 2-3). To the south of the site is a recently completed dual occupancy residential subdivision which fronts onto Aiken Road. To the east of the site is an electricity transmission corridor and new residential development (Figure 2-4).



Figure 2-3 Surrounding Residential Development



Figure 2-4 Powerlines and Residential Dwellings to East of Site





2.2 The Site Description

The site consists of three parcels of land identified as:

- ▶ 1 Hill Road, Lot 3 DP 16095, 1.5 hectares (Owned by The Hills Shire Council).
- ▶ 3 Hill Road, Lot 4 DP 16095, 1.1 hectares (privately owned).
- ▶ Hill Road Reserve, Lot 32 DP 100405, 1.89 hectares (Owned by The Hills Shire Council).

2.2.1 No.1 Hill Road

Located on the southern boundary of the site, 1 Hill Road (Lot 3 DP 16095) has an area of 1.5 hectares (Figure 2-5). This lot, currently owned by The Hills Council, contains a single dwelling house and cleared area to the west of the site. The eastern side of the lot is densely vegetated with Blue Gum High Forest (BGHF).

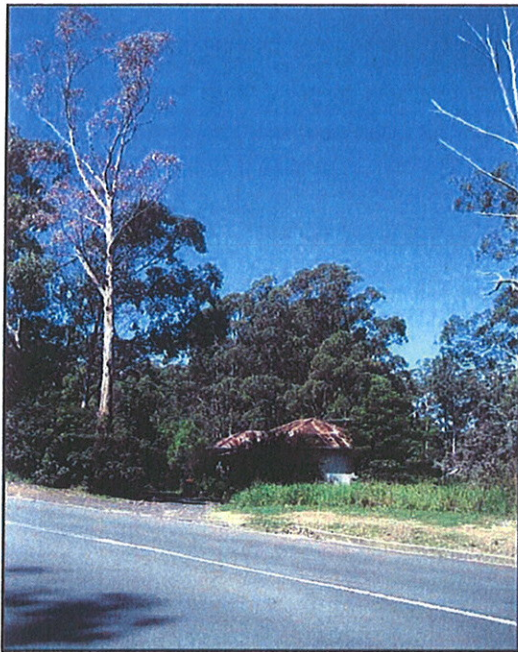


Figure 2-5 1 Hill Road

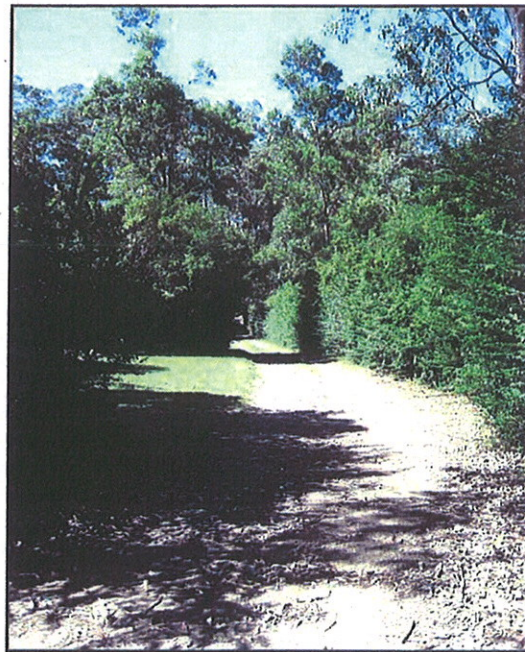


Figure 2-6 Entry access to 3 Hill Road

2.2.2 No.3 Hill Road

Situated in the centre of the subject site, 3 Hill Road (Lot 4 DP 16095) has an area of 1.1ha (Figure 2-6). This lot is privately owned and contains a single dwelling, swimming pool, tennis courts and sheds. The lot consists of maintained gardens towards the rear of the site, with a stand of BGHF located through the central section of the lot.



2.2.3 Hill Road Reserve

Hill Road Reserve (Lot 32 DP 1004057) is located on the northern boundary of the study site and is 1.89 ha (Figure 2-7). The lot, owned by The Hills Shire Council, is currently vacant and consists of a cleared grassed area towards the northwest. The remainder of the site is densely vegetated, with areas of BGHF, Privet Thicket Regrowth and Sydney Turpentine Ironbark Forest. There is an increase in elevation towards the northwest corner of the lot and a drainage channel transverses the central parts of the site (as seen in Figure 2-7). A second drainage line is located on the boundary between Hill Road Reserve and 3 Hill Road. This culvert drains in a north-west direction through the centre of the site.

Figure 2-7 Hill Road Reserve (from Hill Road looking east along Colbarra Place)





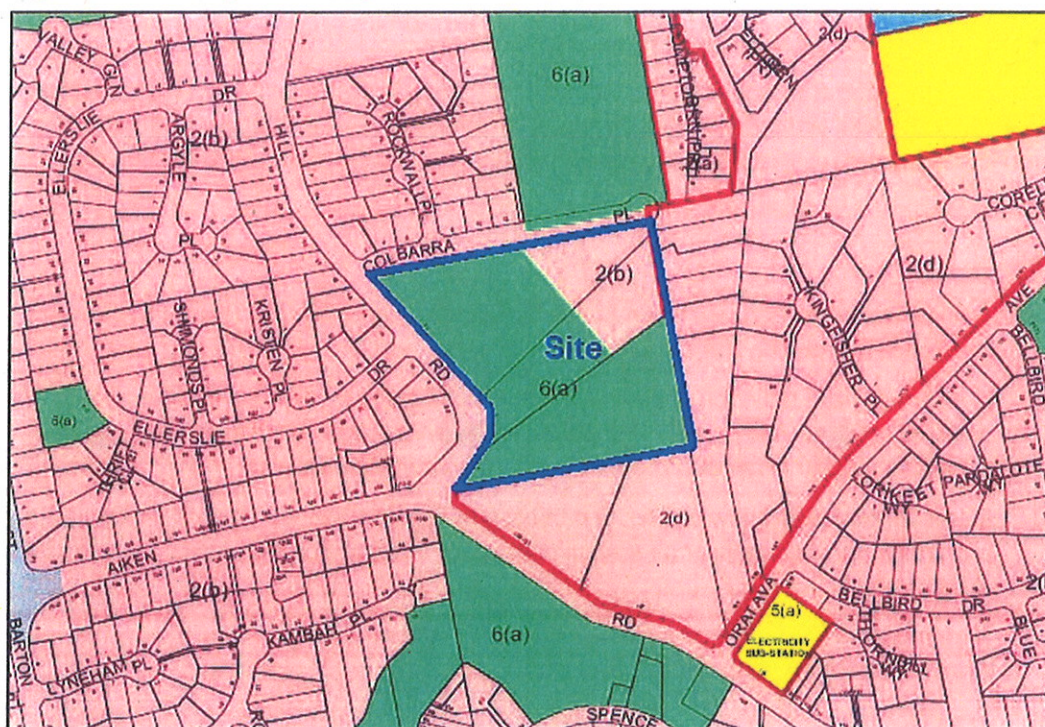
2.3 Local Planning and Zoning

2.3.1 Baulkham Hills Local Environmental Plan 2005

The subject site is currently subject to the controls of the *Baulkham Hills Local Environmental Plan 2005* (BHLEP 2005). Under the BHLEP 2005 the land is zoned Residential 2(b) and Open Space 6(a) (existing and proposed public recreation). The existing zoning of the subject site is shown in Figure 2-8, and is summarised as follows:

- ▶ Lot 3 DP 16095 is zoned Open Space 6(a).
- ▶ Lot 4 DP 16095 contains both Open Space 6(a) zoning to the west and Residential 2(b) to the north east.
- ▶ Lot 32 DP 1004057 contains both Open Space 6(a) zoning to the west and Residential 2(b) to the north east.

Figure 2-8 Zoning of the Subject Site under BHLEP 2005



Source: Baulkham Hills Shire Council Local Environmental Plan 2005.



2.3.2 Residential 2(b) Zone

The residential 2 (b) zoning has the following objectives:

- (a) *to identify residential areas of a predominantly single dwelling, low-density character, and to maintain that character,*
- (b) *to ensure that new housing respects and complements the heritage and environmental character of surrounding low-density development,*
- (c) *to allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and*
- (d) *to allow a range of development, ancillary to residential uses, that:*
 - (i) *is visually integrated with development carried out on the land and in the surrounding area,*
 - (ii) *serves the needs of the surrounding population without conflicting with the residential intent of the zone, and*
 - (iii) *does not place excessive demand on services.*

The existing heritage and environmental character of the area consists of newer homes built on average sized blocks and pockets of open space. All other forms (e.g. apartments, buildings, town houses and villas) of residential development are prohibited within the residential 2(b) zone.

2.3.3 Open Space 6(a)

The remainder of the site is zoned Open Space 6(a) (Existing and Proposed Public Recreation). The Open Space 6(a) zoning has the following objectives:

- (a) *to ensure there is provision of adequate open space areas to meet the existing and future needs of residents and to provide opportunities to enhance the environmental quality and heritage character of the Baulkham Hills local government area, and*
- (b) *to identify land that is now owned, or proposed to be owned, by the Council and to provide for the acquisition or dedication of that land for open space or public recreational purposes, and*
- (c) *to identify land that is owned by the Crown and is under the care, control and management of the Council as public open space, and*
- (d) *to protect, preserve and enhance areas of urban bushland and fauna habitat corridors that are considered valuable in terms of their natural heritage significance and recreational, educational, aesthetic and scientific value, and*
- (e) *to provide opportunities for formal and informal recreation and tourist facilities development on publicly owned land for use by the community.*



2.4 Baulkham Hills Development Control Plan

The Baulkham Hills Development Control Plan (BHDCP) contains controls relating to the subdivision of land within a residential zone. The objectives relating to minimum allotment size in a residential zone are:

- (i) *To provide allotments of a size conducive to residential living, having regard to any development constraints or environmental qualities of that land; and*
- (ii) *To ensure allotments have sufficient area to provide adequate access, open space, a sufficient building platform and attractive presentation to the street.*

The minimum allotment sizes and dimensions for single dwellings within the residential zone 2(b) found in the BHLEP 2005, is highlighted in the BHDCP.

Table 2-1 Minimum allotment size and dimensions for single dwellings under the BHDCP

Zone	Area	Classified Road Frontage	Other Road Frontage	Depth
2(b)	700m ²	27m	18m	27m



3. Constraints Analysis

The constraints analysis conducted by GHD has reviewed the previous reports, ecological assessment and a bushfire assessment to gain an appreciation for the current site conditions. A review of the following literature and databases has also been undertaken:

- ▶ Department of Environment, Climate Change and Water (DECCW) Threatened Species Database Records for threatened species previously recorded within the locality;
- ▶ Department of Environment, Water, Heritage and the Arts (DEWHA) Protected Matters Search Tool for Matters of National Environmental Significance (NES) listed under the Commonwealth EPBC Act;
- ▶ Abel Ecology Flora and Fauna Condition Report for Hill Road Reserve and Adjoining Properties, West Pennant Hills (12 July 2005);
- ▶ BHSC Mapping (vegetation, EEC);
- ▶ Council Report on Feasibility study for the site (December 2005);
- ▶ DEC letter of reply for Council rezoning submission (April 2006); and
- ▶ NSW RFS, Planning for Bushfire protection, 2004.

3.1 Ecological Assessment

An ecological assessment was completed by GHD in March 2008. The results of the field surveys and assessment are contained in a detailed report included as Appendix A.

A summary of the report is provided below.

3.1.1 Vegetation Communities

The site contained a mixture of vegetation communities including open cleared grassland, private residential areas and gardens, remnant and regenerating wet sclerophyll forest, and dense areas of Privet and Pittosporum, including a mixture of exotic and native species. A history of past clearing (likely > 45 years ago) was evident from the age of much of the canopy trees occurring across the site, along with the high level of woody weed infestation in the understorey.

Vegetation occurring across the majority of the site constituted Blue Gum High Forest (BGHF), listed as a critically endangered ecological community under the *TSC Act* and the *EPBC Act*. This EEC contains a narrow strip of remnant canopy along the creek line that runs through the centre of the site, as well as maturing regrowth across the remaining extent of this community. Almost the entire extent of this EEC contains a dense understorey of Privet, Pittosporum, and Lantana with a mixture of other native and exotic species occurring throughout.

Whilst there was a high proportion of woody weeds within the sub canopy and shrub strata, this EEC still contained a number of species indicative of this ecological community within the sub canopy, shrub, and ground layers.



A small patch of vegetation occurring on the far northeastern corner of the site contained species indicative of Sydney Turpentine – Ironbark Forest, listed as an endangered ecological community under the NSW TSC Act and critically endangered ecological community under the Commonwealth EPBC Act. This EEC contained a high diversity of species with only a moderate level of woody weed invasion in the shrub layer.

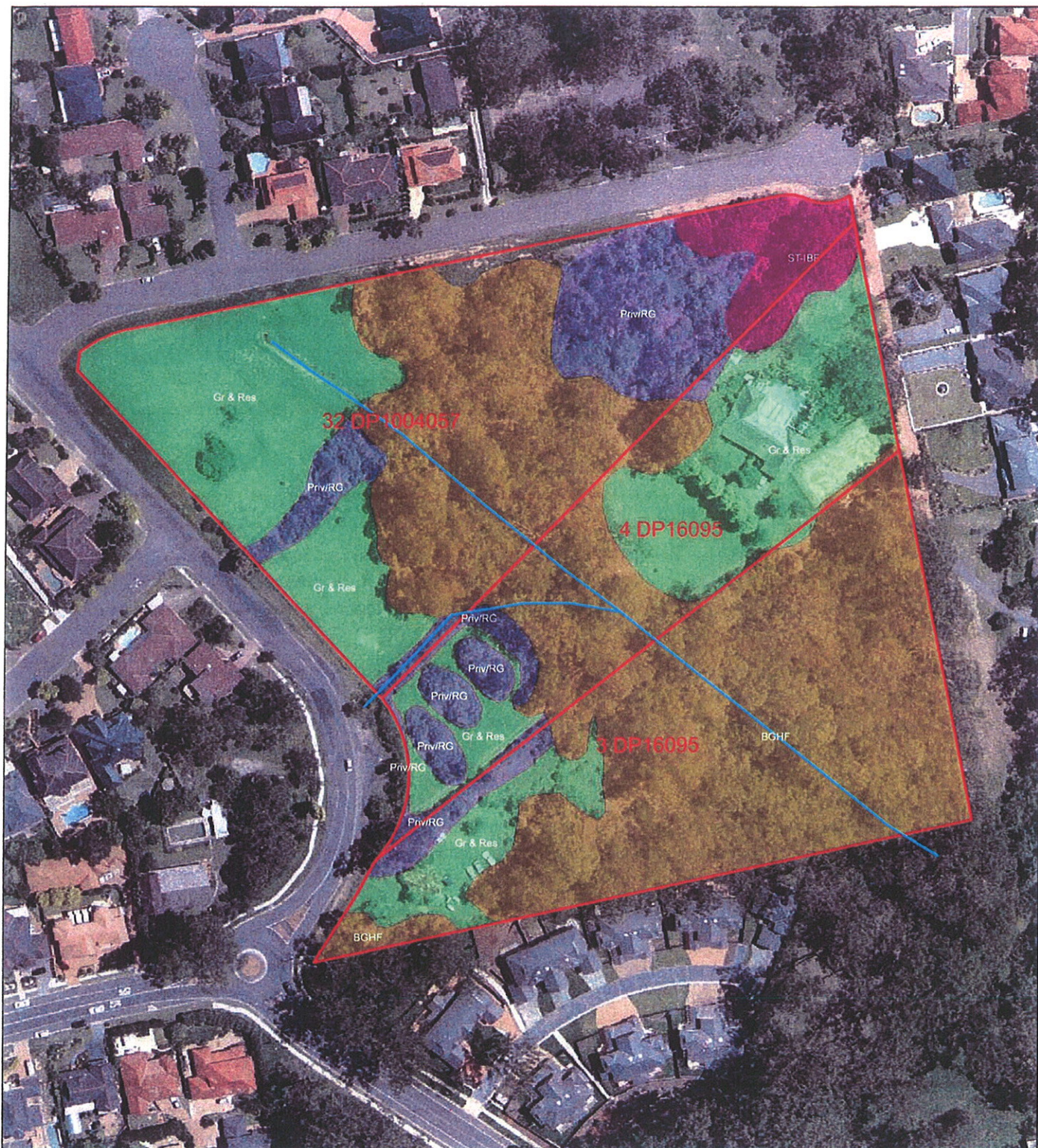
Despite the level of noxious and woody weed invasion in the understorey of the EEC's, there remains a suitable diversity of native species present to facilitate effective regeneration if appropriate rehabilitation, weed control measures and revegetation plans are put in place across the site and on adjoining properties.

Refer to Figure 3-1 for the Vegetation Communities within the Subject Site.

3.1.2 Fauna Habitat

The site provides habitat for a range of native fauna, including foraging, shelter and nesting resources of relevance to arboreal mammals, birds, bats, reptiles and amphibians. Two threatened species are known to occur on site and a number of additional threatened species are likely to use the site at times.

The Grey-headed Flying-fox (*Pteropus poliocephalus*), listed as a vulnerable species under the TSC Act and the EPBC Act, was recorded in the canopy trees of the site during field surveys. Flowering Eucalypt species, along with fruiting Privet and Pittosporum, provide an excellent source of seasonal foraging material for Grey-headed Flying-fox. The Eastern (or Common) Bent-wing Bat (*Miniopterus schreibersii oceanensis*), listed as a vulnerable species under the TSC Act, was recorded on the site during previous surveys (Abel Ecology, 2005). Vegetation and drainage lines on the site provide potential foraging habitat for the Eastern Bent-wing bat and potentially other threatened microchiropteran bats. Hollow-bearing trees and stags provide potential roosting sites for microchiropteran bats.



Legend

- Creek Line
- Subject Site Cadastre
- Vegetation Communities**
 - Blue Gum High Forest
 - Grassland & Residential Garden
 - Privet Thicket/Regrowth
 - Sydney Turpentine - Ironbark Forest

0 1:1,200 25 50
Metres

Map Projection: Transverse Mercator
Horizontal Datum: Geocentric Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56



BAULKHAM HILLS SHIRE COUNCIL
Hill Road Reserve

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Vegetation Communities

Figure 3-1