

87-97 Castle Hill Road & 121-131  
Oratava Avenue, West Pennant Hills  
Cumberland State Forest


Planning Proposal Report for a Rezoning

On behalf of  
Forestry Corporation of NSW  
May 2019



## Project Director

Adam Coburn



.....

9 May 2019

## Project Planners

Addison Boykin

Luke Zajac

\*This document is for discussion purposes only unless signed and dated by the project director.

## Contact

Mecone

Level 2, 3 Horwood Place,  
Parramatta, New South Wales 2150

info@mecone.com.au  
mecone.com.au

© Mecone

All Rights Reserved. No part of this document may be reproduced, transmitted, stored in a retrieval system, or translated into any language in any form by any means without the written permission of Mecone.

All Rights Reserved. All methods, processes, commercial proposals and other contents described in this document are the confidential intellectual property of Mecone and may not be used or disclosed to any party without the written permission of Mecone.



# Table of Contents

Introduction.....	5
Site description.....	6
Existing planning controls.....	10
Structure of this Planning Proposal.....	11
Part 1: Objectives or intended outcomes .....	11
Part 2: Explanation of provisions .....	11
Part 3: Justification .....	12
Section A—Need for the proposal .....	12
Section B—Relationship to strategic planning framework.....	12
Section C—Environmental, social and economic impact .....	25
Section D—State and Commonwealth interests .....	31
Part 4: Mapping.....	31
Part 5: Community Consultation .....	34
Part 6: Project Timeline.....	34
Conclusion .....	35

## Schedule of Figures and Tables

Figure 1 – Site location .....	6
Figure 2 – Northern site aerial image .....	7
Figure 3 – Southern site aerial image .....	7
Figure 4 – Local context map .....	8
Figure 5 – Northern site seen Castle Hill Road .....	10
Figure 6 – Southern site seen from Oratava Avenue .....	10
Figure 7 – Existing dwelling on northern site .....	10
Figure 8 – Existing dwelling, garage and shed on southern site .....	10
Figure 9 – Current zoning map .....	11
Figure 10 – Current minimum lot size map .....	11
Figure 11 – Bushfire protection measures – Northern site (Castle Hill Road) .....	28
Figure 12 – Bushfire protection measures – Southern site (Oratava Avenue) .....	28
Figure 13 – Indicative subdivision plan of northern site (Castle Hill Road) .....	29
Figure 14 – Indicative subdivision plan of southern site (Oratava Avenue) .....	29
Figure 15 – Heritage item locations .....	30
Figure 16 – Proposed zoning map .....	32
Figure 17 – Proposed height of buildings map .....	33
Figure 18 – Proposed minimum lot size map .....	33
Table 1 – Site description .....	8
Table 2 – Greater Sydney Region Plan (2018) .....	13
Table 3 – Central City District Plan (2018) .....	13
Table 4 – The Hills Shire Community Strategic Plan 2017-2021 .....	14
Table 5 – State Environmental Planning Policies .....	16
Table 6 – Section 117 Ministerial Directions .....	20
Table 7 – Proposed mapping changes .....	31
Table 8 – Project timeline .....	34

## Appendices

Appendix 1 – Proposed LEP Mapping
Appendix 2 – Indicative Subdivision Plan
Appendix 3 – Traffic Report
Appendix 4 – Bushfire Report
Appendix 5 – Biodiversity Report



## Introduction

This Planning Proposal is submitted to The Hills Shire Council (Council) on behalf of Forestry Corporation of NSW (the proponent) in order to seek amendments to *The Hills Local Environmental Plan 2012* (The Hills LEP 2012) in relation to the site at 87-97 Castle Hill Road and 121-131 Oratava Avenue, West Pennant Hills.

The intent of the Planning Proposal is to enable the divestment of surplus Forestry land and to facilitate low density residential development that is consistent with surrounding development.

In order to achieve this intent, the Planning Proposal proposes to:

- Rezone the land from RU3 Forestry to R2 Low Density Residential;
- Apply a height limit of 9m to the land; and
- Amend the land's minimum lot size from 40ha to 700sqm.

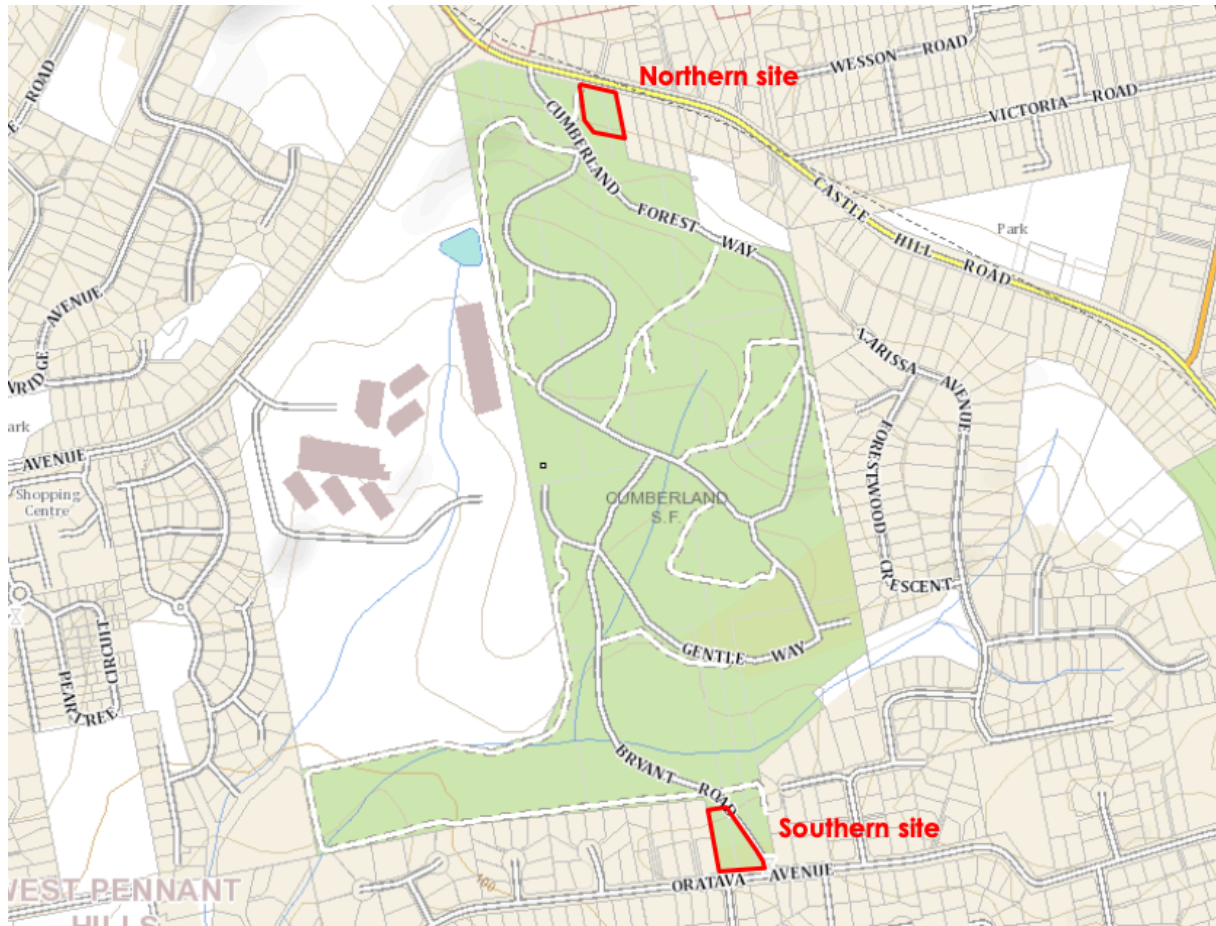
The Planning Proposal been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act); and
- NSW Department of Planning and Environment's (DP&E's) *A Guide to Preparing Planning Proposals* (2018).

## Site description

The site is located in Cumberland State Forest in the suburb of West Pennant Hills in the local government area of The Hills Shire Council, approximately 3km south east of the Castle Hill Strategic Centre and 20km north west of Sydney CBD.

The site is separated into two distinct sub-sites—the northern site at 87-97 Castle Hill Road and the southern site at 121-131 Oratava Avenue (refer to Figures 1-3 below).



**Figure 1 – Site location**

Source: Mecone





**Figure 2 – Northern site aerial image**  
Source: Mecone



**Figure 3 – Southern site aerial image**  
Source: Mecone



The Cherrybrook Metro Station is approximately 600m and 1.4m to the northwest of the northern and southern sites, respectively. The surrounding locality is generally characterised by low density housing. The former IBM office campus is located immediately to the west. Refer to Figure 4 below for a local context map.



**Figure 4 – Local context map**  
Source: Mecone

Table 1 below provides a description of the site's key characteristics.

Table 1 – Site description		
Item	Northern site	Southern site
Legal description	Part Lot 6 DP 11133 Part Lot 7 DP 11133	Part Lot 15 DP 11133 Part Lot 16 DP 11133 Part Lot 17 DP 11133
Site area:	3,322sqm	3,377sqm
Shape	Irregular	Irregular
Frontage	Approximately 54m to Castle Hill Road	Approximately 79m to Oratava Avenue
Topography	Falls towards the rear	Relatively flat

Table 1 – Site description

Existing buildings/ structures	The site contains a vacant single storey dwelling (former caretaker's dwellings).	The site contains a vacant single storey dwelling (former caretaker's dwellings).
Access and parking	Current vehicular access to the site is provided via two driveways off Castle Hill Road.	Current vehicular access to the site is provided off a private internal road (Bryant Road).
Public transport	<p>The site is located within walking distance of a number of bus stops on Castle Hill Road which provide services between Castle Hill and Pennant Hills, between Castle Hill and Beecroft, and between Round Corner and Wynyard.</p> <p>The site is also located 600m east of Cherrybrook Metro Station. Beginning in May 2019, the metro will connect the site to Chatswood, Castle Hill and Norwest, with an eventual connection to the City.</p>	The site is located within walking distance of a number of bus stops on Oratava Avenue which provide services between Castle Hill and Beecroft.
Flooding	The site is not identified as flood prone land.	The site is not identified as flood prone land.
Vegetation	The site is partially cleared and contains some remnant degraded or modified native vegetation.	The site is partially cleared and contains some remnant degraded or modified native vegetation.
Heritage	The entire Cumberland State Forest is identified as containing regional heritage item "Cumberland State Forest Bellamy Quarry and Sawpit" in The Hills LEP 2012. The item is not located within the proposed rezoning land.	The entire Cumberland State Forest is identified as containing regional heritage item "Cumberland State Forest Bellamy Quarry and Sawpit" in The Hills LEP 2012. The item is not located within the proposed rezoning land.
Surrounding development	The northern site is adjoined by Castle Hill Road to the north, forest to the south and west, and low density residential development to the east.	The southern site is adjoined by Octavia Road to the south, forest to the north and low density residential development to the east and west.

Refer to Figure 5 to Figure 8 below for photographs of the site and surrounding development.





**Figure 5 – Northern site seen Castle Hill Road**  
Source: Mecone (May 2019)



**Figure 6 – Southern site seen from Oratava Avenue**  
Source: Mecone (May 2019)



**Figure 7 – Existing dwelling on northern site**  
Source: Mecone (May 2019)



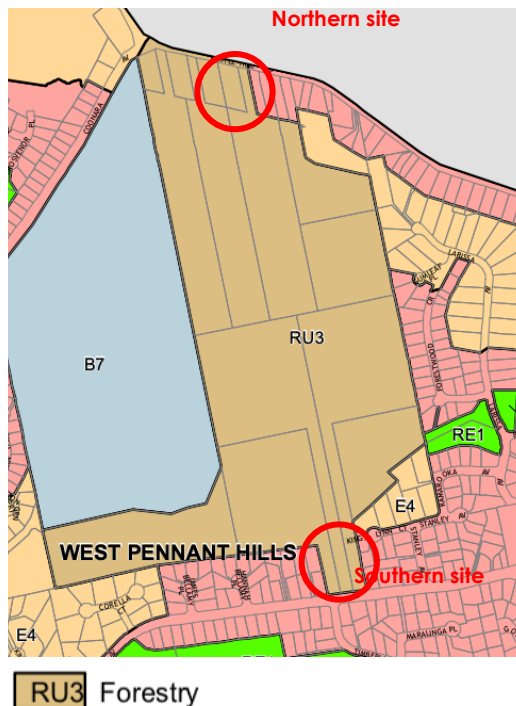
**Figure 8 – Existing dwelling, garage and shed on southern site**  
Source: Mecone (May 2019)

## Existing planning controls

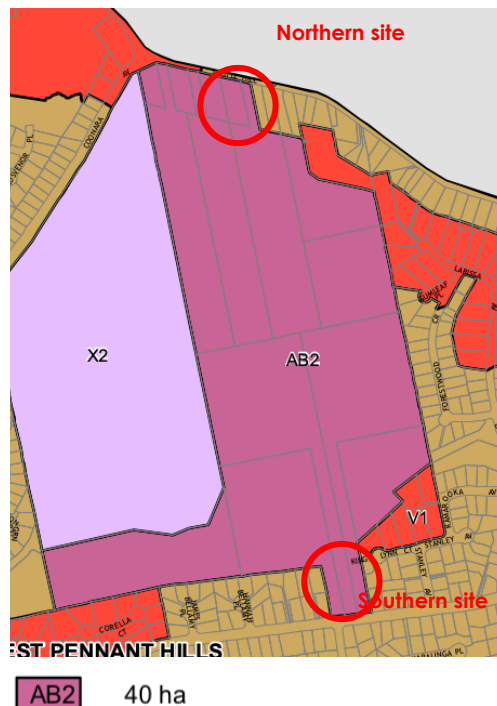
The site is subject to The Hills LEP 2012. The following key provisions currently apply:

- Land use zone: RU3 Forestry; and
- Minimum lot size: AB2 40ha.

The site is not subject to any height or FSR controls. The figures below show the current LEP maps.



**Figure 9 – Current zoning map**  
Source: The Hills LEP 2012



**Figure 10 – Current minimum lot size map**  
Source: The Hills LEP 2012

## Structure of this Planning Proposal

This Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the EP&A Act and the DP&E's *A Guide to Preparing Planning Proposals* (2016), and is structured as follows:

- Part 1—A statement of the objectives and intended outcomes;
- Part 2—An explanation of the provisions to be included in the proposed instrument;
- Part 3—Justification of the objectives, outcomes and the process for implementation;
- Part 4—Maps to identify the modifications required to the proposed instrument and the area to which it applies;
- Part 5—Details of the community consultation to be undertaken; and
- Part 6—Draft timeline for the Planning Proposal.

## Part 1: Objectives or intended outcomes

The intent of the Planning Proposal is to enable the divestment of surplus Forestry land and to facilitate low density residential development that is consistent with surrounding development.

## Part 2: Explanation of provisions

The Planning Proposal seeks to achieve the intended outcomes by amending The Hills LEP 2012 as follows:

- Rezone the sites from RU3 Forestry to R2 Low Density Residential;
- Apply a maximum height standard of 9m to the sites; and

- Amend the sites' minimum lot size from 40ha to 700sqm.

The above amendments would be achieved by amending the relevant mapping in The Hills LEP 2012. Refer to Part 4 of this Planning Proposal for thumbnail images of the proposed mapping, and refer to Appendix 1 for the full map sheets.

## Part 3: Justification

### Section A—Need for the proposal

#### **Q1. Is the Planning Proposal a result of any strategic study or report?**

The Planning Proposal is not the result of a strategic study or report. Rather, the Planning Proposal is the result of Forestry identifying an opportunity to improve management of its assets and allocation of its resources and also to meet the housing needs of the local community.

Forestry has identified the sites as financially burdensome and surplus to its needs. The vacant caretaker dwellings are in disrepair, and the resources required for regenerating and managing the sites would impose a disproportionate financial burden on Forestry. Divesting the sites will enable Forestry to direct its resources in a more productive manner towards more other critical areas of the forest.

The proposed rezoning is consistent with the adjoining residential areas in terms of zoning, height and minimum lot size.

#### **Q2. Is the Planning Proposal the best means of achieving the objectives and outcomes, or is there a better way?**

This Planning Proposal is the most appropriate method of achieving the intended outcomes. The objectives require changing the land's zoning, height and minimum lot size, and this can only be achieved by amending The Hills LEP 2012 through the Planning Proposal process.

### Section B—Relationship to strategic planning framework

#### **Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The Planning Proposal is consistent with the objectives and actions contained within the relevant metropolitan and district plans, as discussed below:

##### Greater Sydney Region Plan

The *Greater Sydney Region Plan* (2018) (Region Plan) forms Sydney's overarching metropolitan strategic plan. The Region Plan is structured around four key themes—infrastructure and collaboration, livability, productivity and sustainability—and sets out a number of directions and objectives to guide delivery of these themes. The two themes of livability and sustainability are particularly relevant to this Planning Proposal, as outlined in Table 3 below.



Table 2 – Greater Sydney Region Plan (2018)

Theme	Direction/Objective	Consistency
Liveability	Direction: A city for people Objective 7: Communities are healthy, resilient and socially connected	The Planning Proposal promotes a healthy community by facilitating additional housing in a walkable residential neighbourhood in close proximity to recreational opportunities in the Cumberland State Forest.
	Direction: Housing the city Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable	The Planning Proposal will facilitate new residential dwellings and contribute to The Hills 5-year dwelling target of 8,550 dwellings.
Productivity	Direction: A well-connected city Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The Planning Proposal will facilitate new housing in the vicinity of the future Cherrybrook Metro Station, which will provide a 30-minute service to Sydney CBD.
Sustainability	Direction: A city in its landscape Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The Planning Proposal will facilitate limited development of disturbed/degraded areas of the forest and enable Forestry to direct its limited maintenance resources strategically towards more critical areas of the forest.

#### Central City District Plan

The *Central City District Plan* (2018) (District Plan) supports the Region Plan and sets out a 20-year vision to guide the growth of the District within the context of Greater Sydney's three cities. The District Plan sets out a number of planning priorities structured around the Region Plan's four key themes. Key relevant priorities are discussed in the table below.

Table 3 – Central City District Plan (2018)

Theme	Priority	Consistency
Liveability	C4. Fostering healthy, creative, culturally rich and socially connected communities	The Planning Proposal will promote a healthy community by facilitating additional housing in a walkable residential neighbourhood in close proximity to recreational opportunities in the Cumberland State Forest.

Table 3 – Central City District Plan (2018)

	Priority C5. Providing housing supply, choice and affordability, with access to jobs, services and public transport	The Planning Proposal will facilitate additional dwellings in close proximity to the existing West Pennant Hills local centre and in the vicinity of the under-construction Cherrybrook Metro Station, which will provide rapid connections to Castle Hill, Epping and eventually the City. The Proposal will also help meet The Hills Shire Council's 5-year dwelling target of 8,550.
Productivity	C9. Delivering integrated land use and transport planning and a 30-minute city	The Planning Proposal will facilitate housing in a location just over 30 minutes by public transport (Metro) from Sydney CBD.
Sustainability	C15. Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes	The Planning Proposal will facilitate development of degraded/disturbed areas that do not form critical components of the forest.

**Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?**

The Planning Proposal is consistent with the relevant local strategies, as discussed below:

The Hills Shire Community Strategic Plan 2017-2021

*The Hills Shire 2017-2021 Community Strategic Plan* is a long-term community strategic plan for the Hills Shire local government area. It sets out the community's vision for the future, the strategies in place to achieve it and how progress towards or away from the vision will be measured. The plan identifies five strategic directions and a number of accompanying outcomes, strategies and measures. The Planning Proposal is considered to be broadly consistent with applicable directions of the plan as outlined in the table below.

Table 4 – The Hills Shire Community Strategic Plan 2017-2021

Strategic Direction	Outcome	Consistency
Building a vibrant community and prosperous economy	A connected and inclusive community with access to a range of services and facilities that contribute to health and wellbeing.	The Planning Proposal will promote a healthy community by facilitating additional housing in a walkable residential neighbourhood in close proximity to recreational opportunities in Cumberland State Forest.
	Well informed local and potential companies about the range of employment opportunities, locations	NA

Table 4 – The Hills Shire Community Strategic Plan 2017-2021

	and business intelligence about the region.	
Proactive leadership	Sound governance that values and engages our customers and is based on transparency and accountability.	NA
	Prudent management of financial resources, assets and people for long term sustainability.	NA
Shaping growth	Well planned and livable neighbourhoods that meets growth targets and maintains amenity	The Planning Proposal will facilitate development in a livable neighbourhood and contribute to The Hills Shire Council's 5-year dwelling target of 8,550.
	Safe, convenient and accessible transport options and a variety of recreational activities that supports an active lifestyle.	The sites are located in an area where residents can either walk or take public transport to local services and facilities in Castle Hill or other areas towards Sydney CBD. Residents will also benefit from the recreational facilities in the Cumberland State Forest.
Delivering & Maintaining Infrastructure	Our community infrastructure is attractive, safe and well maintained.	NA
	Infrastructure meets the needs of our growing Shire.	NA
Valuing our surroundings	Our natural surroundings are valued, maintained and enhanced and impacts are managed reasonably through education and regulatory action.	NA
	Encourage and educate people to live sustainably by facilitating resource recovery and minimising waste.	NA

**Q5. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?**

The Planning Proposal is consistent with all relevant State Environmental Planning Policies (SEPPs) as outlined in the table below.

Table 5 – State Environmental Planning Policies

SEPP	Consistent	Comment
SEPP No. 1- Development Standards	NA	-
SEPP No. 14 – Coastal Wetlands	NA	-
SEPP No. 19 – Bushland in Urban Areas	Consistent	<p>The Planning Proposal is generally consistent with the aims of this SEPP in that it:</p> <ul style="list-style-type: none"> <li>• Will not significantly affect the size or configuration of the forest or the forest's ability to host the existing plant and animal communities;</li> <li>• Is not likely to have any significant impact on rare or threatened fauna species given the absence of roosting or breeding habitat on the site;</li> <li>• Will have no impact of any naturally occurring threatened flora species (none identified on site);</li> <li>• Is not likely to affect any existing habitat connectivity in the landscape given the site's location at the outer edges of the forest and its highly modified nature;</li> <li>• Will enable more resources to be diverted to the higher quality, better utilised areas of the forest.</li> <li>• Will not remove any notable recreational or educational asset, geological feature, landform or archaeological relic.</li> </ul> <p>Refer to further discussion regarding bushland impacts in Section C of this report.</p>
SEPP No 21 – Caravan Parks	NA	-
SEPP No. 26 – Littoral Rainforests	NA	-
SEPP No. 30 – Intensive Agriculture	NA	-
SEPP No. 32 – Urban Consolidation	NA	-

Table 5 – State Environmental Planning Policies

(Redevelopment of Urban Land)		
SEPP No. 33 – Hazardous and Offensive Development	NA	-
SEPP No. 36 – Manufactured Home Estates	NA	-
SEPP No. 44 – Koala Habitat Protection	NA	The Planning Proposal is not required to be considered under SEPP 44 because it falls within The Hills Shire LGA, which is not listed in Schedule 1 of the SEPP.
SEPP No. 47 – Moore Park Showground	NA	-
SEPP no. 50 – Canal Estate Development	NA	-
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	NA	-
SEPP No. 55 – Remediation of Land	Consistent	The sites are not known to be contaminated and have been historically used for residential purposes (caretakers' dwellings). Accordingly, it is considered that the planning authority can be satisfied that the land is suitable for the proposed rezoning under cl 6 of the SEPP.
SEPP No. 62 – Sustainable Aquaculture	NA	-
SEPP No. 64 – Advertising and Signage	NA	-
SEPP No. 65 – Design Quality of Residential Flat Development	NA	-

Table 5 – State Environmental Planning Policies

SEPP No. 70 – Affordable Housing (Revised Schemes)	Consistent	The Planning Proposal does not affect the schemes within this SEPP nor does it propose any new scheme for affordable housing that would need to be included in this SEPP.
SEPP No. 71 – Coastal Protection	NA	-
SEPP (Affordable Rental Housing) 2009	Consistent	The Planning Proposal does not inhibit any operations of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent	The Planning Proposal does not inhibit any operations of this SEPP. Any future development application (DA) for residential uses at the site would be accompanied by a BASIX certificate.
SEPP (Exempt and Complying Development Codes 2008	Consistent	The proposal does not inhibit any operations of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent	The Planning Proposal does not inhibit any operations of this SEPP.
SEPP (Infrastructure) 2007	NA	The (northern) site is located on a classified road (Castle Hill Road). The impacts of any future subdivision on the road under cl 101 of this SEPP would be assessed at the future DA stage.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	NA	-
SEPP (Kurnell Peninsula) 1989	NA	-
SEPP (Major Development) 2005	Consistent	The proposal does not inhibit the operations of the former Part 3A provisions or the replacement measures.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NA	-

Table 5 – State Environmental Planning Policies

SEPP Penrith Lakes Scheme	NA	-
SEPP (Rural Lands) 2008	Consistent	<p>The Planning Proposal is consistent with the Rural Planning Principles contained within SEPP (Rural Lands) 2008 in that it:</p> <ul style="list-style-type: none"> <li>• Will not detract from any productive economic activity;</li> <li>• Will not have any significant impacts on the overall biodiversity of the forest; and</li> <li>• Will allow for new dwellings in a location serviced by existing infrastructure.</li> </ul>
SEPP (State and Regional Development) 2011	NA	-
SEPP (State Significant Precincts) 2005	NA	-
SEPP (Sydney Drinking Water Catchment) 2011	NA	-
SEPP (Sydney Region Growth Centres) 2006	NA	-
SEPP (Three Ports) 2013	NA	-
SEPP (Urban Renewal) 2010	NA	-
SEPP (Western Sydney Employment Area) 2009	NA	-
SEPP (Western Sydney Parklands) 2009	NA	-
SREP No. 8 – Central Coast Plateau Areas	NA	-

Table 5 – State Environmental Planning Policies

SREP No. 9 – Extractive Industry (No 2 – 1995)	NA	-
SREP No. 16 – Walsh Bay	NA	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	NA	The Planning Proposal does not impact upon or inhibit the function of the SEPP.
SREP No. 24 – Homebush Bay Area	NA	-
SREP No. 26 – City West	NA	-
SREP No. 30 – St Marys	NA	-
SREP No. 33 – Cooks Cove	NA	-
SREP (Sydney Harbour Catchment) 2005	NA	-

**Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?**

The Planning Proposal is consistent with all applicable Ministerial Directions under the previous Section 117 of the EP&A Act (now Section 9.1) as outlined in the table below.

Table 6 – Section 117 Ministerial Directions

Clause	Direction	Consistency	Comment
1. Employment and Resources			
1.1	Business and Industrial Zones	NA	
1.2	Rural Zones	Consistent	<p>The RU3 Forestry is a rural zone under the Standard Instrument, and therefore the Planning Proposal is inconsistent with cl 4(a) of this direction.</p> <p>The objective of the direction is to protect the agricultural production</p>



Table 6 – Section 117 Ministerial Directions

			value of rural land, which is irrelevant to the Planning Proposal because Cumberland State Forest is not utilised for commercial timber production. Accordingly, the Planning Proposal can be considered of 'minor significance' for the purposes of this Direction.
1.3	Mining, Petroleum Production and Extractive Industries	NA	-
1.4	Oyster Aquaculture	NA	-
1.5	Rural Lands	Consistent	This direction requires consistency with the Rural Planning Principles contained within SEPP (Rural Lands) 2008. Refer to Table 5 above for a statement of the Planning Proposal's consistency with these principles.

## 2. Environment and Heritage

2.1	Environment Protection Zones	Consistent	Despite containing important vegetation, the site is neither zoned nor identified for environment protection purposes in the LEP, and therefore this direction does not apply.
2.2	Coastal Protection	NA	-
2.3	Heritage Conservation	Consistent	The Planning Proposal contains no provisions that impact upon the heritage significance of the items within the forest. Refer to Section C of this report for further discussion on heritage impacts.
2.4	Recreation Vehicle Areas	NA	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NA	-

## 3. Housing, Infrastructure and Urban Development

Table 6 – Section 117 Ministerial Directions

3.1	Residential Zones	Consistent	The Planning Proposal will make efficient use of existing infrastructure and services, and will not result in the consumption of land for housing on the urban fringe. The site is within an urban area and adjoins residential-zoned land.
3.2	Caravan Parks and Manufactured Home Estates	NA	-
3.3	Home Occupations	Consistent	-
3.4	Integrating Land Use and Transport	Consistent	The Planning Proposal increases residential density in a location close to public transport, including Cherrybrook Metro Station.
3.5	Development Near Licensed Aerodromes	NA	-
3.6	Shooting Ranges	NA	-

#### 4. Hazard and Risk

4.1	Acid Sulfate Soils	NA	-
4.2	Mine Subsidence and Unstable Land	NA	-
4.3	Flood Prone Land	NA	-
4.4	Planning for Bushfire Protection	Consistent	The Planning Proposal has taken into account Planning for Bushfire Protection 2006 (refer to Bushfire Protection Assessment at Appendix 3) and includes an indicative subdivision plan incorporating Asset Protection Zones.

#### 5 Regional Planning

5.1	Implementation of Regional Strategies	NA	-
-----	---------------------------------------	----	---

Table 6 – Section 117 Ministerial Directions

5.2	Sydney Drinking Water Catchments	NA	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NA	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NA	-
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	NA	-
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See Amended Directions 5.1)	NA	-
5.7	Central Coast (Revoked 10 July 2008. See amended Directions 5.1)	NA	-
5.8	Second Sydney Airport: Badgerys Creek	NA	-
5.9	North West Rail Link Corridor Strategy	NA	-
5.10	Implementation of Regional Plans	NA	-

## 6 Local Plan Making

Table 6 – Section 117 Ministerial Directions

6.1	Approval and Referral Requirements	Consistent	The Planning Proposal does not include any unnecessary provisions requiring approval or referral of a Minister or public authority.
6.2	Reserving Land for Public Purposes	Consistent	The Planning Proposal does not contain any land that has been reserved for a public purpose, and no requests have been made to reserve such land.
6.3	Site Specific Provisions	Consistent	The Planning Proposal does not impose any unnecessarily restrictive site-specific controls.

#### 7 Metropolitan Planning

7.1	Implementation of A Plan for Growing Sydney	Consistent	As demonstrated in Table 3 above, the Planning Proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways in the Greater Sydney Region Plan, which has replaced A Plan for Growing Sydney as Sydney's overarching metropolitan strategy.
7.2	Implementation of Greater Macarthur Land Release Investigation	NA	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NA	-
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	NA	-
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure	NA	-

Table 6 – Section 117 Ministerial Directions

	Implementation Plan		
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NA	-
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NA	-
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	NA	-
7.9	Implementation of Bayside West Precincts 2036 Plan	NA	-
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	NA	-

## Section C—Environmental, social and economic impact

**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The Planning Proposal would result in minor and manageable impacts on two threatened ecological communities (TECs) and on potential habitat for threatened fauna species. Refer to further discussion under Q8 below.

**Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

The Planning Proposal would not result in any unacceptable environmental impacts as discussed below:

Biodiversity

The biodiversity impacts of the proposed rezoning are considered in detail in the Biodiversity Assessment Report (Travers, February 2019) at Appendix 4 of this report. The key issues are outlined below.

#### *Existing biodiversity*

The following significant biodiversity was recorded in the *study area* (i.e. the entire Cumberland State Forest):

- Five threatened fauna species—Little Lorikeet, Gang-gang Cockatoo, Powerful Owl (to a 'probable' level of certainty), Grey-headed Flying-fox, and Greater Broad-nosed Bat (to a 'probable' level of certainty);
- One threatened flora species—*Eucalyptus scoparia* (two planted specimen);
- Two TECs—Blue Gum High Forest and Sydney Turpentine Ironbark Forest; and
- One protected migratory bird species—White-throated Needletail.

In regards to the actual site areas:

- The rear portion of northern site is identified as Blue Gum High Forest (moderate-good), and the front portion is planted/landscaped land;
- The southern site is identified as entirely managed/modified Sydney Turpentine Ironbark Forest (except for the driveway, which is cleared and paved land);
- Neither the northern nor southern site contains any likely breeding or otherwise important habitat for these species; and
- The two *Eucalyptus scoparia* are located near the southwest corner of the southern site.

#### *Impacts*

The proposed rezoning would result in the following *direct* impacts on the site's biodiversity:

- Removal of 0.136ha of TEC Blue Gum High Forest;
- Removal of 0.344ha of TEC Sydney Turpentine Ironbark Forest;
- Removal of small branch hollows and bark exfoliations (i.e. potential habitat); and
- Up to 0.48ha loss of vegetated habitat for potential seasonal foraging by recorded nectarivore threatened species.

The potential *indirect* impacts are:

- Edge effects such as weed incursions into the adjacent natural habitat areas;
- Spillover from noise, activity, scent and lighting into the adjacent quality natural habitat areas (this may have effect on adjacent hollows supporting potential breeding habitat by Powerful Owl);
- Increased soil nutrients from changes to runoff that may promote weed plumes; and
- Concentrated stormwater runoff from solid surfaces and resulting increased flows.

The *Eucalyptus scoparia* trees within the southern site should not be a constraint to future development because they are planted specimens and do not occur naturally in the Sydney Basin Bioregion.

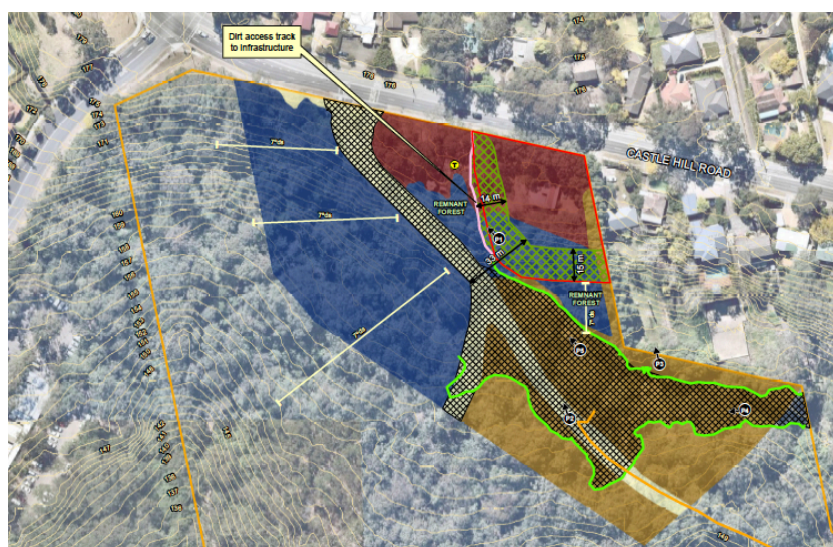
The rezoning and resulting future residential development would impact on areas mapped as containing biodiversity values, and therefore biodiversity offsets are required under the Biodiversity Offsets Scheme. Alternatively, a species impact statement would need to be prepared. This would be further assessed at the DA stage.

### Mitigation

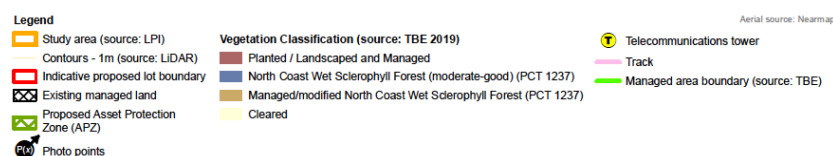
Overall, it is considered that the proposal's impacts are minor and manageable, subject to further assessment and the implementation of appropriate mitigation measures at the DA stage. It is considered that no further assessment is required at the rezoning stage.

The bushfire risks of the proposed rezoning are considered in detail in the Bushfire Protection Assessment (Travers, February 2019) at Appendix 3 of this report. Key issues are discussed below.

The assessment includes a Bushfire Protection Measures Plan for each site, including recommendations for adequate asset protection zones (APZs) for future housing (refer to extracts in the figures below).

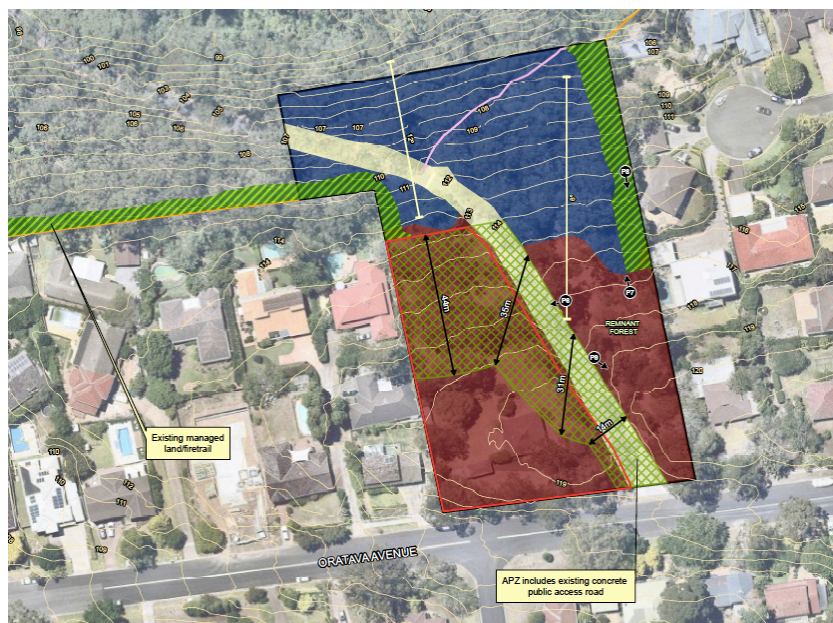






**Figure 11 – Bushfire protection measures – Northern site (Castle Hill Road)**

Source: Travers



**Figure 12 – Bushfire protection measures – Southern site (Oratava Avenue)**

Source: Travers

Travers' assessment concludes that, subject to implementation of the recommended protection measures, future development is able to comply with the planning principles of *Planning for Bushfire Protection* (2006 & 2018) and *Community Resilience Practice note 2/12 – Planning Instruments and Policies*.

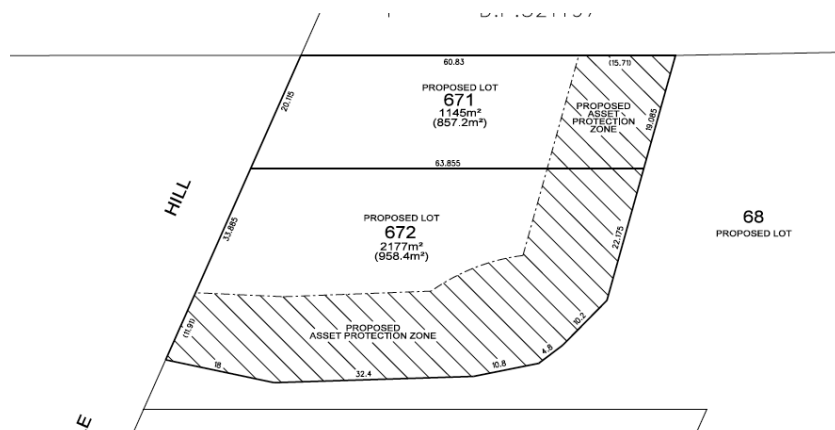
Overall, the bushfire risk associated with the proposed rezoning is considered moderate and acceptable, subject to the implementation of mitigation measures at the DA stage. It is considered that no further assessment is required at this rezoning stage.

### Future subdivision

Indicative subdivision plans have been prepared based on Travers' recommendations in order to demonstrate a possible residential density outcome for the site that takes into account bushfire constraints.

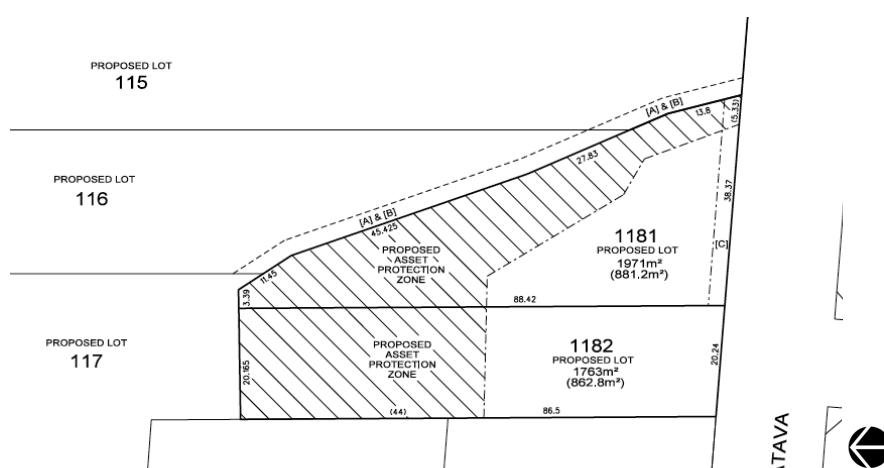
The subdivision plans show that it is possible to achieve two residential lots on each site. For the northern site (Castle Hill Road), the plans show two lots with total areas of 1,145sqm and 2,177sqm and non-constrained areas of (i.e. non-APZ areas) of 857.2sqm and 958.4sqm. For the southern site (Oratava Avenue), the plans show two lots with total areas of 1,971sqm and 1,763 and non-constrained areas (i.e., non-APZ areas) of 862.8sqm and 881.2sqm.





**Figure 13 – Indicative subdivision plan of northern site (Castle Hill Road)**

Source: Rygate Surveyors



**Figure 14 – Indicative subdivision plan of southern site (Oratava Avenue)**

Source: Rygate Surveyors

### Traffic and access

Traffic and access impacts associated with the proposed rezoning, in particular the vehicular access arrangements, are considered in detail in the Traffic Statement (InRoads, April 2019) at Appendix 2 of this report. Key issues are discussed below.

Current access to the Northern Site is via two crossovers onto Castle Hill Road. Current access to the Southern Site is via a private internal road (Bryant Road) that connects to Oratava Avenue.

Based on the indicative subdivision plans prepared as part of this Planning Proposal, the northern site would maintain two vehicular driveways—one for each lot. These driveways could be provided along any portion of the frontage, but preferably at the existing crossovers in order to minimise disruptive works. This access is considered acceptable given that it would not require any new driveways and would result in only marginal additional traffic movements (10-11 vehicle trips per day), which would have a negligible impact on the road network. The visibility to/from the driveways, whether kept at their current positions or relocated, would exceed the relevant minimum requirements, and there would be no notable traffic flow impacts.

The southern site would be accessed either via 1) direct access from the potential two lots onto Oratava Avenue or 2) access via Bryant Road and right of carriageway. Both arrangements

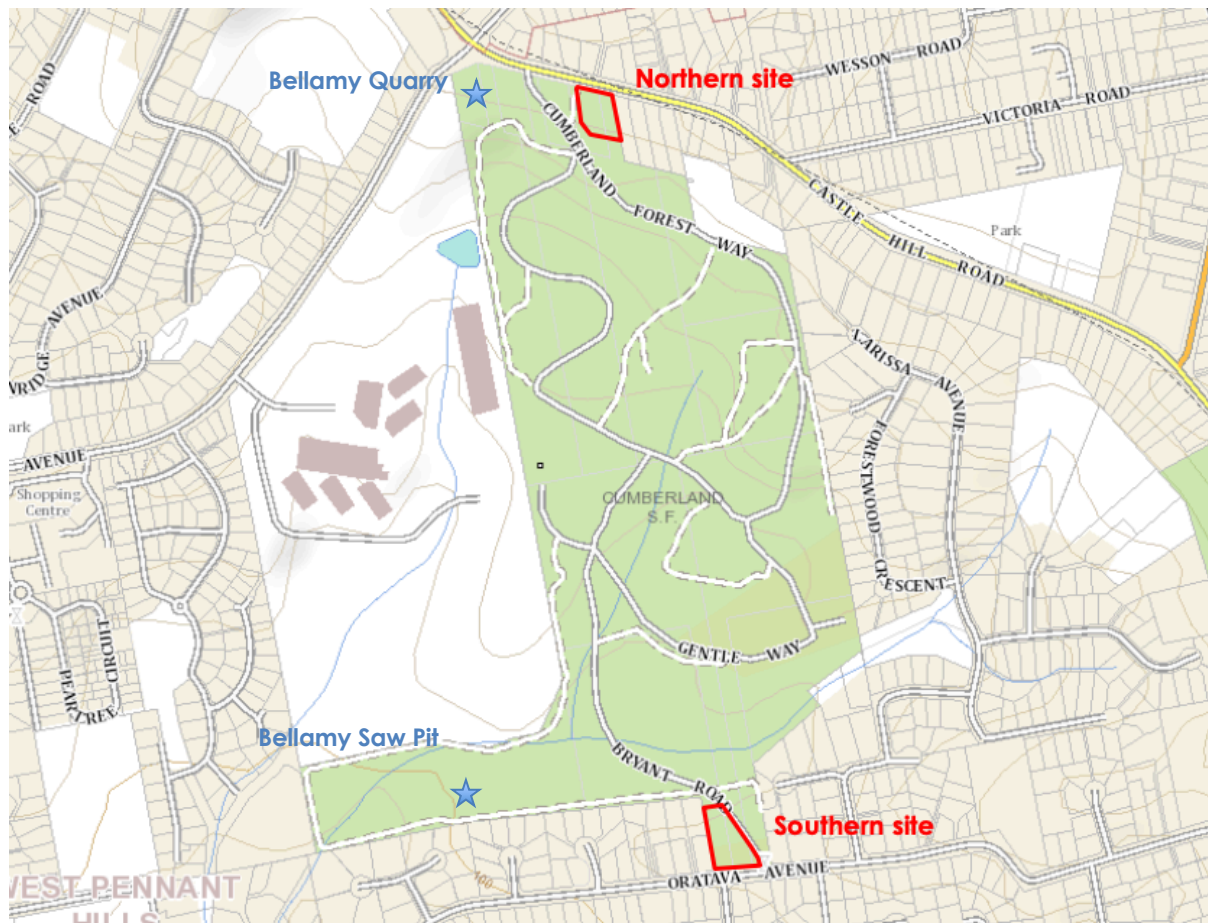
are considered acceptable from a traffic engineering perspective. Under Option 1, direct access would be consistent with the existing form and function of Oratava Avenue as a low speed, low volume local access road, and sightlines would exceed the relevant minimum requirements. Under Option 2, the access would be consistent (in principle) with existing arrangements, with the exception of a marginal increase in traffic volumes that would have negligible impact on the road network.

Overall, it is considered that acceptable and supportable vehicle access arrangements are achievable at both the northern and southern sites. The details would be developed at the DA stage. No further investigations are considered necessary at this rezoning stage.

### Heritage

The entire Cumberland State Forest site is identified in The Hills LEP 2011 as containing regional archeological item "Cumberland State Forest, Bellamy Quarry and Sawpit". The archaeological areas of significance are not located within or immediately adjacent to the proposed rezoning land (refer to the figure below). The quarry is approximately 150m west of the northern site (on the opposite side of the park entry), and the saw pit is approximately 320m east of the southern site.

Given these distances and the low-density nature of the proposed rezoning, it is considered that the Planning Proposal would result in no significant heritage impacts and, accordingly, that no further heritage assessment is required at the rezoning stage.



**Figure 15 – Heritage item locations**  
Source: Mecone

#### **Q9. Has the Planning Proposal adequately addressed any social and economic effects?**

##### Social effects

The Planning Proposal is not anticipated to have any adverse social effects. The sites do not contain any recreational or other notable socially beneficial attributes that would be removed as part of the rezoning.

##### Economic effects

The Planning Proposal is not anticipated to have any significant economic effects.

## Section D—State and Commonwealth interests

#### **Q10. Is there adequate public infrastructure for the Planning Proposal?**

The site is currently serviced by all essential services and infrastructure. Certain infrastructure may be required to be upgraded to service future development. This would be determined at the future DA stage in consultation with the relevant utility authorities.

#### **Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

At this stage, the views of appropriate State and Commonwealth public authorities have not been obtained. This would occur following Gateway determination.

## Part 4: Mapping

The table below outlines the proposed changes to the provisions of The Hills LEP 2012.

Table 7 – Proposed mapping changes		
Item	Current provisions	Proposed provisions
Zone	RU3 Forestry	R2 Low Density Residential
Height	NA	9m
Minimum Lot Size	40ha	700m <sup>2</sup>

The proposed changes would be reflected in amendments to the Land Zoning Map, Height of Building Map and Minimum Lot Size Map in The Hills LEP 2012.

The proposed maps are attached at Appendix 1. Extracts are provided at Figure 16 to

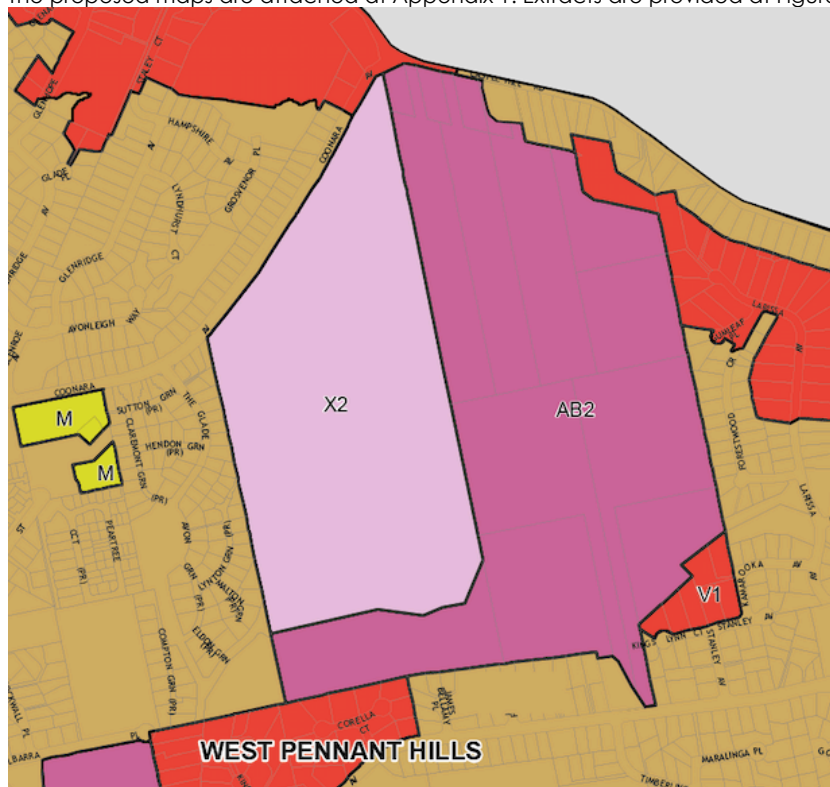


Figure 18.

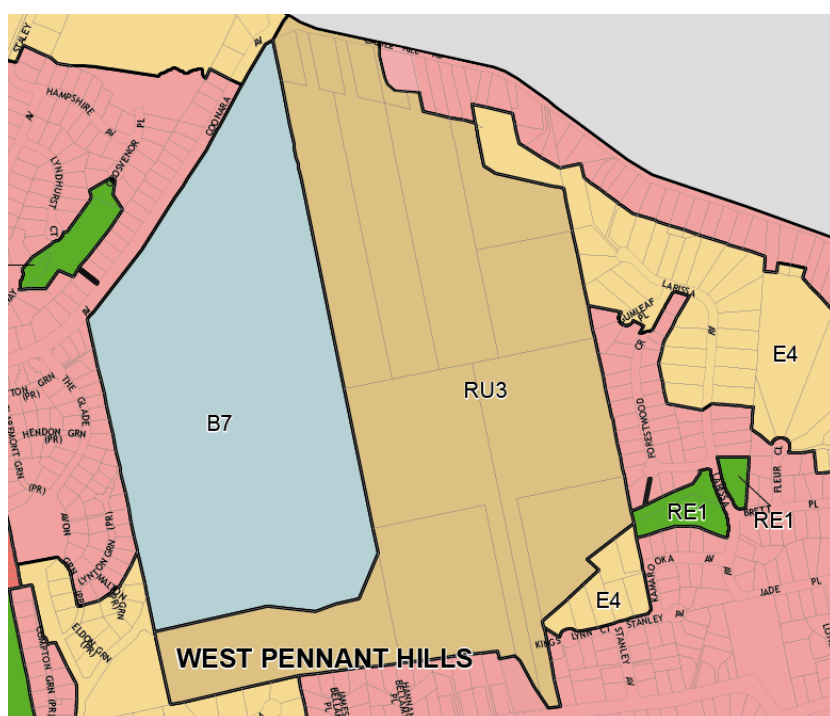
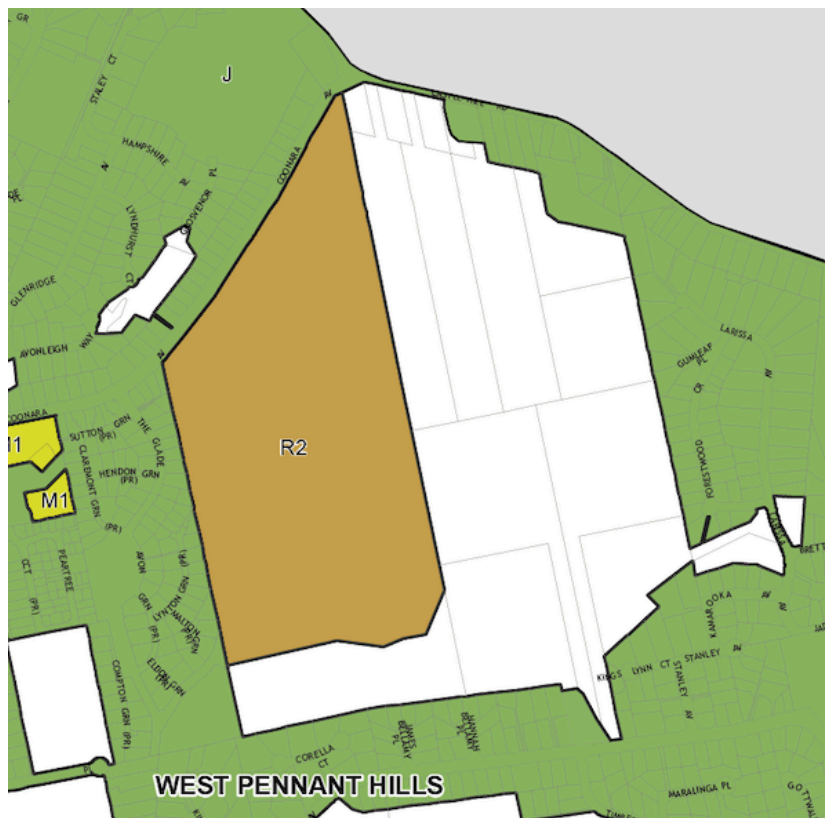


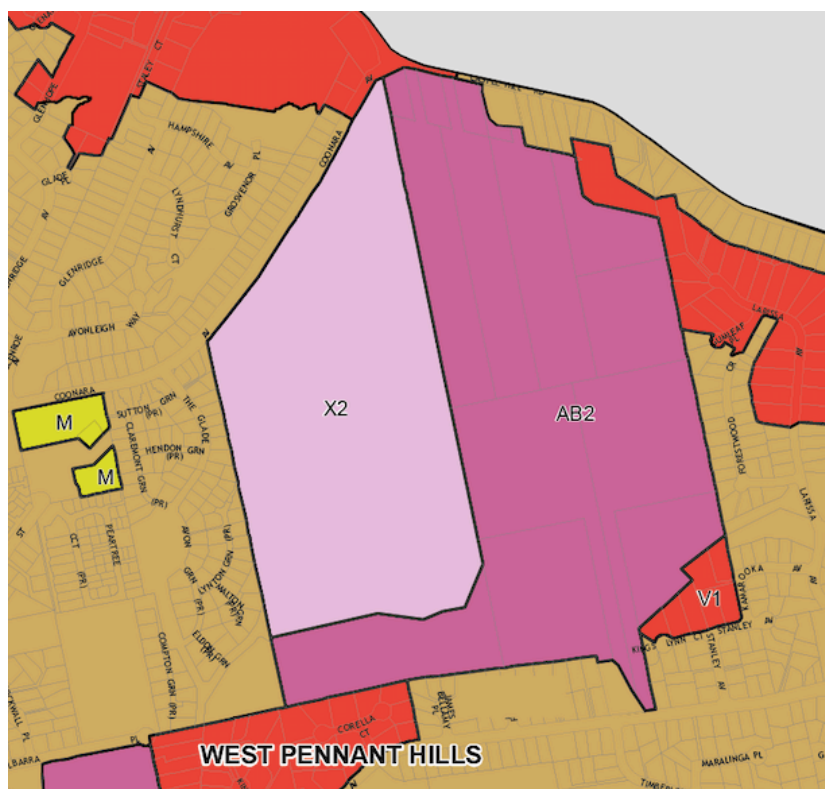
Figure 16 – Proposed zoning map

Source: Mecone



**Figure 17 – Proposed height of buildings map**  
Source: Mecone

Source: Mecone



**Figure 18 – Proposed minimum lot size map**  
Source: Mecone

Source: Mecone



## Part 5: Community Consultation

Community consultation would take place following a Gateway determination, in accordance with Section 3.34 and Clause 4 of Schedule 1 of the EP&A Act. It is anticipated that public exhibition would include:

- Notification on the Cumberland Council website;
- Advertisement in local newspapers that are circulated within the local government area;
- Notification in writing to adjoining landowners and neighbours, and any other relevant stakeholders; and
- A four-week exhibition period.

## Part 6: Project Timeline

This project timeline has been provided to assist with monitoring the progress of the Planning Proposal through the plan making process and assist with resourcing to reduce potential delays.

Table 8 – Project timeline		
Milestone	Date	Comments
Anticipated commencement date (date of Gateway determination)	August 2019	
Anticipated timeframe for the completion of required technical information	Completed prior to lodgment	Updates to be made if necessary.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	September 2019	Other relevant agencies to be consulted as necessary or required by the Gateway determination.
Commencement and completion dates for public exhibition period	November 2019	-
Dates for public hearing (if required)	Within exhibition period	-
Timeframe for consideration of submissions	January-February 2020	-
Timeframe for consideration of a proposal post exhibition	As above	-
Date of submission to the department to finalise the LEP	March 2020	-

Table 8 – Project timeline

Anticipated date for publishing of the plan	May 2020	-
Anticipated date RPA will forward to the department for notification	As above	-

## Conclusion

This Planning Proposal has provided a full justification of the proposed changes to The Hills LEP 2012 in line with DP&E's standardised pathway for Gateway rezonings. The justification demonstrates that the proposal:

- Is consistent with the *Greater Sydney Region Plan* and *Central City District Plan*;
- Is consistent with relevant Ministerial Directions;
- Is consistent with relevant State Environmental Planning Policies;
- Supports Council's local strategies;
- Results in no unacceptable environmental impacts; and
- Results in no unacceptable social or economic impacts.

**Appendix 1**  
Proposed LEP Mapping



## Appendix 2

### Traffic Report

**Appendix 3**  
Bushfire Report

**Appendix 4**  
Biodiversity Report