

Planning Proposal

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

Cumberland State Forest

Updated in accordance with Gateway conditions

PREPARED FOR
Forestry Corporation of NSW






26 July 2024
MECONE.COM.AU

Project Director

Chris Shannon/ Adam Coburn

Contributors

Addison Boykin
Luke Zajac
Margaret Paige

REVISION	REVISION DATE	STATUS	AUTHORISED: NAME & SIGNATURE	
1	27.05.2024	Issued	Chris Shannon	
2	31.05.2024	Issued Updated minimum lot size map	Chris Shannon	
3	03.06.2024	Issued Updated minimum lot size map	Chris Shannon	
4	18.07.2024	Issued Updated in accordance with Gateway conditions	Chris Shannon	
5	26.07.2024	Issued Final updates in accordance with Gateway conditions	Chris Shannon	

* This document is for discussion purposes only unless signed and dated by the persons identified.
This document has been reviewed by the Project Director.

Contact

MECONE

Suite 1204b, Level 12, 179 Elizabeth Street
Sydney, New South Wales 2000
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

1	Introduction	4
2	Site Description	4
3	Existing Planning Controls	9
4	Planning Proposal	10
	Part 1: Objectives and intended outcomes	10
	Part 2: Explanation of provisions	11
	Part 3: Justification of strategic and site-specific merit	12
4.1	Section A- Need for the proposal	12
4.2	Section B – Relationship to strategic planning framework	12
4.3	Section C – Environmental, social and economic impact	22
4.4	Section D – Infrastructure (Local, State and Commonwealth)	29
4.5	Section E – State and Commonwealth Interests	29
	Part 4 – Mapping	30
	Part 5 – Community consultation	34
	Part 6 – Project timeline	34
5	Conclusion	35



Schedule of Figures

Figure 1 – Site location	5
Figure 2 - Northern site aerial image	5
Figure 3 – Southern site aerial image	6
Figure 4 – Local context map	6
Figure 5 – Northern site seen from Castle Hill Road	8
Figure 6 – Southern site seen from Oratava Avenue.....	8
Figure 7 – Existing dwelling on northern site	8
Figure 8 – Existing dwelling, garage and shed on southern site.....	8
Figure 9 - Current zoning map.....	9
Figure 10 - Current minimum lot size map.....	9
Figure 11 – Heritage map.....	10
Figure 12– Bushfire protection measures – Northern site (Castle Hill Road)	25
Figure 13 – Bushfire protection measures – Southern site (Oratava Avenue).....	25
Figure 14 - Indicative subdivision plan of northern site (Castle Hill Road).....	26
Figure 15 - Indicative subdivision plan of southern site (Oratava Avenue)	27
Figure 16 - Heritage item locations	28
Figure 17 – Proposed zoning map.....	30
Figure 18 - Proposed height of buildings map	31
Figure 19 - Proposed minimum lot size map	32
Figure 20 - Proposed heritage map	33

Appendices

- Appendix 1: Traffic Report
- Appendix 2: Bushfire Assessment
- Appendix 3: Biodiversity Development Assessment Report
- Appendix 4: Arborist Report
- Appendix 5: Vegetation Management Report



1 Introduction

This Planning Proposal is submitted on behalf of Forestry Corporation of NSW (the proponent) to seek amendments to *The Hills Local Environmental Plan 2019* (The Hills LEP 2019) 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 9 m to the land
- amend the land's minimum lot size from 40 ha to 1,140 m² for the northern site and 1,700 m² for the southern site
- amend the heritage map to remove the application of local archaeological item A26 'Cumberland State Forest, Bellamy Quarry and Sawpit' to the land to be rezoned
- amend Schedule 5 Environmental Heritage Part 3 Archaeological Heritage to update the property description for local archaeological item A26 'Cumberland State Forest, Bellamy Quarry and Sawpit' to exclude the land to be rezoned.

The Planning Proposal been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act)
- The Local Environmental Plan Making Guideline (August 2023).

2 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 3 km south east of the Castle Hill Strategic Centre and 20 km 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 Figure 1 - Figure 3 below).



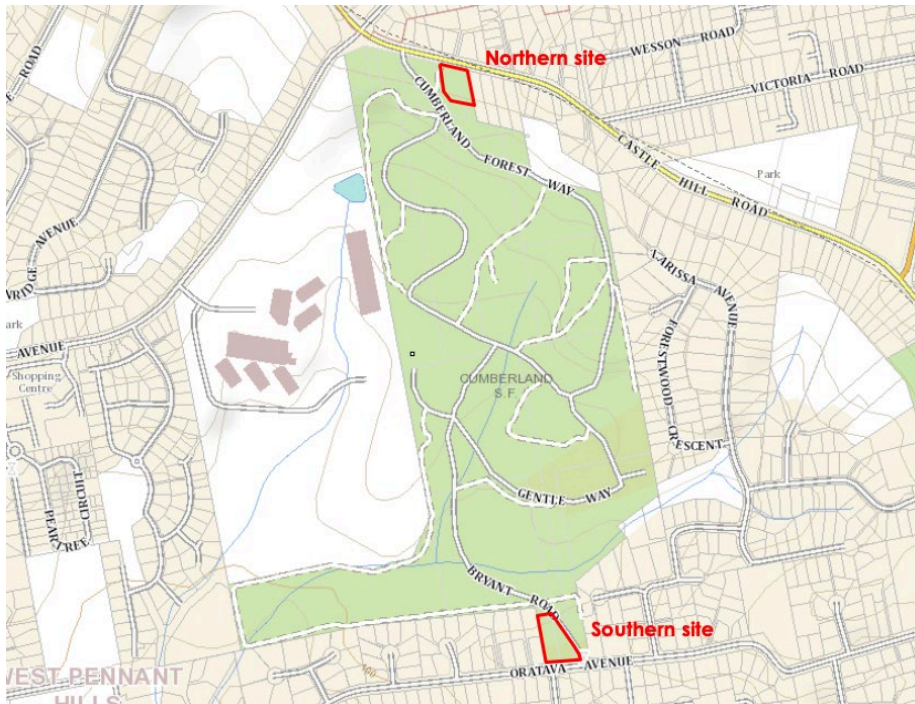


FIGURE 1 – SITE LOCATION

Source: Mecone



FIGURE 2 - NORTHERN SITE AERIAL IMAGE

Source: Mecone





FIGURE 3 – SOUTHERN SITE AERIAL IMAGE

Source: Mecone

The Cherrybrook Metro Station is approximately 700 m and 1.6 km to the northwest of the northern and southern sites, respectively. The surrounding locality is characterised by low density housing. The former IBM office campus is located immediately to the west. Refer to Figure 4 for a local context map.



FIGURE 4 – LOCAL CONTEXT MAP

Source: Mecone



Table 1 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	3,322 sqm	3,377 sqm
Shape	Irregular	Irregular
Frontage	Approximately 54 m to Castle Hill Road	Approximately 79 m to Oratava Avenue
Topography	Falls towards the rear	Relatively flat
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	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. The site is also located 700m east of Cherrybrook Metro Station, which connects the site to Chatswood, Castle Hill, Norwest, and the City.	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.
Heritage	The entire Cumberland State Forest is identified as containing regional heritage item "Cumberland State Forest Bellamy Quarry and Sawpit" in The Hills LEP 2019. 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 2019. 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 Octava 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 FROM 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)



3 Existing Planning Controls

The site is subject to The Hills LEP 2019. The following key provisions currently apply:

- Land use zone: RU3 Forestry
- Minimum lot size: AB2 40ha
- Heritage: The land is identified as part of local archaeological heritage item A26.

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

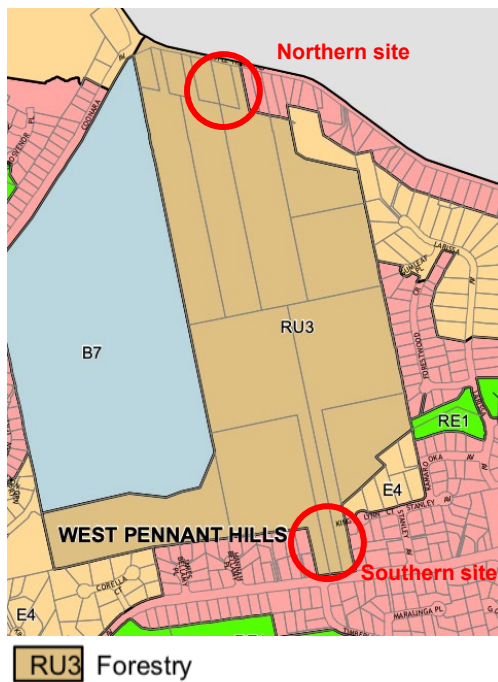


FIGURE 9 - CURRENT ZONING MAP
Source: *The Hills LEP 2019*

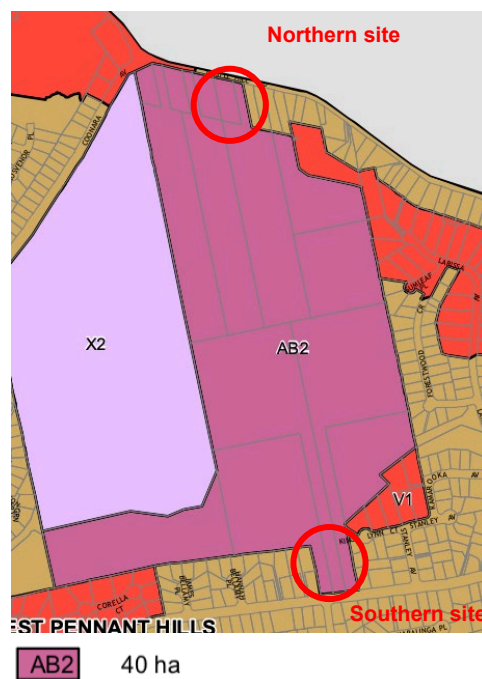


FIGURE 10 - CURRENT MINIMUM LOT SIZE MAP
Source: *The Hills LEP 2019*



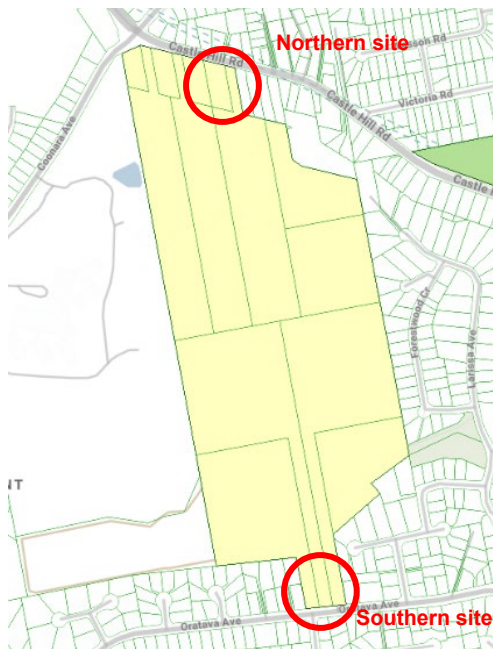


FIGURE 11 – HERITAGE MAP
 Source: *The Hills LEP 2019*

4 Planning Proposal

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Local Environmental Plan Making Guideline (August 2023) prepared by the Department of Planning and Environment.

The Planning Proposal is structured as follows:

- Part 1 – A statement of the objectives and intended outcomes
- Part 2 – An explanation of the proposed provisions
- Part 3 – Justification of strategic and site-specific merit, outcomes and the process for implementation
- Part 4 – Mapping, which identifies the proposed amendments and the areas to which these apply
- Part 5 – Details of community consultation that is to be undertaken on the Planning Proposal
- Part 6 – Draft project timeline for the Planning Proposal.

Part 1: Objectives and intended outcomes

The objective of the planning proposal is to amend The Hills LEP 2019 to achieve the following outcomes:



- to enable the divestment of surplus forestry land
- 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 2019 as follows:

- rezone the sites from RU3 Forestry to R2 Low Density Residential
- apply a maximum height standard of 9 m to the sites
- amend the sites' minimum lot size from 40 ha to 1,140 sqm for the Northern site and 1,700 sqm for the Southern site
- amend the heritage map to remove the application of local archaeological item A26 'Cumberland State Forest, Bellamy Quarry and Sawpit' to the land to be rezoned
- amend Schedule 5 Environmental Heritage Part 3 Archaeological Heritage to update the property description for local archaeological item A26 'Cumberland State Forest, Bellamy Quarry and Sawpit' to exclude the land to be rezoned.

The entry in Schedule 5 Environmental Heritage Part 3 Archaeological Heritage is to be updated to reflect the following:

SUBURB	ITEM NAME	ADDRESS	PROPERTY DESCRIPTION	SIGNIFICANCE	ITEM NO
West Pennant Hills	Cumberland State Forest, Bellamy Quarry and Sawpit	89-97 Castle Hill Road	Lots 1–5, Lot 6 (part), Lot 7 (part), Lot 15, Lot 16 (part) and Lot 17 (part), DP 11133; Lot 1, DP 343971; Lot 1, DP 338977; Lot 1, DP 337618	Local	A26

The above amendments would be achieved by amending the relevant mapping in The Hills LEP 2019. Refer to Part 4 of this Planning Proposal for thumbnail images of the proposed mapping.



Part 3: Justification of strategic and site-specific merit

4.1 Section A- Need for the proposal

Q1. Is the Planning Proposal a result of an endorsed LSPS, 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 estate. Divestment would make land available for additional housing supply.

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 2019 through the Planning Proposal process.

4.2 Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plan 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, liveability, productivity and sustainability, and sets out a number of directions and objectives to guide



delivery of these themes. The two themes of liveability and sustainability are particularly relevant to this Planning Proposal, as outlined in Table 2 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 10-year cumulative dwelling target of 18,500 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 Cherrybrook Metro Station, which provides 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 Table 3.

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.
	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



THEME	PRIORITY	CONSISTENCY
		Cherrybrook Metro Station, which provides rapid connections to Castle Hill, Epping and the City. The Proposal will also help meet The Hills Shire Council's 10-year cumulative dwelling target of 18,500.
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 LSPS that has been endorsed by the Planning Secretary of GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with the priorities contained within *Hills Future 2036* – the Hills Shire Local Strategic Planning Statement (LSPS) and the Hills Housing Strategy, as discussed below.

Hills Future 2036

Hills Future 2036 provides a land use vision for The Hills Shire to 2036 and provides planning priorities and actions for the five years to 2025. It supports the Central City District Plan and the Greater Sydney Region Plan. The LSPS is structured around five themes. Relevant priorities are discussed in Table 4

TABLE 4 – HILLS FUTURE 2036

THEME	PRIORITY	CONSISTENCY
Shaping Growth	Priority 6. Plan for new housing to support Greater Sydney's growing population	The Planning Proposal will facilitate additional dwellings within proximity of the West Pennant Hills local centre and Cherrybrook Metro Station. The Proposal will also help meet The Hills Shire Council's cumulative 10-year target of 18,500 additional dwellings.
	Priority 7. Plan for new housing in the right locations	The Planning Proposal will facilitate housing in a location just over 30 minutes by public transport (Metro) from Sydney CBD.
Environment	Priority 17. Protect areas of high environmental value and significance	The Planning Proposal will enable more resources to be diverted to the higher quality, better utilised areas of the forest. It will not significantly affect the size or



THEME	PRIORITY	CONSISTENCY
		configuration of the forest or the forest's ability to host the existing plant and animal communities.

Housing Strategy

The Hills Housing Strategy guides strategic planning for residential development in the Hills Shire, and complements *Hills Future 2036*.

The Housing Strategy identifies that most new housing will be located in greenfield areas and station precincts. Station precincts can accommodate additional housing as they provide access to public transport, shops, services, employment and leisure opportunities. Cherrybrook precinct is identified as a location for future housing. The planning proposal will facilitate housing in a location within approximately 700m of Cherrybrook Station.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other State or regional studies or strategies relevant to this Planning Proposal.

Q6. Is the planning proposal consistent with applicable SEPPs?

Consideration has been given to all state environmental planning policies (SEPPs) in preparing the Planning Proposal. The Planning Proposal is consistent with all relevant SEPPs as outlined in Table 5.

TABLE 5 – STATE ENVIRONMENTAL PLANNING POLICY ASSESSMENT

STATE ENVIRONMENTAL PLANNING POLICY	CONSISTENCY	JUSTIFICATION
SEPP (Biodiversity and Conservation) 2021	Consistent	<p>The Planning Proposal is generally consistent with the aims of this SEPP in that it:</p> <ul style="list-style-type: none"> • Will not significantly affect the size or configuration of the forest or the forest's ability to host the existing plant and animal communities; • 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; • Will have no impact of any naturally occurring threatened flora species (none identified on site); • Is not likely to affect any existing habitat connectivity in the landscape given the site's location



STATE ENVIRONMENTAL PLANNING POLICY	CONSISTENCY	JUSTIFICATION
		<p>at the outer edges of the forest and its highly modified nature;</p> <ul style="list-style-type: none"> • Will enable more resources to be diverted to the higher quality, better utilised areas of the forest. • Will not remove any notable recreational or educational asset, geological feature, landform or archaeological relic. <p>Refer to further discussion regarding bushland impacts in Section C of this report.</p>
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 Planning Proposal does not inhibit any operations of this SEPP.
SEPP (Housing) 2021	Consistent	The Planning Proposal does not inhibit any operations of this SEPP.
SEPP (Industry and Employment) 2021	N/A	The Planning Proposal does not include any industrial or employment zones.
SEPP (Planning Systems) 2021	Consistent	The Planning Proposal does not inhibit any operations of this SEPP.
SEPP (Precincts – Central River City) 2021	N/A	The land is not located within any of the precincts identified in the SEPP.
SEPP (Precincts – Eastern Harbour City) 2021	N/A	The land is not located within any of the precincts identified in the SEPP.
SEPP (Precincts – Regional) 2021	N/A	The land is not located within any of the precincts identified in the SEPP.
SEPP (Precinct – Western Parkland City) 2021	N/A	The land is not located within any of the precincts identified in the SEPP.
SEPP (Primary Production) 2021	Consistent	<p>The Planning Proposal is consistent with the aims of the SEPP in that it:</p> <ul style="list-style-type: none"> • Will not detract from any productive economic activity; • Will not have any significant impacts on the overall biodiversity of the forest; and • Will allow for new dwellings in a location serviced by existing infrastructure.
SEPP (Resilience and Hazards) 2021	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.



STATE ENVIRONMENTAL PLANNING POLICY	CONSISTENCY	JUSTIFICATION
SEPP (Resources and Energy) 2021	N/A	The Planning Proposal does not relate to mining, petroleum production or extractive industries.
SEPP (Sustainable Buildings) 2021	Consistent	The Planning Proposal does not inhibit any operations of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent	The (northern) site is located on a classified road (Castle Hill Road). The impacts of any future subdivision on the road under Clause 2.116 of this SEPP would be assessed at the future DA stage.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires a planning proposal to demonstrate how it will achieve or give effect to principles, aims, objectives or policies specified in a Direction issued by the Minister for Planning.

Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the planning proposal. This can be supported by technical or evidence provided as part of the justification.

Consideration has been given to all Section 9.1 Local Ministerial Directions in preparing the Planning Proposal as outlined in the table below:

TABLE 6 – MINISTERIAL DIRECTION ASSESSMENT

DIRECTION	CONSISTENCY	JUSTIFICATION
Focus area 1: Planning systems		
1.1 Implementation of Regional Plans	Consistent	As demonstrated in Table 2 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 – A Metropolis of Three Cities.
1.2 Development of Aboriginal Land Council Land	Not applicable	The Planning Proposal is not identified on Aboriginal Land Council land.
1.3 Approval and Referral Requirements	Consistent	The Planning Proposal does not include any unnecessary provisions requiring approval or referral of a Minister or public authority.
1.4 Site Specific Provisions	Consistent	The Planning Proposal does not propose any unnecessarily restrictive site-specific planning controls.
1.4A Exclusion of Development Standards from Variation	Consistent	The Planning Proposal does not propose to introduce or alter an existing exclusion to clause 4.6 of the Hills LEP 2019.



DIRECTION	CONSISTENCY	JUSTIFICATION
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable	The Site is not located in the Parramatta Road Corridor.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable	The Site is not located in the North West Growth Area.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	The Site is not located in the Greater Parramatta Priority Growth Area.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	The Site is not located in the Wilton Priority Growth Area.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable	The Site is not located in the Glenfield to Macarthur Urban Renewal Corridor.
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable	The Site is not located in the Western Sydney Aerotropolis.
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable	The Site is not located in the Bayside West Precinct.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable	The Site is not located in the Cooks Cove Precinct.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable	The Site is not located in the St Leonards and Crows Nest.
1.14 Implementation of Greater Macarthur 2040	Not applicable	The Site is not located in the Greater Macarthur area.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable	The Site is not subject to the Pyrmont Peninsula Place.
1.16 North West Rail Link Corridor Strategy	Not applicable	The Site is not located in the North West Rail Link Corridor.
1.17 Implementation of the Bays West Place Strategy	Not applicable	The Site is not subject to the Bays West Place Strategy.



DIRECTION		CONSISTENCY	JUSTIFICATION
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable	The Site is not located in the Macquarie Park Innovation Precinct.
1.19	Implementation of the Westmead Place Strategy	Not applicable	The Site is not located in Westmead Precinct.
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable	The Site is not located in the Camellia-Rosehill Precinct.
1.21	Implementation of South West Growth Area Structure Plan	Not applicable	The Site is not located in the South West Growth Area
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable	The Site is not located in Cherrybrook Station Precinct.
Focus area 3: Biodiversity and Conservation			
3.1	Conservation Zones	Not applicable	Despite containing important vegetation, the site is neither zoned nor identified for environment protection purposes in the LEP.
3.2	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.
3.3	Sydney Drinking Water Catchments	Not applicable	The Site is not located within the Sydney Drinking Water Catchment
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	The Site is not located in the identified Far North Coast LGAs.
3.5	Recreation Vehicle Areas	Not applicable	The Site is not identified as sensitive land or land with significant conservation values where impacts from recreational vehicles could occur.
3.6	Strategic Conservation Planning	Not applicable	The Site does not contain land that is identified as avoided land or a strategic conservation area.
3.7	Public Bushland	Consistent	<p>The Planning Proposal</p> <ul style="list-style-type: none"> • Will enable more resources to be diverted to the higher quality, better utilised areas of the forest. • Will not significantly affect the size or configuration of the forest or the forest's ability to host the existing plant and animal communities; • 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;



DIRECTION		CONSISTENCY	JUSTIFICATION
			<ul style="list-style-type: none"> • Is unlikely to affect any existing hydrological landforms, processes and functions given the modified nature of the sites on the outer edges of the forest • Will not remove any notable recreational, or educational asset, or have any likely impact on the scientific, aesthetic, environmental, ecological and cultural values and potential of the land. Refer to further discussion regarding bushland impacts in Section C of this report.
3.8	Willandra Lakes	Not applicable	The Site is not located in the Willandra Lakes.
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable	The Site is not located in the Sydney Harbour foreshore or waterway.
3.10	Water Catchment Protection	Not applicable	The Site is not located within a regulated catchment within the meaning of <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
Focus 4: Resilience and Hazards			
4.1	Flooding	Not applicable	The site is not identified as flood prone land.
4.2	Coastal Management	Not applicable	The Site is not identified as part of a coastal zone.
4.3	Planning for Bushfire Protection	Consistent	The Planning Proposal has taken into account Planning for Bushfire Protection 2019 (refer to Bushfire Protection Assessment at Appendix 2) and includes an indicative subdivision plan incorporating Asset Protection Zones.
4.4	Remediation of Contaminated 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.
4.5	Acid Sulfate Soils	Not applicable	The site is not identified as affected by acid sulfate soils.
4.6	Mine Subsidence and Unstable Land	Not applicable	The Site is not located in a mine subsidence district and has not been identified as unstable land.
Focus area 5: Transport and Infrastructure			
5.1	Integrating Land Use and Transport	Consistent	The Planning Proposal increases residential density in a location close to public transport, including Cherrybrook Metro Station.
5.2	Reserving Land for Public Purposes	Consistent	The Planning Proposal does not contain any land that has been reserved for a public purpose, and



DIRECTION		CONSISTENCY	JUSTIFICATION
			no requests have been made to reserve such land.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable	The Site is not located near regulated airports or a defence airfield.
5.4	Shooting Ranges	Not applicable	The Site is not adjacent to/or adjoining an existing shooting range.
Focus area 6: Housing			
6.1	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.
6.2	Caravan Parks and Manufactured Home Estates	Not applicable	The proposal does not involve any caravan or manufactured home estates.
Focus area 7: Industry and Employment			
7.1	Business and Industrial Zones	Not applicable	The planning proposal does not include an existing or proposed employment zone.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable	The Site is not located in the Byron Shire Council LGA.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	The Site is not located along the Pacific Highway, North Coast
Focus area 8: Resources and Energy			
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable	The Planning Proposal does not change the permissibility of mining on the Site.
Focus area 9: Primary Production			
9.1	Rural Zones	Consistent	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. The objective of the direction is to protect the agricultural production value of rural land. The 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.
9.2	Rural Lands	Not applicable	The site is not located within the local government areas where the direction applies.



DIRECTION		CONSISTENCY	JUSTIFICATION
9.3	Oyster Aquaculture	Not applicable	The Site is not located in a priority oyster aquaculture area or is proposed for the purposes of oyster aquaculture.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	The Site is not located on the Far North Coast.

4.3 Section C – Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because 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 Q9 below.

Q9. 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 have been considered in a streamlined Biodiversity Assessment Report (Travers, May 2024) at Appendix 3 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, Grey-headed Flying-fox, Little Bent-winger Bat, Large Bent-winged Bat, Greater Broad-nosed Bat and Dural Land Snail
- three threatened flora species—*Eucalyptus scoparia* (planted specimens only), *Eucalyptus nicholii* (planted specimens only, as per the Arborist report although not identified during the botanical survey), *Syzygium paniculatum* (planted specimens only)
- two TECs—Blue Gum High Forest and Sydney Turpentine Ironbark Forest.



In regards to the actual site areas, the Vegetation Management Plan (Travers, May 2024 at Appendix 5) notes that:

- the rear portion of northern site is identified as Blue Gum High Forest (moderate-good), and the front portion is planted/landscaped land
- the rear portion of the southern site is identified as managed/derived Sydney Turpentine Ironbark Forest
- neither the northern nor southern site contains any likely breeding or otherwise important habitat for these species
- the planted specimens of *Eucalyptus scoparia*, *Eucalyptus nicholii* and *Syzygium paniculatum* are located near the southwest corner of the southern site. These do not constitute an important specimens and will likely be removed in future development.

Impacts

The proposed rezoning may facilitate the following direct impacts on the site's biodiversity:

- removal of 0.16ha of Blue Gum High Forest (PCT 3136)
- removal of 0.29ha Removal Sydney Turpentine Ironbark Forest (PCT 3262)
- removal of up to our hollow-bearing trees providing potential roosting and breeding habitat for hollow-dependent fauna
- removal of up to 0.45ha of vegetated habitat for potential seasonal foraging by recorded nectarivore threatened species.

A high proportion of these lands shows previous clearing and management, as well as more intact areas (northern site) that are heavily impacted by weed invasion, where much of the mid-storey has been replaced by exotic species such as *Celtis sinensis* (Chinese Hackberry). Offsets will be required for the impacts to PCT 3136 (Blue Gum High Forest) and PCT 3262 (Sydney Turpentine Ironbark Forest).

The potential *indirect* impacts are:

- edge effects such as weed incursions into the adjacent natural habitat areas
- reduced inter-site connectivity
- 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.

Streamlined BDAR's only need to consider potential SAIL entities for species credits.

Impacts upon the site's threatened species are listed as potential SAILs; however, that the site does not support important breeding habitat or likely important roosting/foraging for these species. The SAILs on the threatened ecological communities recorded are identified, however, as the impact is on small areas on the extremity of a large bushland reserve surrounded by urban development, the removal of vegetation which does not form part of a connective corridor and the species are common and widespread, the removal is not considered significant. **Future development is not likely to be constrained by any SAILs.**



The potential for serious and irreversible impacts (SAILs) (as set under the BC Regulation 2017) would be reviewed at the DA stage.

The rezoning and resulting future residential development would impact on areas mapped as containing biodiversity values and triggers the area clearing threshold; therefore, biodiversity offsets are required under the Biodiversity Offsets Scheme.

As the proposal would impact on nationally-listed TECs/ matters of national environmental significance. A referral to Department of Climate Change, Energy, the Environment and Water is recommended to determine if further under the *Environment Protection and Biodiversity Conservation Act 1999* assessment is required. This could be conducted at the DA stage.

Minimisation

Travers' report recommends the following minimisation measures:

- avoid the planted Turpentine trees along the eastern boundary of the northern investigation area (separating residences further east) that provide potential Powerful Owl roosting habitat as well as screening of light overflows from the urban landscape.
- avoid development within 200 m of any current or previously known breeding trees occupied by the local Powerful Owl pair.

Mitigation

The main mitigation measure recommended is the preparation of a vegetation management report. This has been prepared in association with the BDAR and is provided as Appendix 5.

Travers' report also recommends a number of mitigation measures to be implemented at the DA stage related to tree retention, management of remnant vegetation, weed control, construction management, landscape plant selection, sediment and erosion control and unexpected finds. These measures would be reviewed and refined at the DA stage.

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.

Bushfire protection

The bushfire risks of the proposed rezoning are considered in detail in the Bushfire Protection Assessment (Travers, February 2019) at Appendix 2 of this report. Key issues are discussed below.

The assessment has found that bushfire can potentially affect the site from the wet sclerophyll forest vegetation and remnant forest that adjoins both the northern and southern sites, resulting in possible ember attack, radiant heat and potentially flame attack.

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).



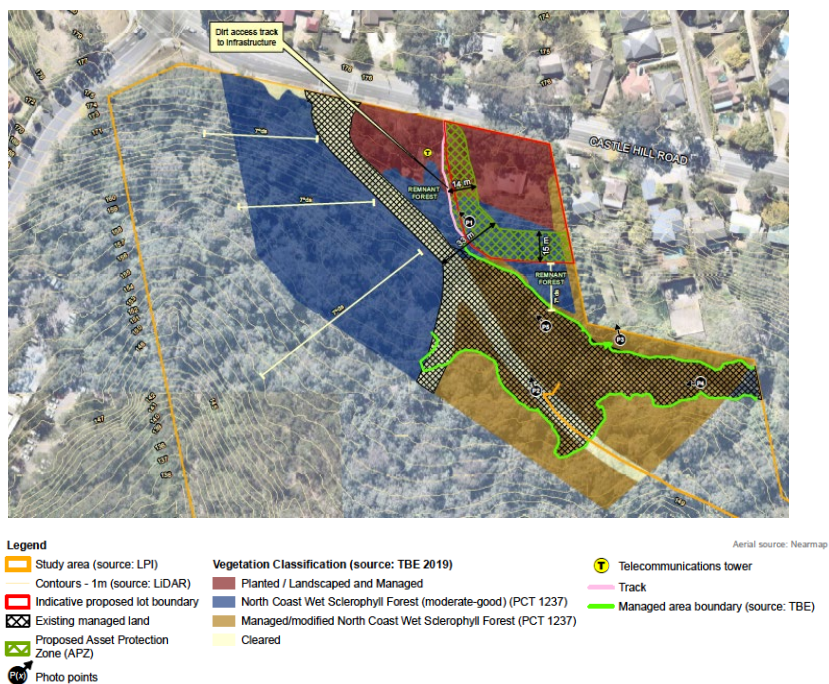


FIGURE 12– BUSHFIRE PROTECTION MEASURES – NORTHERN SITE (CASTLE HILL ROAD)

Source: Travers



FIGURE 13 – 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* (2019) 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.

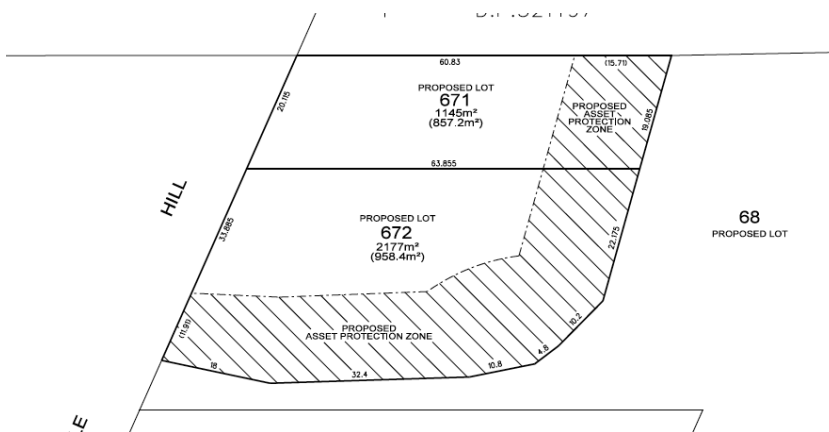


FIGURE 14 - INDICATIVE SUBDIVISION PLAN OF NORTHERN SITE (CASTLE HILL ROAD)

Source: Rygate Surveyors



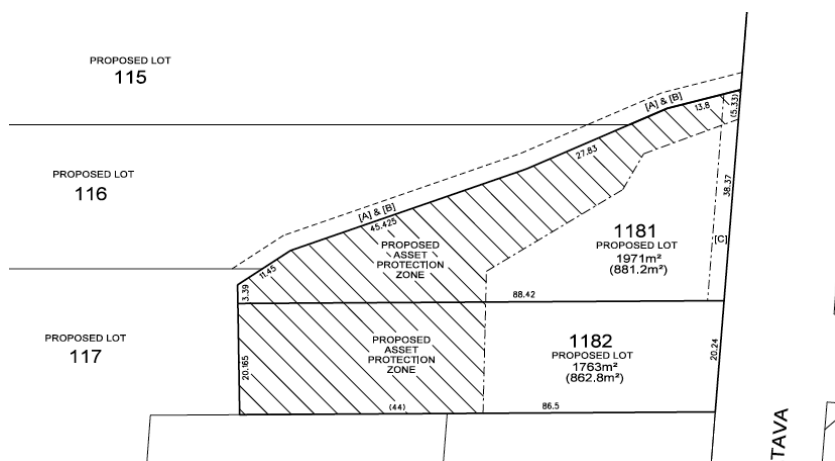


FIGURE 15 - INDICATIVE SUBDIVISION PLAN OF SOUTHERN SITE (ORATAVA AVENUE)

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 1 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 2019 as containing regional archaeological 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.

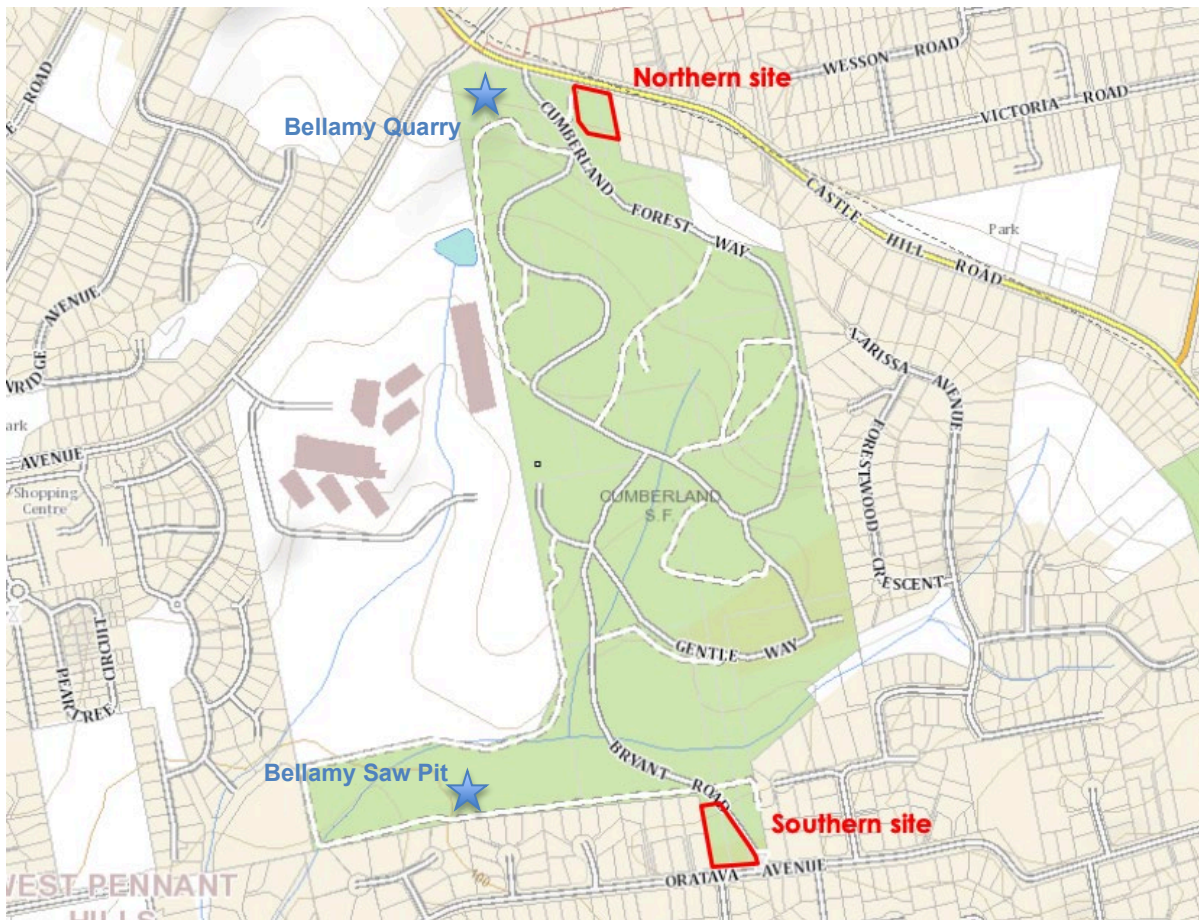


FIGURE 16 — HERITAGE ITEM LOCATIONS

Source: Mecone

Q10. 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.

4.4 Section D – Infrastructure (Local, State and Commonwealth)

Q11. 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.

4.5 Section E – State and Commonwealth Interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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 2019.

TABLE 7: PROPOSED MAPPING CHANGES

ITEM	CURRENT PROVISIONS	PROPOSED PROVISIONS
Zone	RU3 Forestry	R2 Low Density Residential
Height	NA	9m
Minimum lot size	40ha	Northern site: 1,140 m ² Southern site: 1,700 m ²
Heritage	Mapped as heritage item	Remove land to be rezoned from the heritage map

The proposed changes would be reflected in amendments to the Land Zoning Map, Height of Building Map, Minimum Lot Size and Heritage Map in The Hills LEP 2019. The proposed maps are provided at Figure 16 to Figure 19.

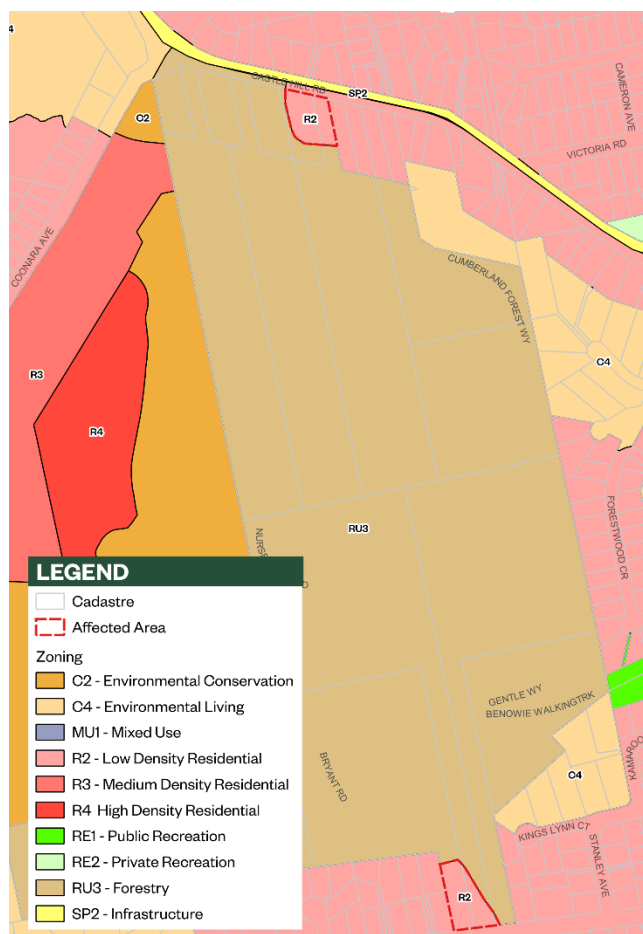


FIGURE 17 – PROPOSED ZONING MAP

Source: Mecone



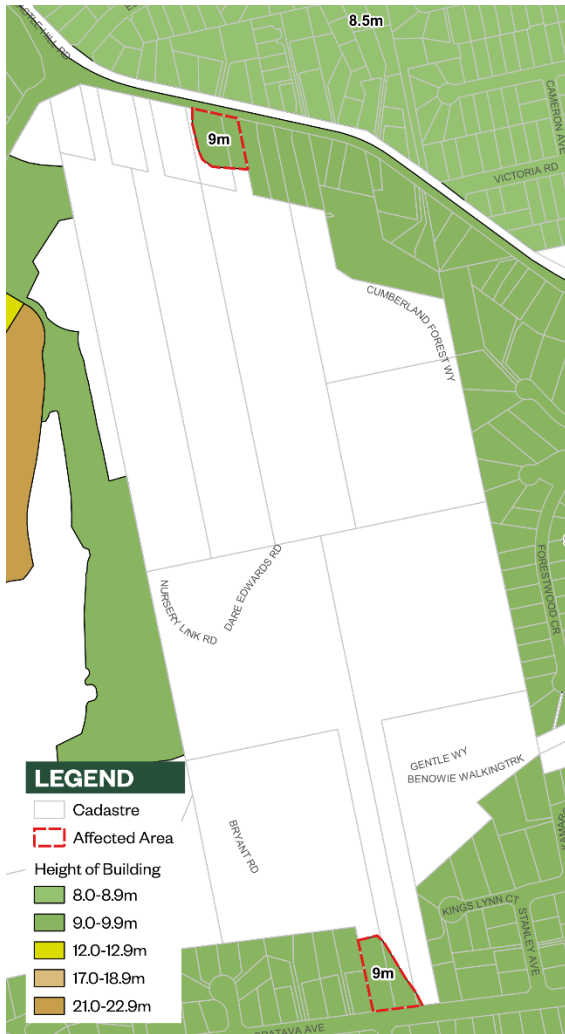


FIGURE 18 - PROPOSED HEIGHT OF BUILDINGS MAP
Source: Mecone



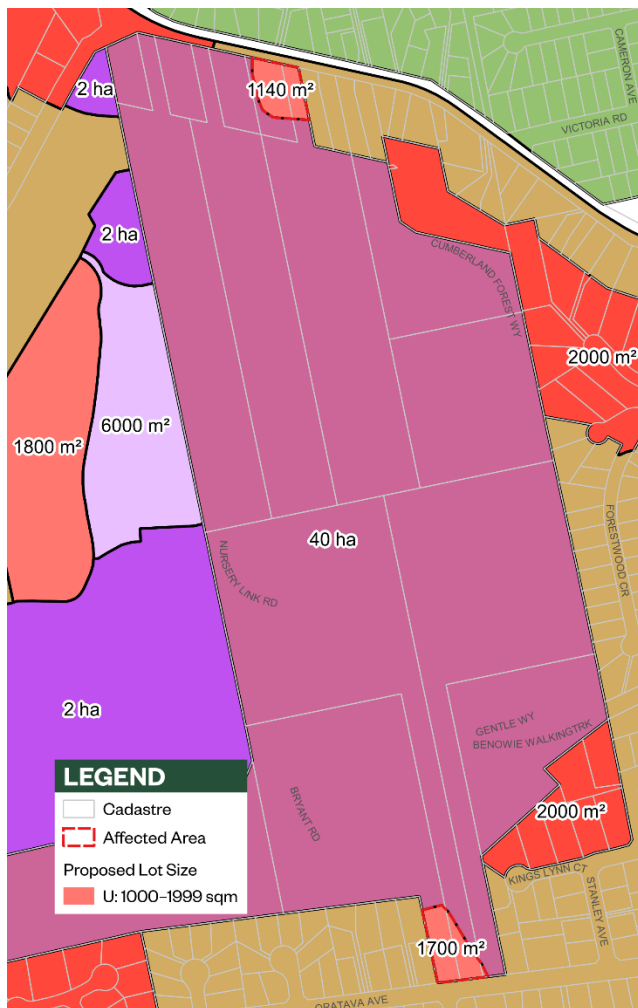


FIGURE 19 - PROPOSED MINIMUM LOT SIZE MAP

Source: Mecone



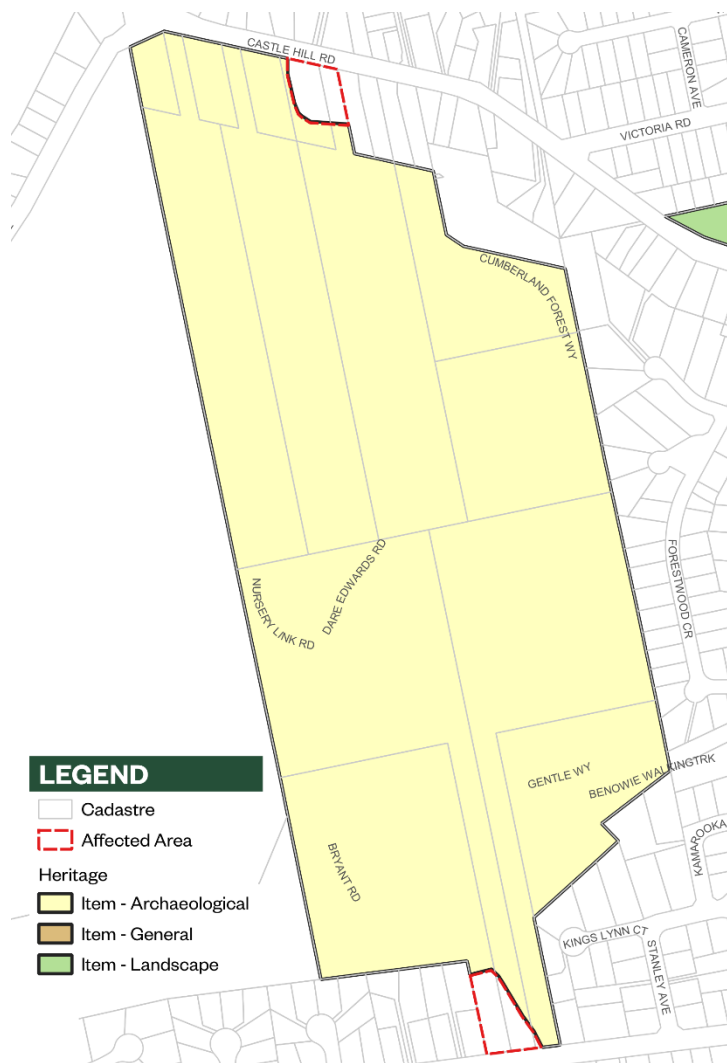


FIGURE 20 - PROPOSED HERITAGE MAP

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
- a four-week exhibition period.

Part 6 – Project timeline

The anticipated timeframe for completion of the Planning Proposal is as follows:

TABLE 8 – PROJECT TIMELINE

Milestone	Date
Lodgement of Planning Proposal	10 May 2019
Request for Rezoning Review	27 September 2023
Proposal considered by Local Planning Panel	22 February 2024
Request for Gateway determination	28 May 2024
Issue of Gateway determination	3 July 2024
Commencement and completion dates for public exhibition	11 September – 8 October 2024
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	10 July – 23 October 2024
Timeframe for consideration of submissions and proposal post-exhibition	9 October - 15 January 2025
Consideration of planning proposal by PPA	January 2025
Date of submission to the Department of Planning, Housing and Infrastructure to finalise the LEP	February 2025
Anticipated date relevant planning authority will make the plan (if delegated) or anticipated date relevant planning authority will forward to the Department for notification	March 2025
Anticipated date for publishing of the plan	March 2025



5 Conclusion

This Planning Proposal has provided a full justification of the proposed changes to The Hills LEP 2019 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
- results in no unacceptable social or economic impacts.



MECONE.COM.AU



mecone.com.au
info@mecone.com.au
02 8667 8668