



Ayva Hamed
Planning Officer, Planning Proposal Authority
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

5/11/2025

Subject: CPHR Advice – Response to Submission - 87-97 Castle Hill Road and 121-131 Oratava Avenue, West Pennant Hills (Cumberland State Forest) rezoning proposal (PP-2023-2300)

Dear Ayva,

Thank you for referring the Proponent's Response to Submissions for the Planning Proposal to amend the land use zone and supporting development standards for part lots located at 89-97 Castle Hill Road and 121-131 Oratava Avenue, West Pennant Hills (PP-2023-2300) to the Conservation Programs, Heritage and Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) for review and advice.

CPHR has reviewed the *Proponent's Response to Agency Submissions* (Mecone, 26 July 2024) and supporting documents.

Impacts to Critically Endangered Ecological Communities Blue Gum High Forest and Sydney Turpentine Ironbark Forest

The Proponent's response has not adequately addressed CPHR's comments. Particularly, how impacts to the Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF), both listed as critically endangered ecological communities (CEECs) and as Serious and Irreversible Impact (SII) entities under the *Biodiversity Conservation Act 2016* (BC Act), could be avoided or minimised, as required under the BC Act 2016.

Evidence has not been provided that demonstrates it will be possible to avoid the CEECs and meet bushfire protection requirements. All four proposed lots contain CEECs and the impacts from the APZ management requirements on the CEECs is too great to meet the avoid and minimise requirements of the BC Act.

The Rural Fire Service letter dated 2 October 2025 confirms that the APZ would need to be managed as an Inner Protection Area (IPA) in accordance with *Planning for Bush Fire Protection, 2019*. Managing the APZ as an IPA is predicted to have a substantially greater impact on the tree and shrub layers that form part of the CEEC's occurring on the subject sites, compared with the proposed management approach prescribed under the *Cumberland State Forest Fuel Management Plan 2020 – 2025* (Forestry Corporation, March 2020) (CSF Fuel Management Plan).

CPHR further notes the APZs shown in *Strategic Bushfire Study* (Black Ash, 21 November 2024) extend beyond the proposed lot boundaries (Figures 9 and 10) into neighbouring properties so it is unclear how the APZ requirements would be enforceable if responsibility is transferred to another entity.

CPHR has also reviewed the *Preliminary Flood Report* (Infrastructure and Development Consulting, 15 July 2025) and advises that its flooding advice has been adequately addressed, and no further comments are required.

If you have any queries please contact Liz Peterson, Senior Conservation Planning Officer via elizabeth.peterson@environment.nsw.gov.au.

Yours sincerely



Louisa Clark
Director Greater Sydney
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