

16 July 2025

Alex Galea
Manager Planning Proposal Authority
Planning, Land Use Strategy, Housing and Infrastructure Planning Group
Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Dear Alex,

Re: Rezoning Review (RR-2024-1) Cumberland State Forest

We act on behalf of Forestry Corporation in relation to the Planning Proposal (PP-2023-2300) that is subject of a Rezoning Review (RR-2024-1) for Cumberland State Forest at part Lots 6-7 DP 11133, 87-97 Castle Hill Road and part Lots 15-17 DP 11133, 121-131 Oratava Avenue, West Pennant Hills.

Following public exhibition of the Planning Proposal, we were asked to provide further information in relation to biodiversity, flooding and bushfire comments raised in submissions from the following agencies:

- NSW Department of Climate Change, Energy, the Environment and Water - Conservation Programs, Heritage and Regulation Group (CPHR) dated 17 March 2025
- NSW Rural Fire Service (RFS) dated 20 March 2025.

I have attached to this letter a response the matters raised in these submissions.

In summary, the matters raised in these submissions do not result in any greater impact on biodiversity or introduce or expand an asset protection zone (APZ) than what currently exists. Importantly, Cumberland State Forest is managed land by Forestry Corporation of NSW, who have a statutory obligation under the *Forestry Act 2012* and *Rural Fires Act 1997* to protect life and property from wildfire and to minimise the spread of wildfire from areas it manages. There is already an existing APZ over Cumberland State Forest that is managed by NSWFC. This a greater obligation than exists for landowners on residential lots.

Any suggested change in lot size will not have any material effect on biodiversity or APZs compared to the existing statutory obligation and practice of FCNSW. The areas proposed to be rezoned and developed are currently mown, cleared and maintained by FCNSW in accordance with its statutory obligations.

Further, there is no flood impacts on the land, which has been confirmed from preliminary flood planning advice.

I trust this information is of assistance in finalising the Planning Proposal. If you have any questions in relation to this matter, please do not hesitate to contact me on 8667 8668.

Yours sincerely,



Chris Shannon
Western Sydney Practice Director



RESPONSE TO SUBMISSIONS

Outlined below is a response to some of the key matters identified by the Department following public exhibition of the Planning Proposal.

1. The Hills Shire Council

National Park nomination

Following the lodgement of the planning proposal in 2019, Council submitted a recommendation to State Government that the Cumberland State Forest be nominated as a national park. During the assessment of the planning proposal, Council maintained correspondence with State Government on this matter, with the most recent correspondence received from the former Minister for Energy and Environment, Matt Kean MP (dated 15 March 2021). At the time, it was advised the nomination had been referred to the responsible Minister and that the National Parks and Wildlife Service (NPWS) had been requested to carry out a detailed assessment of the area. To date, Council has not received correspondence confirming the outcome of this nomination. As part of the associated Rezoning Review process, Council officers specifically requested that the Department assist and investigate the outcomes of this nomination process, as this would have implications for the assessment of the planning proposal. However, from a review of the exhibition material, it appears that no progress has been made and the matter remains unresolved.

Response:

In August 2019, the then Mayor of The Hills Shire Dr Michelle Byrne and the then local State Member David Elliot wrote to then Environment Minister Matt Kean requesting that the Forest be transferred to National Parks. In March 2021, Matt Kean responded to this request stating that he had written to Minister Barilaro to seek his views and had also asked National Parks and Wildlife staff to undertake a detailed assessment of the area. The proposal was considered across 2021 and 2022, however no formal decision was made. In December 2022, once Parliament had finished sitting before the 2023 State election, the proposal was shelved. There has been no suggestion of transferring the site to National Park under the current Minns Government.

2. Department of Planning, Housing and Infrastructure

Revocation of State forest

Further details are required on the process of revocation of forestry land and if it must be approved by NSW State Parliament

Response:

The *Forestry Act 2012* provides that the revocation of areas of State forest under 20 hectares containing a relevant building (an office, depot or residence built by Forestry Commission before it was corporatised) can be approved by the Minister under Part 2 of Schedule 2 of the Act. Forestry Corporation of NSW will need to provide a recommendation to the Minister, and if the Minister agrees, she will instruct that the revocation is published in the Government Gazette. It does not require a parliamentary vote.

Building envelope plans

Building envelope plans to support the indicative subdivision plans provided, including site vehicle access

Response:

Building envelope plans

The plans submitted with the Planning Proposal show developable areas, outside of an APZ, that can be developed for future residential dwellings. They show:

- Southern site on Oratava Avenue:



- proposed lot 1181 – 881.2 sqm of developable area
- proposed lot 1182 – 862.8 sqm of developable area
- Northern site on Castle Hill Road
 - proposed lot 671 – 857.2 sqm of developable area
 - proposed lot 1182 – 958.4 sqm of developable area.

Access

Access to the northern and southern sites was considered by InRoads Group to support the Planning Proposal. The advice found that no modifications are proposed to the existing vehicular access arrangements:

- vehicular access to the northern site is currently provided by way of two vehicular crossovers on Castle Hill Road
- vehicular access to the southern site is currently provided by an internal road (Bryant Road).

Preliminary access diagrams have been provided from InRoads Groups that shows how the future lots can be accessed. The report concludes that the potential access arrangements for both the northern and southern sites is acceptable and supportable.

3. Department of Climate Change, Energy, the Environment & Water - Conservation Programs, Heritage and Regulation Group

Reduce lot sizes and associated asset protection zones

Further measures are required to avoid and minimise impacts on Blue Gum High Forest and Sydney Turpentine Ironbark Forest. Both vegetation communities are listed as critically endangered ecological communities (CEECs) and as Serious and Irreversible Impact (SII) entities under the Biodiversity Conservation Act 2016 (BC Act) and mapped on the Biodiversity Values Map. CPHR recommends the lot sizes and associated asset protection zones be reduced to avoid and minimise impacts on the CEECs.

Response:

There is already an existing asset protection zone (APZ) over Cumberland State Forest. The Planning Proposal seeks a change in zoning and lot sizes that not 'introduce' an APZ and therefore not introduce any greater impact on CEECs from an APZ than what currently exists.

Forestry Corporation of NSW (FCNSW) has a statutory obligation under the *Forestry Act 2012* and *Rural Fires Act 1997* to protect life and property from wildfire and to minimise the spread of wildfire from areas it manages. It manages bushfire threats and it manages a significant estate of fire prone forests and plantations in NSW. This a greater obligation than exists for landowners on residential lots.

FCNSW publishes Forest Management Plans (FMP) for its managed forests, including Cumberland State Forest. The Cumberland State Forest FMP includes the Cumberland State Forest Fuel Management Plan. This plan is currently under review and will result in an expanded APZ Oratava Avenue, as this land is already managed as an APZ being a grassed area that is mown regularly.

The following provides an outline of the management of APZs within Cumberland State Forest:

- Classified as Priority 1 under Fuel Management Priorities.
- The purpose is to protect human life, property and highly valued public assets and values.
- Suppression objectives are to enable the safe use of direct attack suppression strategies within the zone and to minimise bush fire impacts on undefended assets.
- The zone characteristics are as per FCNSW Corporate Fuel Management Plan standards for Asset Protection Zones. Maximum fuel load of 5 t/ha for forested areas.

The APZ identified within Cumberland State Forest are treated annually by mechanical means such as mowing/hand clearing/brush cutting to maintain fuel loads at or below 5 tonnes/ha. The grass areas which are all maintained by mowing are done more frequently at either fortnightly or monthly treatments depending on the season.



The APZs shown on the plans submitted with the Planning Proposal simply show the transfer of responsibility of the APZ from FCNSW to future residents. If the Planning Proposal is not supported, the APZs still remain and are managed by FCNSW. As such, a suggested reduction in lot size does not reduce the APZ or reduce any impact in CEEC that currently exists, or change FCNSW's obligation to continually maintain an existing APZ over land containing CEECs in Cumberland State Forest.

I have attached the following to assist in responding to comments from CPHR:

- a letter from Forestry Corporation of NSW
- Cumberland Regional Fuel Management Plan 2020-2025
- Cumberland State Forest – Fuel Management Plan.

Flood assessment

A preliminary flood assessment be undertaken to identify whether the subject site is impacted

Response:

A Preliminary Flood Impact Assessment was prepared by IDC (attached). The assessment found that:

- The subject land is not impacted by mainstream flooding in either the 1% AEP or PMF events.
- Flood behaviour does not interact with either the Northern or Southern site boundaries.
- The level difference, absence of mapped flood extents, and modelled outcomes support the conclusion that the proposed rezoning areas are not flood-affected.

The assessment concludes that no further flood assessment is considered necessary at the Planning Proposal stage, given the clear elevation buffer of more than 10 metres between the developable land and the adjacent floodplain, as well as the absence of encroachment in the PMF modelling results.

4. Rural Fire Services

Asset Protection Zones

- ... where APZs as identified in the CSFFMP 2020-2025, are to be considered to support the proposed rezoning, appropriate information which meets the requirements of section 3.2.5 and/or 3.2.6 of PBP 2019 must be provided to demonstrate that the offsite APZs will be managed for the life of the development.
- Steeper effective slopes are assessed for the western and southern aspects for the northern site as compared to the slopes identified in the bush fire report, therefore modelling must be updated to reflect this unless justified with a survey plan prepared by a registered surveyor.
- The modelling undertaken in the submitted bush fire report has used a restricted elevation of receiver though no construction of dwelling is proposed as per of the proposal. Therefore, any future modelling proposed for the subject site (for subdivision purposes) must utilise default elevation of receiver.

Response:

The modelling requested by RFS is being undertaken by BlackAsh Bushfire Consulting. However, BlackAsh has advised that the APZ will not change. The modelling will have no bearing on the proposed zoning or lot size.