

[PP Online \(PP-2023-2300\)](#)

>

[Exhibition \(EXH-10221\)](#)

Online Public Submission

Reference number: SUB-9783

Submission-Received

Actions 

Close and home

 Submission

Case details**Documents****Action summary****Submission Type**

I am making a personal submission

Title**First Name****Family name**

Name withheld

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Email**Suburb/ Town**

West Pennant Hills

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No



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submission

I am stongly opposed to both the proposals (87-97 Castle Hill Rd and 121-131 Oratava Avenue) as both represent a further loss of land and trees form Cumberland Forest. I walk these two areas most day and by my estimate some 100 to 150 mature trees will

be lost. Building work on these two sites will further disturb the already threatened wildlife in the forest. Is there no end to the destruction of the forest ??

[PP Online \(PP-2023-2300\)](#)

>

[Exhibition \(EXH-10221\)](#)

Online Public Submission

Reference number: SUB-9795

Submission-Received

Actions 

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Case details**Documents****Action summary****Submission Type**

I am making a personal submission

Title**First Name****Family name**

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Email**Suburb/ Town**

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I am writing to oppose the proposed rezoning of 87-97 Castle Hill Road and 121-131 Oratava Avenue, West Pennant Hills. The planned changes present significant environmental concerns, primarily due to the potential loss of more of the irreplaceable

Cumberland State Forest.

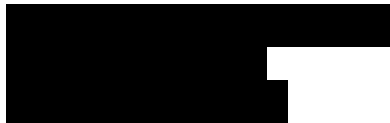
The Cumberland State Forrest is a critically endangered ecological community, protected under both State and Federal legislation. This rezoning threatens to further fragment this already diminished habitat, placing immense pressure on native flora and fauna. The area in question serves as a vital green corridor, supporting local biodiversity and offering essential ecosystem services such as carbon sequestration, air purification, and stormwater management.

Additionally, the removal of established bushland directly impacts the community's access to green spaces, which are crucial for mental health, recreation, and maintaining the natural character of West Pennant Hills. Increased urban development in this sensitive area may also contribute to issues like traffic congestion, strain on local infrastructure, and reduced air quality.

In light of the growing importance of environmental conservation and sustainable urban planning, I urge The Hills Shire Council to reconsider this rezoning proposal. Preserving what remains of the Cumberland Forest should be a priority for the long-term benefit of both current residents and future generations.

Thank you for considering this submission. I trust the Hills Shire Council, the Sydney Central City Planning Panel and the NSW Government will recognize the importance of safeguarding this critical natural asset.

Regards

A black rectangular redaction box covering the signature area.

[PP Online \(PP-2023-2300\)](#) > [Exhibition \(EXH-10221\)](#)

Online Public Submission

Reference number: SUB-9812

Submission-Received

Actions 

Close and home

 Submission

Case details**Documents****Action summary****Submission Type**

I am making a personal submission

Title**First Name****Family name**

Name withheld

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Email**Suburb/ Town**

West Pennant Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

Please save the forest and the natural.

Submission Type

I am making a personal submission

Title**First Name****Family name**

Name withheld

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Email**Suburb/ Town**

West pennant hills

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submission

With reference to the proposal 1064/2025/HC – 55 Coonara Ave Recreation Area and Facility I do believe this is not in line with what was proposed earlier and that a large part of the natural habitat of owls and other fauns will be affected. This is a dangerous precedent and if this goes through I'll be putting in an application to remove all the trees from my backyard and put in multiple houses.

I am making a personal submission

██████████

10

☒

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West Pennant Hills

No

☒

☒ I agree to the Privacy statement

Please desist from building more concrete structures and leave WPH with some greenery.

I am worried about traffic congestion, pollution and noise.

Cumberland Forest should be left as is and not touched.

Submission Type

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submission

I object to the proposal.

My reasons:

1. It will produce enormous traffic congestion.
2. It will impact negatively on air quality, forest ecosystems and the living environments of the neighborhoods.
3. It will reduce the property values of the neighborhood, and thus council rate revenues.

Submission Type

I am making a personal submission

Title

████

First Name

████

Family name

████



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Email

████████████████████

Suburb/ Town

West pennant hills

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submission

I am a local resident in West Pennant Hills and I object to the DA for the Recreation Area at the ex-IBM site for the reasons below.

Firstly, as a community we value the forest on this site and fear the impacts from this Recreation facility on the wildlife. We are concerned it will deter the birds, bats and many other species and push threatened Blue Gums and Sydney Turpentine-Ironbark forest further towards extinction. They do not exist anywhere else except in Sydney and are listed as critically endangered so must be protected. We often hear the Powerful Owls and the bats need this forest as their habitat is disappearing.

I do not believe a half-basketball court and Pickle Ball Court are needed and the location so close to the Cumberland state forest will be disastrous for the Powerful Owls and other creatures that will be disturbed by these activities. I am also unhappy about the effects the noise and lighting would have on all nocturnal animals. The CS forest is closed overnight so that nocturnal species are left in peace. This must not be disrupted by this housing estate and its facilities.

There need to be more acoustic reports for the effects these activities will have on the wildlife.

The Dural Land Snail also lives in the exact area that this facility is being proposed and this is another endangered species that should not be impacted for this DA. I am also seeing a lot less echidnas since this development commenced, something which saddens me and others greatly.

This forest is a conservation zone and I believe it must be conserved - it's a special place. I think the residents here would prefer to keep this forest for future generations.

This housing should never have been approved. The Recreation Area should be scaled back so that it is better and less damaging for this location.

Thank you.

Submission Type

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Title**First Name****Family name**

Name withheld

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Email**Suburb/ Town**

WEST PENNANT HILLS

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submission

I am objecting to this proposal.

My concern is that there is no assessment of the impact of this rezoning on the environment.

The proposal description declares that the site is an area of Bluegum and Turpentine forest. Both these forest types are listed as Critically Endangered.

The proposal seeks to shrug off concerns with a throwaway line about the parcels of land not being connected to the forest. The adjacent site 55 Coonara Ave has completed significant studies that indicate the flora and fauna in the forest and surrounding wooded areas rely on the habitat.

"The two sites (forming the subject site) are located within an area of significant Blue Gum High Forest and Sydney Turpentine-Ironbark Forest, known broadly as the Cumberland State Forest (totalling about 40ha). Both sites are situated on the edge of the Cumberland State Forest and are physically isolated from the larger forested area."

The proposal doesn't provide adequate justification or demonstrate a need for the rezoning to occur.

The adjacent site 55 Coonara Ave was rezoned from Business park to residential and creates a significant disturbance to the neighboring habitat.

The rezoning of these 2 lots is just another example of incremental destruction of habitat of known critical threatened flora and fauna for no specific stated gain.

These 2 lots at best provide edge buffer protection for the forest ecosystem and if removed would further pressure the critically endangered flora and fauna of the area.

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]

☐

Name withheld

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Email

[REDACTED]

Suburb/ Town

Castle Hill

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☒

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submission

Planning Proposal PP-2023-2300 –

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

The planning proposal seeks to rezone land from RU3 Forestry to R2 Low Density Residential, apply a maximum building height of 9m and amend minimum lot size from 40ha to 1,140m2 and 1,700m2

I object to the above planning proposal.

Given the areas proposed for rezoning contain Critically Endangered Ecological Communities (CEEC), including the Blue Gum High Forest and Sydney Turpentine Ironbark Forest it must be protected. Areas such as these are important and must be maintained, both for environmental reasons as well as for the health and wellbeing of all the people who regularly visit the site.

The status of the CEEC under the NSW Government Biodiversity Conservation Act 2016, should guide the decision above all other considerations.

Every time another slice of the Cumberland State forest is carved off from along its boundary, it does damage to the entire forest. With suburbia encroaching from all sides, every parcel of land is significant. Each square metre helps support the flora and fauna living in the forest.

Enough is enough.

The beautiful Cumberland State Forest will die a slow death, death by a thousand cuts. If this proposal is allowed to go ahead it will set a dangerous precedent for selling off further blocks in the future

There are other places to build.

State forests are not up for grabs and ought not be turned over to developers.

This proposal should not go ahead. The land should not be rezoned, it should always be maintained as part of the Cumberland State Forest.

I am making a personal submission

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11



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submission

At present the 2 parcels of land in question are government owned. That is, owned by the Australian people. A sale of public green area/s will reap a relatively miniscule amount of moneys. (to go where/ for what).

It is too difficult to obtain green space in the city area when needed.

To sell and erect approx. 6 new houses on this land would benefit so few people.

My suggestion, is to demolish the existing buildings, then ask the public for ideas/submissions on future use of the land.

Possibly use for parks or exercise areas?

We do not need government staffers making decisions of their own/ for themselves/by themselves on lands owned by the people.

I definately object to the sale. (for reasons stated above

Submission Type

I am submitting on behalf of my organisation

Title

First Name

[REDACTED]

Family name

☐ Name withheld

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Email

[REDACTED]

Suburb/ Town

West Pennant Hills

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submission

see attached submission on PP-2023-2300 from the committee of the West Pennant Hills Valley Progress Association

2025-03 Submission from The Committee, West Pennant Hills Valley Progress Association Inc.

PP-2023-2300 Cumberland State Forest

On behalf of the residents of West Pennant Hills Valley (WPHV) the Committee of the West Pennant Hills Valley Progress Association (WPHVPA) objects to the proposal for 2 parcels of land contained within Cumberland State Forest (CSF) to be rezoned for housing.

BACKGROUND

The WPHVPA represents about 4,000 households and more than 10,000 residents located in the area bounded by Castle Hill Rd in the north, Pennant Hills Rd in the east, the M2 & Darling Mills Creek in the south and Excelsior Creek in the west. The Cumberland State Forest (CSF) lies along the northern boundary of our area.

The Association has been in existence for more than 30 years and holds regular meetings where residents can voice their opinions. Over the last few years, residents have fought hard to protect CSF from any adverse impacts due to the adjacent development at 55 Coonara Ave. Residents also fought hard to have the original proposal rejected when it was considered by the Hills Shire Council in 2021. WPHV residents are strongly opposed to the rezoning of any part of CSF, and this is supported by the objections set out below.

CSF is Australia's only metropolitan state forest, containing approximately 40ha of native forest. It is a haven for native flora and fauna, and an important green space for residents, providing walking trails and picnic areas. Due to our proximity to Cherrybrook Metro Station, the population of WPHV could double over the next few years, so it is vital to retain as much green space as possible for future residents to enjoy.

OVERVIEW

CSF should remain intact for future generations to enjoy.

Being a metropolitan state forest, there will always be a conflict between preserving green space and the desire to profit from rezoning the land for residential use. If this planning proposal is approved, it will set a dangerous precedent for CSF. Other parcels of land may also be proposed for rezoning in the future. Piece by piece, we may lose the whole forest.

Rather than reduce the size of this relatively small green space, the residents of WPHV would like to see the derelict cottages removed so that the area can be revegetated and retained as part of CSF.

If approved, the current proposal would impact 0.55 hectares of native vegetation, including 0.45 hectares of Critically Endangered Ecological Community (CEEC). WPHV has already lost a large area of CEEC on the adjacent site at 55 Coonara Avenue where more than 400 homes are being constructed. The CSF proposal advanced to Gateway because it was deemed to have merit, but the residents of WPHV see no merit in destroying a significant area of Critically Endangered Ecological Community in order to build just 4 homes.

This proposal should not be approved.

BASIS FOR OBJECTIONS

1. Loss of critically endangered Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF).

Objective 27 of the Regional Plan requires that '*Biodiversity is protected, urban bushland and remnant vegetation is enhanced.*' This proposal will impact 0.45ha of CEEC made up of 0.16ha BGHF and 0.29ha STIF. The proposal does not comply with Objective 27.

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) has estimated that only 139ha of BGHF remained in 2004. DCCEEW also states that one of the main ongoing threats to BGHF is '*further clearing of vegetation for urban development*'. The residents of WPHV do not support the clearing of any further BGHF or STIF.

2. Loss of habitat for the Dural Land Snail and Powerful Owl.

The Biodiversity Development Assessment Report (BDAR) states that during the 2024 survey, the endangered Dural Land Snail was confirmed within the subject sites. A breeding pair of Powerful Owls (listed as Vulnerable) was also observed. This proposal will result in the loss of important habitat for our endangered and vulnerable native fauna.

3. Inefficient and inappropriate use of land

The total amount of land to be rezoned for housing is approximately 0.71ha. According to the site plan in the Gateway Assessment Report, approximately half of this land cannot be developed. The whole site is bushfire prone and will require approximately half of the land to be used as an Asset Protection Zone. This is a very inefficient use of the land, demonstrating that the land is not suited to residential development.

Additionally, 2 rustic, single storey cottages which currently blend into the forest landscape, will be replaced by 4 large, modern dwellings up to 9 metres high which will look completely out of place.

4. Inconsistent with Ministerial Directions

Direction 9.1 Rural Zones states that '*RU3 Forestry is a rural zone under the Standard Instrument.*' and that a planning proposal must not rezone land from rural to residential. The proposal does not comply with Direction 9.1.

5. The Hills Shire has already met its housing targets

The Hills Shire does not need an additional 4 homes to be built in order to meet its housing targets. These will be large luxury homes that do not contribute to housing diversity, nor will they be affordable given the large block size and the additional cost of building in a bushfire zone.

6. The Exhibition Fact Sheet appears to contain misleading information.

The Fact Sheet states that '*The subject site comprises two sites located in West Pennant Hills at 87-97 Castle Hill Road (Northern site, 3,322m²) and 121-131 Oratava Avenue (Southern site, 3,377m²)*', a total of 6699m². However, the Gateway Assessment Report (GAR) shows a plan for the southern site of 3734m², making a total of 7056m². The BDAR states that the total area to be rezoned is approximately 0.71ha, which is consistent with the GAR.

The Fact Sheet also states that both sites are '*physically isolated*' from the larger forested area. However, the bushfire report refers to vegetation surrounding the sites posing a bushfire risk for both sites. The site location maps show that these two sites are not physically isolated from the forest.

The committee of WPHVPA had assumed the Fact Sheet could be relied upon for the purpose of informing our residents about this proposal. We now find that the area of land to be rezoned has been understated and inaccurately described in this document, and that the public has been misled. We consider this is an inadequate basis for the Panel to make a decision.

Thank you for the opportunity to comment on this proposal.

Submission Type

I am making a personal submission

Title

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First Name

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Family name

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Email

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Suburb/ Town

west pennant hills

I have made a reportable political donation

No



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submission

Traffic report from 2019 is outdated and is disconnected from actual ground reality. Current traffic assessment needs to be done on the increased traffic load from Castle Hill developments + planned Mirvac & Cherrybrook places development with respect to peak traffic conditions, smoke & noise pollution from heavy vehicles. The developments can increase the probability to traffic incidents & can carry significant risk to human lives.

Traffic report for Castle hill road is **outdated from 2019** and seems to be included on the proposal in a rush with a bias that dwellings have to be built regardless of what on-ground real traffic conditions are at the time of the proposal.

It misses out on a key fact that the number of single dwellings on castle hill road direct accessways were built more than decade ago when traffic conditions were different. Existing **dwellings with direct access doesn't imply that its conducive for adding any additional direct dwellings on the road without adverse impacts + creating additional risks on the road.**

The capacity of the road doesn't allow additional dwellings with direct access. When the inspection was done in 2019 the traffic were very low – check current image for an 8:25 traffic.

Current traffic assessment & future modelling should be done to consider additional high rises being built & Castle Hill area + Cherrybrook places + Mirvac project for traffic forecasts as they weren't there in 2019.

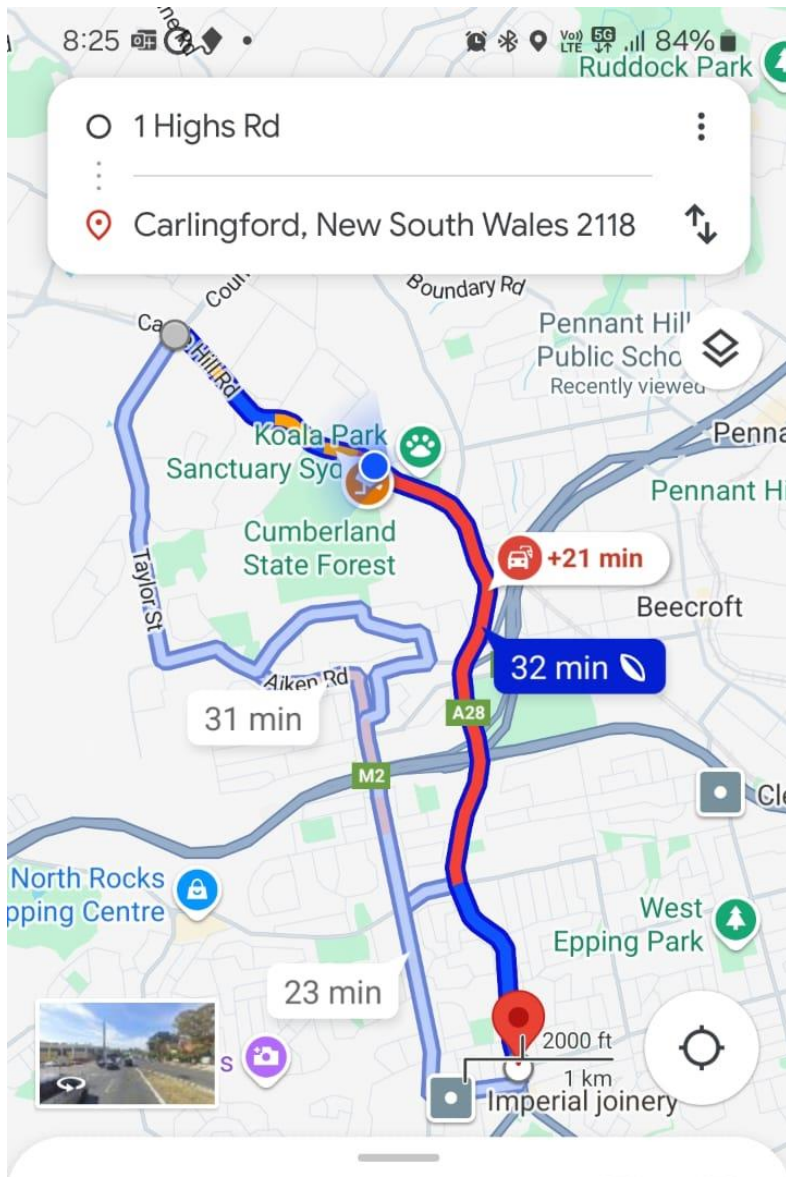
The platooning effect due to traffic lights mentioned in the report fails when the traffic congested in peak hours.

Road traffic - the traffic conditions (ppl are speeding usually 65+ km/hr sometimes even 70 Km/Hr is common when road is free and & severe congestion in peak hours) have worsened in the last one year. Kid on cycles/cyclist passing on the pavements and delivery van drivers coming out of the driveways for their next quick delivery results in blind spots and risks a fatal incident due to the traffic load. Suggest that the entrances are designed in a way there is no blind spot for the cars exiting driveway. Speed camera - Vehicles brake at the speed camera and the speed again. Seeping might not be part of traffic management but ground realities need to be considered.

Pedestrian crossings: Developments will also result in increased pedestrian numbers crossing on the road due to direct access to bus stops. Its human habit to find shortcuts.

Noise & Air Pollution: Noise & air pollution - Additional noise pollution & smoke due to movement of heavy trucks using compression/engine brakes – current models should be captures & future modelling should be evaluated.

Improper planning without actual ground reality considerations can pass the sniff test on documents & files but will result in irreversible impacts on the community and paving way for road traffic incidents risking human lives.



Drive



23 min 38 min 1 hr 39 37 min

32 min (6.4 km)

Congestion on Castle Hill Rd causing 21-min delay

Saves 15% Petrol

Start

Add stops

Share



Submission Type

I am making a personal submission

Title**First Name****Family name**

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Email**Suburb/ Town**

West Pennant Hills

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No



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submission

2025-03 Submission PP-2023-2300 Cumberland State Forest

Objection to the proposal for 2 parcels of land contained within Cumberland State Forest (CSF) to be rezoned for housing.

OVERVIEW

CSF should remain intact for future generations to enjoy. Being a metropolitan state forest, there will always be a conflict between preserving green space and the desire to profit from rezoning the land for residential use. If this planning proposal is approved, it will set a dangerous precedent for CSF. Other parcels of land may also be proposed for rezoning in the future. Piece by piece, we may lose the whole forest. Rather than reduce the size of this relatively small green space, the residents of WPHV would like to see the derelict cottages removed so that the area can be revegetated and retained as part of CSF.

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3. Inefficient and inappropriate use of land

The total amount of land to be rezoned for housing is approximately 0.71ha. According to the site plan in the Gateway Assessment Report, approximately half of this land cannot be developed. The whole site is bushfire prone and will require approximately half of the land to be used as an Asset Protection Zone. This is a very inefficient use of the land, demonstrating that the land is not suited to residential development.

Additionally, 2 rustic, single storey cottages which currently blend into the forest landscape, will be replaced by 4 large, modern dwellings up to 9 metres high which will look completely out of place.

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The Fact Sheet also states that both sites are 'physically isolated' from the larger forested area. However, the bushfire report refers to vegetation surrounding the sites posing a bushfire risk for both sites. The site location maps show that these two sites are not physically isolated from the forest. We had assumed the Fact Sheet could be relied upon for the purpose of informing residents about this proposal. We now find that the area of land to be rezoned has been understated and inaccurately described in this document, and that the public has been misled. We consider this is an inadequate basis for the Panel to make a decision.

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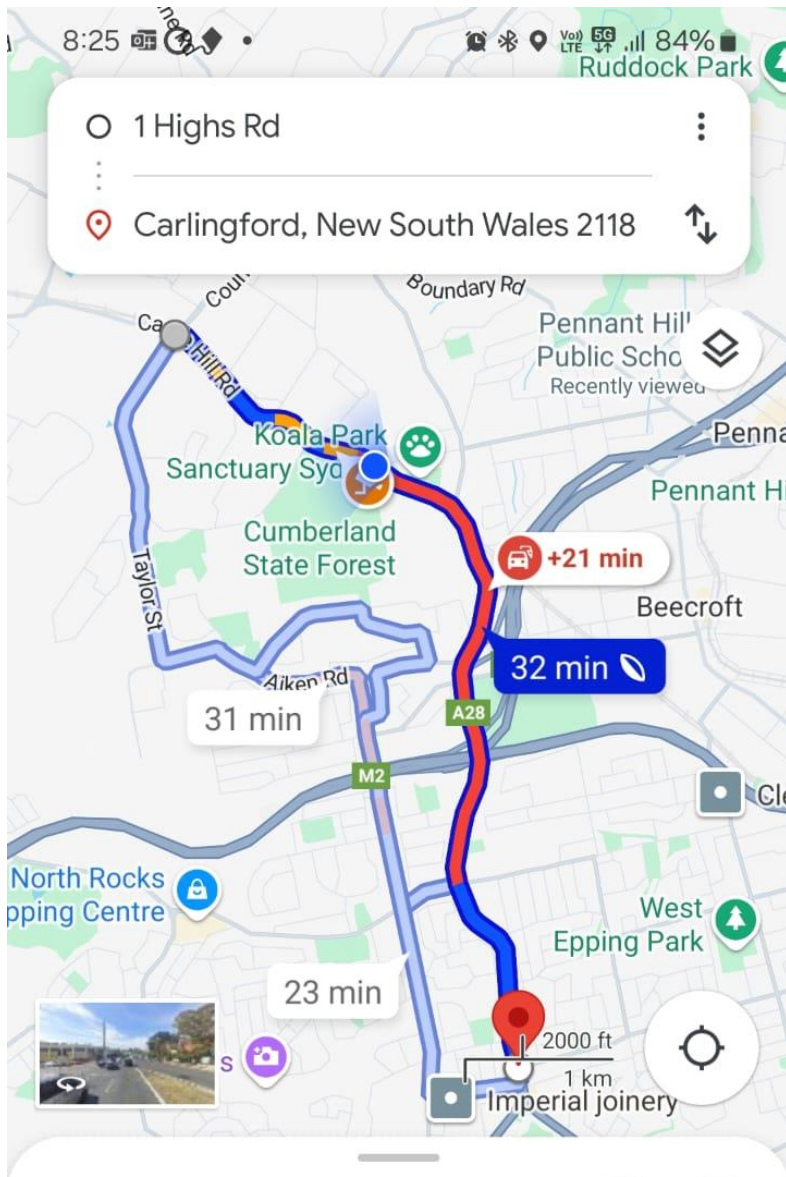
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23 min 38 min 1 hr 39 37 min

32 min (6.4 km)

Congestion on Castle Hill Rd causing 21-min delay

Saves 15% Petrol

Start

Add stops

Share



Submission Type

I am making a personal submission

Title

■

First Name

■

Family name

■



Name withheld

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Email

■

Suburb/ Town

West Pennant Hills

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No



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submission

Object to this development due to adverse traffic impacts.

Consider revising the traffic study based on the current traffic situation 2019 report is very outdated. The current traffic situation doesnt allow for additional dwelling with direct access to the road.

What is the guarantee that the traffic from the lots stay within the 10-11 trips per day?

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]



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Email

[REDACTED]

Suburb/ Town

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submission

Object to the proposal:

1. What is the guarantee that the proposed single dwelling housing that is consistent with the existing houses will not be updated to accommodate townhouses in future. Usually it starts from single sub-division and then later extend into further subdivisions. Due to the traffic conditions this will risk the development even more.
2. Huge 5G Antenna will be exposed due to tree removal for housing works on the property. While trees hide the ugly structure they also reduce the direct radio waves from the cell phone tower to the surrounding neighborhood.

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]



Name withheld

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[REDACTED]

Suburb/ Town

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submission

Objection to PP-2023-2300 Cumberland State Forest

I object to the planning proposal PP-2023-2300 to rezone and sell for housing, two blocks of land which form part of Cumberland State Forest.

Cumberland State Forest is an essential green space in our suburb and once lost, can never be replaced. Our local population is set to increase by 50-100% due to development around Cherrybrook Station, and that makes retaining our green spaces even more important.

Forestry NSW are treating this forest as a 'pot of gold'. It may only be 2 blocks this time, but if they are successful, it will inevitably lead to more land being sold next time – the temptation to cash-in will be too great! The Planning Panel must put a stop to this now by throwing out this proposal.

The proposal would impact 0.55ha of native vegetation – the block sizes total 0.71ha meaning that 77% of this land is covered with native vegetation. This land should stay as part of the forest. 0.45ha of the vegetation is Critically Endangered Ecological Community. We should not be destroying this in order to build just 4 homes. The next step after Critically Endangered is Extinction.

The documents provided with this proposal are inadequate. There is a tree report showing the general health of various trees in Cumberland State Forest which does not mention the planning proposal. We should have a full list of trees that will be impacted. The Planning Panel should not be making a decision without all the facts.

Please reject this proposal.

Submission Type

I am making a personal submission

Title**First Name**

■

Family name

■



Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

■

Suburb/ Town

West Pennant Hills NSW 2125

I have made a reportable political donation

No



I agree to the Privacy statement

submission

It saddens me and my family again to find out the proposal to cause more Devastation to the Precious Cumberland Forest, it shouldn't have happened at all in the first place - we will never be able to undo this destruction if your second proposal goes ahead.

Perhaps you don't comprehend the damages this is already happening since the horrendous decision to destroy part of a precious Cumberland Forest area during the COVID lock down.

It isn't just for the neighbourhood, it is for the whole of Sydney,. There isn't much Nature to enjoy around us already. Our children are "locked up" in tall Apartments whilst parents are at work, nowhere to go on weekends unless we drive far to get to enjoy Nature which is not regular - maybe once a year to show the children of the future what "these precious " creatures look like alive.

Please understand- we are all responsible for what we leave to future generations- destruction of valuable quality of our environment is now in danger - should not happen.

It is terribly sad to continue with this destruction just for the greed of the very few who don't have the capacity to look beyond the paper decision and numbers - I can't see a sensible humane being could propose and go ahead with this preposterous proposal.

You may perhaps think I don't matter, that my opinion doesn't matter. Would you listen to the children ? and the nature living there for many years - a lot longer than many of us together.

Sincerely

■

Submission Type

I am making a personal submission

Title**First Name****Family name**

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email**Suburb/ Town**

KENTHURST ,NSW, Australia

I have made a reportable political donation

No



I agree to the Privacy statement

submission

Natural assets of The Hills Shire need to be valued and not lost. The Kunming Declaration for biodiversity calls us to care for at least 30% of all our land. We need to conserve what we have for wildlife corridors.

Climate disruptions will be exacerbated with the removal of trees, causing the heat island effect.

Others have shared that it should not go ahead because:

1. Loss of critically endangered Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF).
2. Loss of habitat for the Dural Land Snail and Powerful Owl.
3. Inefficient and inappropriate use of land
4. Inconsistent with Ministerial Directions
5. The Hills Shire has already met its housing targets

Ecological justice for the forest is essential.

I am making a personal submission



10/10/2016

1000

☐ Name withheld

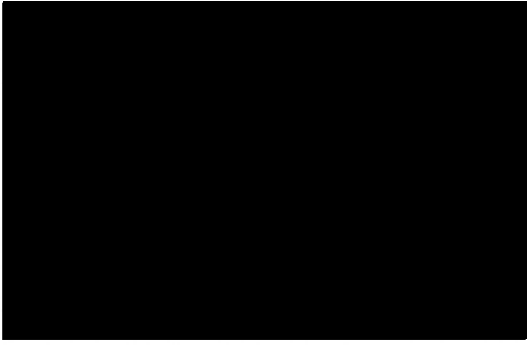
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West Pennant Hills

No

☒ I agree to the Privacy statement

I wish to lodge a submission to reject the PP-2023-2300 proposal re the Cumberland State Forest on the basis of destruction of endangered species habitat and the ongoing “ungreening” of West Pennant Hills to the detriment of the community.



Dear Sir/Madam

PP-2023-2300

I am writing to express my dismay that Council intend to sell plots of land in Cumberland State Forrest, which will not just destroy native habitat but lead to the “ungreening” of West Pennant Hills.

I am vehemently opposed to this planning application and urge council to reject it.



16 March 2025

I am making a personal submission

10/10/2016

114

11

████████████████████

WEST PENNANT HILLS

No

☒

I live in the Glade. Attached here is my view on the proposa

2025-03 Submission from The Committee, West Pennant Hills Valley Progress Association Inc.

PP-2023-2300 Cumberland State Forest

On behalf of the residents of West Pennant Hills Valley (WPHV) the Committee of the West Pennant Hills Valley Progress Association (WPHVPA) objects to the proposal for 2 parcels of land contained within Cumberland State Forest (CSF) to be rezoned for housing.

BACKGROUND

The WPHVPA represents about 4,000 households and more than 10,000 residents located in the area bounded by Castle Hill Rd in the north, Pennant Hills Rd in the east, the M2 & Darling Mills Creek in the south and Excelsior Creek in the west. The Cumberland State Forest (CSF) lies along the northern boundary of our area.

The Association has been in existence for more than 30 years and holds regular meetings where residents can voice their opinions. Over the last few years, residents have fought hard to protect CSF from any adverse impacts due to the adjacent development at 55 Coonara Ave. Residents also fought hard to have the original proposal rejected when it was considered by the Hills Shire Council in 2021. WPHV residents are strongly opposed to the rezoning of any part of CSF, and this is supported by the objections set out below.

CSF is Australia's only metropolitan state forest, containing approximately 40ha of native forest. It is a haven for native flora and fauna, and an important green space for residents, providing walking trails and picnic areas. Due to our proximity to Cherrybrook Metro Station, the population of WPHV could double over the next few years, so it is vital to retain as much green space as possible for future residents to enjoy.

OVERVIEW

CSF should remain intact for future generations to enjoy.

Being a metropolitan state forest, there will always be a conflict between preserving green space and the desire to profit from rezoning the land for residential use. If this planning proposal is approved, it will set a dangerous precedent for CSF. Other parcels of land may also be proposed for rezoning in the future. Piece by piece, we may lose the whole forest.

Rather than reduce the size of this relatively small green space, the residents of WPHV would like to see the derelict cottages removed so that the area can be revegetated and retained as part of CSF.

If approved, the current proposal would impact 0.55 hectares of native vegetation, including 0.45 hectares of Critically Endangered Ecological Community (CEEC). WPHV has already lost a large area of CEEC on the adjacent site at 55 Coonara Avenue where more than 400 homes are being constructed. The CSF proposal advanced to Gateway because it was deemed to have merit, but the residents of WPHV see no merit in destroying a significant area of Critically Endangered Ecological Community in order to build just 4 homes.

This proposal should not be approved.

BASIS FOR OBJECTIONS

1. Loss of critically endangered Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF).

Objective 27 of the Regional Plan requires that '*Biodiversity is protected, urban bushland and remnant vegetation is enhanced.*' This proposal will impact 0.45ha of CEEC made up of 0.16ha BGHF and 0.29ha STIF. The proposal does not comply with Objective 27.

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) has estimated that only 139ha of BGHF remained in 2004. DCCEEW also states that one of the main ongoing threats to BGHF is '*further clearing of vegetation for urban development*'. The residents of WPHV do not support the clearing of any further BGHF or STIF.

2. Loss of habitat for the Dural Land Snail and Powerful Owl.

The Biodiversity Development Assessment Report (BDAR) states that during the 2024 survey, the endangered Dural Land Snail was confirmed within the subject sites. A breeding pair of Powerful Owls (listed as Vulnerable) was also observed. This proposal will result in the loss of important habitat for our endangered and vulnerable native fauna.

3. Inefficient and inappropriate use of land

The total amount of land to be rezoned for housing is approximately 0.71ha. According to the site plan in the Gateway Assessment Report, approximately half of this land cannot be developed. The whole site is bushfire prone and will require approximately half of the land to be used as an Asset Protection Zone. This is a very inefficient use of the land, demonstrating that the land is not suited to residential development.

Additionally, 2 rustic, single storey cottages which currently blend into the forest landscape, will be replaced by 4 large, modern dwellings up to 9 metres high which will look completely out of place.

4. Inconsistent with Ministerial Directions

Direction 9.1 Rural Zones states that '*RU3 Forestry is a rural zone under the Standard Instrument.*' and that a planning proposal must not rezone land from rural to residential. The proposal does not comply with Direction 9.1.

5. The Hills Shire has already met its housing targets

The Hills Shire does not need an additional 4 homes to be built in order to meet its housing targets. These will be large luxury homes that do not contribute to housing diversity, nor will they be affordable given the large block size and the additional cost of building in a bushfire zone.

6. The Exhibition Fact Sheet appears to contain misleading information.

The Fact Sheet states that '*The subject site comprises two sites located in West Pennant Hills at 87-97 Castle Hill Road (Northern site, 3,322m²) and 121-131 Oratava Avenue (Southern site, 3,377m²)*', a total of 6699m². However, the Gateway Assessment Report (GAR) shows a plan for the southern site of 3734m², making a total of 7056m². The BDAR states that the total area to be rezoned is approximately 0.71ha, which is consistent with the GAR.

The Fact Sheet also states that both sites are '*physically isolated*' from the larger forested area. However, the bushfire report refers to vegetation surrounding the sites posing a bushfire risk for both sites. The site location maps show that these two sites are not physically isolated from the forest.

The committee of WPHVPA had assumed the Fact Sheet could be relied upon for the purpose of informing our residents about this proposal. We now find that the area of land to be rezoned has been understated and inaccurately described in this document, and that the public has been misled. We consider this is an inadequate basis for the Panel to make a decision.

Thank you for the opportunity to comment on this proposal.

Submission Type

I am making a personal submission

Title

████

First Name

████

Family name

██████



Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

████████████████████

Suburb/ Town

West Pennant Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

I Oppose this proposal- increased traffic concerns, loss of green areas and forest. I would like to see west pennant Hills as a quiet low density suburb

Submission Type

I am making a personal submission

Title**First Name****Family name**

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email**Suburb/ Town**

West Pennant Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

I object to the proposal of 2 parcels of land contained within Cumberland State forest to be rezoned for housing .

Points for objection are as follows:——

- 1) Loss of critically endangered Blue Gum High Forest and Sydney Terpentine Ironbank forest.
- 2) Loss of habitat for the Dural land Snail and powerful owl,
- 3) Inappropriate and Inappropriate use of land,
- 4) Inconsistent with ministerial directions,
- 5) The exhibition fact sheet appears to contain misleading information,
- 6) As I understand, The Hills Shire Council has already met it's housing target .

Submission Type

I am making a personal submission

Title**First Name****Family name**☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email**Suburb/ Town**

Baulkham Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

Please see attached and pasted below.

Objection to Planning Proposal PP-2023-2300 – Cumberland State Forest, 87-97 Castle Hill Road and 121-131 Oratava Avenue West Pennant Hills

I object to Forestry Corp NSW proposal PP-2023-2300 to re-zone two sites as residential within the Cumberland State Forest (CSF), rezoning them from RU3 Forestry to R2 Low Density Residential. I object to an inappropriate building height of 9 m and object to changing the minimum lot size from 40ha to residential size lots.

The land must be retained for public use and critically endangered ecosystems on the sites protected

These sites which are public owned are not appropriate for residential zoning and they need to be retained for public use. The sites contain critically endangered ecological communities (CEEC's) Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark forest (STIF). The proposal will have a direct impact on 0.16ha of BGHF, 0.29ha of STIF and also will impact the habitat of the Powerful Owl, Dural Land Snail, Eastern Australian Underground Orchid and many other species of flora and fauna. The sites currently enhance and flow into the CSF providing foraging habitat for wildlife and a peaceful buffer for park visitors between them and the surrounding roads.

This proposal sets a dangerous precedent for the CSF. If this is approved what's to stop the Corporation from rezoning more? For example further rezoning proposals could include almost the whole frontage of CSF, leaving just a driveway for public entry to the forest.

Block 97 is the oldest section of the forest and full of bird hollows (information from the Cumberland Bird Observers group). The entire site would be more appropriately classified as a National Park and I urge the panel to enquire on the possibility of this classification.

The proposal must be referred to the Dept of Climate Change, Energy, the Environment and Water to determine if an EPBC assessment is required

The Biodiversity Development Assessment Report page iv states the following.

Forestry Corp has not made a Referral to my knowledge, and a referral must be made and determined prior to any rezoning application.

The Traffic Report Appendix D gives the best layout of the proposed lots. However they are large lots which would be half cleared for APZs. This is not an efficient use of the land for proposed 4 houses, this proposal must not be approved and at the very least, the size of the lots is reduced so that no BGHF and STIF is affected.

The site is bushfire prone and not suitable for residential living

A letter from the Rural Fire Service (ref SPI20240906000173) appears to oppose the rezoning due to fire risk. The Asset Protection Zone (APZ's) provided in the bushfire report of the application for both the Northern and Southern site are not large enough according to the RFS letter. If the APZ's are enlarged this further cuts into any CEEC's on the site, contributes to localised heating, climate change and ultimately increases bushfire risk through these impacts. An excerpt from the RFS letter dated 11.10.24 states their concerns with the rezoning application:

"Based on the above assessment, it is shown that the subject sites have limited development area which can accommodate BAL 29 footprint. It should also be noted that under the proposed zoning certain special fire protection purpose (SFPP) developments are permissible on the site. However, SFPP developments require larger APZ in accordance with Table 6.8a of PBP 2019 to achieve 10kW and therefore it is unlikely that SFPP development can be accommodated on the subject sites"

The updated bushfire report Appendix 2 - Strategic Bushfire Study page 60 appears to disagree with the RFS assessment of bushland types and extent of slopes, stating to different modelling methods. No further modelling or changes to the proposal have been made to address the RFS submission. This is inadequate.

The Hills Shire Council dthe proposed rezoning

This proposal was not approved by Hills Shire Council in 2021 when the same rezoning proposal was submitted to the local Council. If the local council and local residents like me do not agree with the proposal, then the Department of Planning Housing and Infrastructure (DPHI) must also reject the proposal. Furthermore, I object to the assertion on the DPHI fact sheet which states DPHI is the decision maker on the proposal. According to the Forestry Act, revoking of forestry land must be approved by the NSW State Parliament Legislative Assembly and the Legislative Council.

Insufficient information available for consultation

I was not able to find an arborist report or similar stating the number and type of trees to be removed or impacted for the APZ and other related development. This information is crucial prior to consideration of rezoning. The required information on number, type and location of trees affected must be made available to public and public consultation be re-opened. Please note, that The Hills Shire Council has previously requested this information about trees to be removed or impacted at a Council meeting on 13/04/2021.

Thank you for your consideration of my objection.

Objection to Planning Proposal PP-2023-2300 – Cumberland State Forest, 87-97 Castle Hill Road and 121-131 Oratava Avenue West Pennant Hills

I object to Forestry Corp NSW proposal **PP-2023-2300** to re-zone two sites as residential within the Cumberland State Forest (CSF), rezoning them from RU3 Forestry to R2 Low Density Residential. I object to an inappropriate building height of 9 m and object to changing the minimum lot size from 40ha to residential size lots.

The land must be retained for public use and critically endangered ecosystems on the sites protected

These sites which are public owned are not appropriate for residential zoning and they need to be retained for public use. The sites contain critically endangered ecological communities (CEEC's) Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark forest (STIF). The proposal will have a direct impact on 0.16ha of BGHF, 0.29ha of STIF and also will impact the habitat of the Powerful Owl, Dural Land Snail, Eastern Australian Underground Orchid and many other species of flora and fauna. The sites currently enhance and flow into the CSF providing foraging habitat for wildlife and a peaceful buffer for park visitors between them and the surrounding roads.

This proposal sets a dangerous precedent for the CSF. If this is approved what's to stop the Corporation from rezoning more? For example further rezoning proposals could include almost the whole frontage of CSF, leaving just a driveway for public entry to the forest. Block 97 is the oldest section of the forest and full of bird hollows (information from the Cumberland Bird Observers group). The entire site would be more appropriately classified as a National Park and I urge the panel to enquire on the possibility of this classification.

The proposal must be referred to the Dept of Climate Change, Energy, the Environment and Water to determine if an EPBC assessment is required

The Biodiversity Development Assessment Report page iv states the following.

As the proposal will result in the reduction in extent of both Blue Gum High Forest and Turpentine-Ironbark Forest, it may constitute a significant impact on matters of national environmental significance. **As such, a referral to Department of Climate Change, Energy, the Environment and Water is recommended to determine if further EPBC assessment is required.**

Forestry Corp has not made a Referral to my knowledge, and a referral must be made and determined prior to any rezoning application.

The Traffic Report Appendix D gives the best layout of the proposed lots. However they are large lots which would be half cleared for APZs. This is not an efficient use of the land for proposed 4 houses, this proposal **must not be approved** and at the very least, the size of the lots is reduced so that no BGHF and STIF is affected.

The site is bushfire prone and not suitable for residential living

A letter from the Rural Fire Service (ref SPI20240906000173) appears to oppose the rezoning due to fire risk. The Asset Protection Zone (APZ's) provided in the bushfire report of the application for both the Northern and Southern site are not large enough according to the RFS letter. If the APZ's are enlarged this further cuts into any CEEC's on the site,

contributes to localised heating, climate change and ultimately increases bushfire risk through these impacts. An excerpt from the RFS letter dated 11.10.24 states their concerns with the rezoning application:

“Based on the above assessment, it is shown that the subject sites have limited development area which can accommodate BAL 29 footprint. It should also be noted that under the proposed zoning certain special fire protection purpose (SFPP) developments are permissible on the site. However, SFPP developments require larger APZ in accordance with Table 6.8a of PBP 2019 to achieve 10kW and therefore it is unlikely that SFPP development can be accommodated on the subject sites”

The updated bushfire report Appendix 2 - Strategic Bushfire Study page 60 appears to disagree with the RFS assessment of bushland types and extent of slopes, stating to different modelling methods. No further modelling or changes to the proposal have been made to address the RFS submission. This is inadequate.

The Hills Shire Council dthe proposed rezoning

This proposal was not approved by Hills Shire Council in 2021 when the same rezoning proposal was submitted to the local Council. If the local council and local residents like me do not agree with the proposal, then the Department of Planning Housing and Infrastructure (DPHI) must also reject the proposal. Futhermore, I object to the assertion on the DPHI fact sheet which states DPHI is the decision maker on the proposal. According to the Forestry Act, revoking of forestry land must be approved by the NSW State Parliament Legislative Assembly and the Legislative Council.

Insufficient information available for consultation

I was not able to find an arborist report or similar stating the number and type of trees to be removed or impacted for the APZ and other related development. This information is crucial prior to consideration of rezoning. The required information on number, type and location of trees affected must be made available to public and public consultation be re-opened. Please note, that The Hills Shire Council has previously requested this information about trees to be removed or impacted at a Council meeting on 13/04/2021.

Thank you for your consideration of my objection.

[REDACTED]

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]



Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

West Pennant Hills NSW

I have made a reportable political donation

No



I agree to the Privacy statement

submission

Dear Sir/Madam,

I strongly object to the proposal. As a neighbour in the suburb, i know the land is not surplus and is used and relied on by the citizens of West Pennant Hills and neighbouring suburbs. We strongly request the plan is abandoned entirely. We rely on the full State Forest area for relaxation, recreation, mental and physical health, and wish to preserve the full area for the local flora and fauna, current citizens, our children and future generations. There are protected flora eg rare Turpentine forest which cannot be replaced, protected fauna eg powerful owls feeding and residing, whip birds, green frogs, bandicoots etc. I strongly also disagree that heritage and archeological is to be removed from this assessment.

The environmmmental impact, loss of trees causing climate change and temperature increases in our region imacts our health, our economy and well beng and is not acceptable. As our representatves, i strongly request that you abide by the views of the citizens.

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]

☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

West pennant hills

I have made a reportable political donation

No

☒

I agree to the Privacy statement

submission

I oppose the 2 blocks of land to be sold for housing development. There are threatened powerful owls living in the forest. There is also echidnas which we have seen living in there. There are threatened native orchids growing in the forest. There is endangered cumberland forest including Sydney blue gum and turpentine forest. The forest also supports the spotted pardalote which we have seen in there. The trees, plants, and creek support the Australian wildlife that live there. Many residents in the area use the Forest as a retreat for their mental health from the loud and congested busy surrounding area. These are the reasons I oppose the selling of the 2 blocks in the forest for housing development.

I am submitting on behalf of my organisation

██████████

██████████

☒

Name withheld

Baulkham Hills

No

☒

☒ I agree to the Privacy statement

Please see attached objection from from Protecting Your Suburban Environment (PYSE Inc) which is also pasted below.

We object to Forestry Corp NSW proposal PP-2023-2300 to re-zone two sites as residential at the Cumberland State Forest (CSF), rezoning them from RU3 Forestry to R2 Low Density Residential. Our objections are outlined below.

The APZ for the proposed subdivision will require more clearing than is proposed by Forestry Corp for the current APZ. The APZ provided in the bushfire report of the application for both the Northern and Southern site are not large enough according to the Rural fire service (RFS) letter. If the APZ's are enlarged this further cuts into any CEEC's on the site and puts the APZ into neighbouring public land.

A letter from the Rural Fire Service (ref SPI20240906000173) appears to oppose the rezoning due to fire risk. An excerpt from the RFS letter dated 11.10.24 states their concerns with the rezoning application:

"Based on the above assessment, it is shown that the subject sites have limited development area which can accommodate BAL 29 footprint. It should also be noted that under the proposed zoning certain special fire protection purpose (SFPP) developments are permissible on the site. However, SFPP developments require larger APZ in accordance with Table 6.8a of PBP 2019 to achieve 10kW and therefore it is unlikely that SFPP development can be accommodated on the subject sites"

The updated bushfire report Appendix 2 - Strategic Bushfire Study page 60 appears to disagree with the RFS assessment of bushland types and extent of slopes, referring to different modelling methods. No further modelling or changes to the proposal, such as reducing lot size, have been made to address the RFS submission. This is inadequate.

Request for a public hearing due to insufficient information available for consultation

Not all required information was provided by the online documents, nor was all the information provided correct. We were not able to find an arborist report or other report stating the number and type of trees to be removed or impacted for the APZ and other related development. This information is crucial prior to consideration of rezoning. The required information on number, type and location of trees affected must be made available to public and then public consultation be re-opened. Please note, that The Hills Shire Council has previously requested this information about trees to be removed or impacted at a Council meeting on 13/04/2021.

The area of land to be rezoned is different in different documents, they cannot all be correct. The Gateway Assessment Report gives a figure for the size of the Southern site as 3734 m2, while the exhibition fact sheets gives a size figure for the Southern site of 3377 m2 which is substantially less than the Gateway report. It appears that the easy to read fact sheet put on exhibition to the public has understated the amount to be rezoned which is a critical error that has been released for public viewing. This must be corrected by further public consultation, a public hearing and another exhibition period.

The fact sheet states DPHI is the decision maker on the proposal. According to the Forestry Act, revoking of forestry land must be approved by the NSW State Parliament Legislative Assembly and the Legislative Council. This information was not given on the fact sheet and could be considered another inaccuracy or omission.

The land must be retained for public use and critically endangered ecosystems on the sites protected

These sites which are public owned are not appropriate for residential zoning and they need to be retained for public use. The sites contain critically endangered ecological communities (CEEC's) BGHF and STIF. The proposal will have a direct impact on 0.16ha of BGHF, 0.29ha of STIF and also will impact the habitat of the Powerful Owl, Dural Land Snail, Eastern Australian Underground Orchid and many other species of flora and fauna. The sites currently enhance and flow into the CSF providing foraging habitat for wildlife and a peaceful buffer for park visitors between them and the surrounding roads.

This proposal sets a dangerous precedent for the CSF. How much land will Forestry Corp seek to rezone if this is successful? The entire site would be more appropriately classified as a National Park and I urge the panel to enquire on the possibility of this classification.

The proposal must be referred to the Dept of Climate Change, Energy, the Environment and Water to determine if an EPBC assessment is required

The Biodiversity Development Assessment Report page iv states the following.

As of early March, Forestry Corp had not made a Referral. A referral must be made and determined prior to any rezoning application.

Thank you for your consideration of this objection.

 Protecting Your Suburban Environment (PYSE Inc)

Objection to Planning Proposal PP-2023-2300 – Cumberland State Forest, 87-97 Castle Hill Road and 121-131 Oratava Avenue West Pennant Hills – from Protecting Your Suburban Environment (PYSE Inc)

We object to Forestry Corp NSW proposal **PP-2023-2300** to re-zone two sites as residential at the Cumberland State Forest (CSF), rezoning them from RU3 Forestry to R2 Low Density Residential. Our objections are outlined below.

Asset Protection Zones (APZ) are not appropriately sized or located

The APZ for the proposed subdivision will require more clearing than is proposed by Forestry Corp for the current APZ. The APZ provided in the bushfire report of the application for both the Northern and Southern site are not large enough according to the Rural fire service (RFS) letter. If the APZ's are enlarged this further cuts into any CEEC's on the site and puts the APZ into neighbouring public land.

The Asset Protection Zones must not be on neighbouring land, particularly public land, in accordance with Planning for Bushfire Protection 2019. The APZs must be on the subdivided lots only. The inadequate APZ size could be addressed by smaller lot sizes to reduce the APZ and direct impact on the Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark forest (STIF).

A letter from the Rural Fire Service (ref SPI20240906000173) appears to oppose the rezoning due to fire risk. An excerpt from the RFS letter dated 11.10.24 states their concerns with the rezoning application:

“Based on the above assessment, it is shown that the subject sites have limited development area which can accommodate BAL 29 footprint. It should also be noted that under the proposed zoning certain special fire protection purpose (SFPP) developments are permissible on the site. However, SFPP developments require larger APZ in accordance with Table 6.8a of PBP 2019 to achieve 10kW and therefore it is unlikely that SFPP development can be accommodated on the subject sites”

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Request for a public hearing due to insufficient information available for consultation

Not all required information was provided by the online documents, nor was all the information provided correct. We were not able to find an arborist report or other report stating the number and type of trees to be removed or impacted for the APZ and other related development. This information is crucial prior to consideration of rezoning. The required information on number, type and location of trees affected must be made available to public and then public consultation be re-opened. Please note, that The Hills Shire Council has previously requested this information about trees to be removed or impacted at a Council meeting on 13/04/2021.

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while the exhibition fact sheets gives a size figure for the Southern site of 3377 m² which is substantially less than the Gateway report. It appears that the easy to read fact sheet put on exhibition to the public has understated the amount to be rezoned which is a critical error that has been released for public viewing. This must be corrected by further public consultation, a public hearing and another exhibition period.

The fact sheet states DPHI is the decision maker on the proposal. According to the Forestry Act, revoking of forestry land must be approved by the NSW State Parliament Legislative Assembly and the Legislative Council. This information was not given on the fact sheet and could be considered another inaccuracy or omission.

The land must be retained for public use and critically endangered ecosystems on the sites protected

These sites which are public owned are not appropriate for residential zoning and they need to be retained for public use. The sites contain critically endangered ecological communities (CEEC's) BGHF and STIF. The proposal will have a direct impact on 0.16ha of BGHF, 0.29ha of STIF and also will impact the habitat of the Powerful Owl, Dural Land Snail, Eastern Australian Underground Orchid and many other species of flora and fauna. The sites currently enhance and flow into the CSF providing foraging habitat for wildlife and a peaceful buffer for park visitors between them and the surrounding roads.

This proposal sets a dangerous precedent for the CSF. How much land will Forestry Corp seek to rezone if this is successful? The entire site would be more appropriately classified as a National Park and I urge the panel to enquire on the possibility of this classification.

The proposal must be referred to the Dept of Climate Change, Energy, the Environment and Water to determine if an EPBC assessment is required

The Biodiversity Development Assessment Report page iv states the following.

As the proposal will result in the reduction in extent of both Blue Gum High Forest and Turpentine–Ironbark Forest, it may constitute a significant impact on matters of national environmental significance. As such, a referral to Department of Climate Change, Energy, the Environment and Water is recommended to determine if further EPBC assessment is required.

As of early March, Forestry Corp had not made a Referral. A referral must be made and determined prior to any rezoning application.

Thank you for your consideration of this objection.

[REDACTED]

[REDACTED] Protecting Your Suburban Environment (PYSE Inc)

Submission Type

I am making a personal submission

Title**First Name****Family name**

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email**Suburb/ Town**

Baulkham Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

Dear Team,

I am writing as both a resident of The Hills and a Councillor to strongly object to Planning Proposal PP-2023-2300, which seeks to rezone and sell off two parcels of land within Cumberland State Forest for residential development.

This proposal is fundamentally flawed and should be rejected due to its severe environmental impact, its conflict with ongoing efforts to secure National Park status for the forest, and the dangerous precedent it sets for future development in protected natural areas.

A Critical Environmental Loss:

Cumberland State Forest is one of the last remnants of native forest in Western Sydney. It provides vital habitat for threatened species and plays an essential role in maintaining local biodiversity. The proposed development would result in the clearing of 0.55ha of native vegetation, including:

- 0.16ha of Blue Gum High Forest, a critically endangered ecological community.
- 0.29ha of Sydney Turpentine Ironbark Forest, another critically endangered ecosystem.

This destruction would directly threaten species such as the Powerful Owl, Dural Land Snail, and Eastern Australian Underground Orchid, whose survival depends on the preservation of these ecosystems. Once lost, these habitats cannot be replaced.

The National Park Nomination Must Be Respected:

Cumberland State Forest has been under consideration for National Park status since 2019. The Hills Shire Council formally recommended this, and the State Government has yet to issue a

final determination.

Pushing ahead with rezoning before the outcome of this process is known is not only premature but irresponsible. If Cumberland State Forest is to become a National Park, this land should be preserved and not carved up for private development.

Setting a Dangerous Precedent:

If this rezoning is approved, it will open the door to further sell-offs of forested land in the future. The protection of beautiful Cumberland State Forest must be absolute, and if development begins, it will be increasingly difficult to stop further encroachment.

A Call for Environmental Leadership:

As a Councillor, I have a responsibility to represent my community, and I can say with certainty that the people of The Hills do not support this proposal. As a resident, I feel deeply concerned about the long-term environmental consequences of allowing rezoning in such an ecologically significant and such a beautiful area.

I urge you to reject this proposal in the interest of preserving our environment, respecting due process, and ensuring that future generations can continue to experience the natural beauty and biodiversity of Cumberland State Forest.

Thank you for considering this submission.

Sincerely,

[REDACTED]

Submission Type

I am making a personal submission

Title**First Name****Family name**

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email**Suburb/ Town**

West Pennant Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

I wish to register my objection for the following reasons.

1. There is no imperative here for land there is ample land around Sydney to build.
2. The forest has suffered gradual loss of land over time and there is the real possibility that this proposal even small will cause further decline in habitat for the current wildlife and ecosystem.
3. It is simply so unnecessary, we need to protect and nurture what forests we have within the greater Sydney region.

Submission Type

I am making a personal submission

Title**First Name****Family name**

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email**Suburb/ Town**

West Pennant Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

I wish to oppose the rezoning of 2 parcels of land for housing purposes for the following reasons

1. Endangering the habitats of protected species such as the Powerful Owl and the Dural Land snail.

2. A need to protect the Crucially endangered Blue Gum Forest and Sydney Turpentine Bark. There are only 139 such forests left globally today.

3. The Hills council has already completed its fair share of building homes. This site should protected for all the enviromental reasons given in previous submissions as once lost can never be recovered.

Submission Type

I am making a personal submission

Title

████

First Name

████

Family name

████

☐ Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

████████████████████

Suburb/ Town

West Pennant Hills

I have made a reportable political donation

No

☒ I agree to the Privacy statement

submission

We didn't want the Coonara development to go ahead.

WHEN ARE YOU GOONG TO STOP?

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]



Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

Castle Hill

I have made a reportable political donation

No



I agree to the Privacy statement

submission

Please leave Cumberland State Forest alone - State Forest must not be sold off for housing.

The habitat for wildlife here is slowly being taken by developers and we must preserve this valuable space for the growing community of West Pennant Hills and The Hills Shire.

Submission Type

I am making a personal submission

Title

Mrs

First Name

[REDACTED]

Family name

[REDACTED]

☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

West Pennant Hills

I have made a reportable political donation

No

☒

I agree to the Privacy statement

submission

Accepting the need for housing, and having examined this proposal, the following are my thoughts:

It seems to be a practical solution for the State Forestry management, and a low impact exercise for the Northern end. Added benefits are near-level walk to rail and regular bus services. It is also close to a community shopping centre (Thompson's Corner).

- Southern end borders a community area with low traffic and the construction of another couple of homes here seems reasonable. The bus service on Oratava is not that wonderful thus you can't really 'sell it' to community on that basis. It is however a short drive to Thompson's Corner and the established community on Oratava enjoy a quiet lifestyle.

My concerns for these developments are:

- the impact on insurance costs for purchasers of these dwellings. The cost impost is determined by distance from forest. Dwellings that adjoin Cumberland State Forest will find their premiums affected.

In the push to identify new land release areas the imperative must be to ensure minimisation of risks to new dwellings from flood and fire, maximisation of supporting infrastructure - transport, food and education, but also that any development will deliver an improvement to the area. IE: replacement of a shabby unused dwelling with a modern home.

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]

☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

Kenthurst

I have made a reportable political donation

No

☒

I agree to the Privacy statement

submission

Please see submitted PDF letter

16th March, 2025

**Planning Proposal submission for PP-2023-2300 Cumberland State Forest
87-97 Castle Hill Rd and 121-131 Oratava Avenue, West Pennant Hills.**

Thank you for the opportunity to comment on this planning proposal.

This submission objects to the Forestry Corp NSW proposal to rezone two parcels of land within the Cumberland State Forest (CSF) for residential housing for the following reasons:

1. Disappearing Public Urban Green Space

The Cumberland State Forest is unique. Being Australia's only metropolitan state forest, it is of incredible value and importance to residents of the Hills Shire, particularly the local community of West Pennant Hills.

This community is still hurting from the loss of trees, including critically endangered ecological communities (CEEC) and wildlife habitat on the neighbouring site at 55 Coonara Avenue, which have recently been cleared to make way for over 400 houses.

In dealing with the current housing crisis, we know it is important to increase the supply of housing, (particularly affordable housing), however, it is imperative that densification occurs where it makes sense.

It should occur where there is already good amenity and infrastructure, in areas safe from natural disasters such as bushfire and not result in any further loss of natural green space, particularly that which involves critically endangered ecological communities, (where less than half of 1% still exists in the world.)

This forest must be protected from rezoning for development, or we risk losing it through a process of "death by a thousand cuts".

The precedent that this proposal would set, if allowed to proceed, is deeply concerning.

NSW State Government documents, including the Regional Plan (Objective 27) seek to protect biodiversity and enhance urban bushland and remnant vegetation.

This proposal will impact 0.16 ha of critically endangered Blue Gum High Forest and 0.29ha of Sydney Turpentine Ironbark Forest. It will also result in the loss of important habitat for endangered and vulnerable native fauna such as the Powerful Owl. Continued clearing of already critically endangered forest for urban development contradicts this objective and is unacceptable.

2. National Park nomination outcome is unknown

Following the lodgement of this planning proposal in 2019, The Hills Shire Council showed incredible foresight in recommending to the NSW State Government that the Cumberland State Forest be nominated as a national park, protecting this valuable natural asset for generations to come.

Council is still awaiting a decision on the nomination, and it would be premature to progress this proposal before the outcome is known.

3. The Hills Shire has more than met its housing targets

The Hills Shire has enough zoned land for nearly 50,000 new homes. Council has issued nearly enough approvals to meet their 5-year housing target with around 17,000 dwellings approved which have not yet translated into completed homes.

The housing crisis is a culmination of many factors, however the issues in the Hills are not related to zoned supply or dwelling approvals but instead problems within the construction, finance and utility service industries.

There is no need to sell off and develop urban forest (that once lost can never be replaced) to provide a mere 4 homes when plenty of rezoned land is already available in the Shire for housing. The housing shortfall should not be used as a valid reason for clearing critically endangered communities in this case.

In addition, these homes will not be affordable, and they will be within a bushfire zone.

4. New housing should only be constructed in safe areas.

Already we are seeing houses in bushfire and flood prone areas becoming uninsurable. As our climate warms, these risks will only escalate. The Rural Fire Service (RFS) letter dated 11/10/24 outlines the concerns regarding the Asset Protection Zone (APZ) required and states “it is unlikely that special fire protection purpose (SFPP) development can be accommodated on the subject sites.”

The RFS view is that the APZ would need to be larger than currently proposed which would result in further clearing on public land and direct impact to critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest.

It must be noted that the RFS is an independent body, and its advice should be considered with more weight than a paid consultant of the proponent.

5. There is no report identifying the specific vegetation to be removed

The Arborist report in Appendix 4 “Tree Assessment Report” examines the health of all the trees in the Cumberland State Forest but does not specifically mention the trees that will be impacted by the planning proposal.

A Landscape Plan indicating tree removal and APZs has not been included in the Report as per the Local Planning Panel advice.

The Biodiversity Conservation and Science review should confirm that requested updates to the BDAR as per the Local Planning Panel advice have been completed.

The Biodiversity Development Assessment Report states *“As the proposal will result in the reduction in extent of Blue Gum High Forest and Turpentine-Ironbark Forest, it may constitute a significant impact on matters of national environmental significance. As such, a referral to Department of Climate Change, Energy, the Environment and Water is recommended to determine if further EPBC assessment is required.”*

In keeping with this advice, the proposal should be referred by Forestry Corp NSW to DCCEEW to determine if an EPBC assessment is required.

As stated above, I believe this proposal will be detrimental to the local community and the local environment and sets a dangerous precedent for the safety and protection of the much-loved Cumberland State Forest.

Thank you for considering this objection on behalf of myself and concerned residents who I represent,

Kind regards,

A black rectangular redaction box covering the signature and name of the person who wrote the letter.

Submission Type

I am submitting on behalf of my organisation

Title



First Name



Family name

☐

Name withheld

Please tick this box if the submitter do not want their name published in the list of submitters on the department's website

Email



Address 1

Address 2

Suburb/ Town

Post code

State

Does the submitter have any political donations to report?

No

Please provide your view on the application

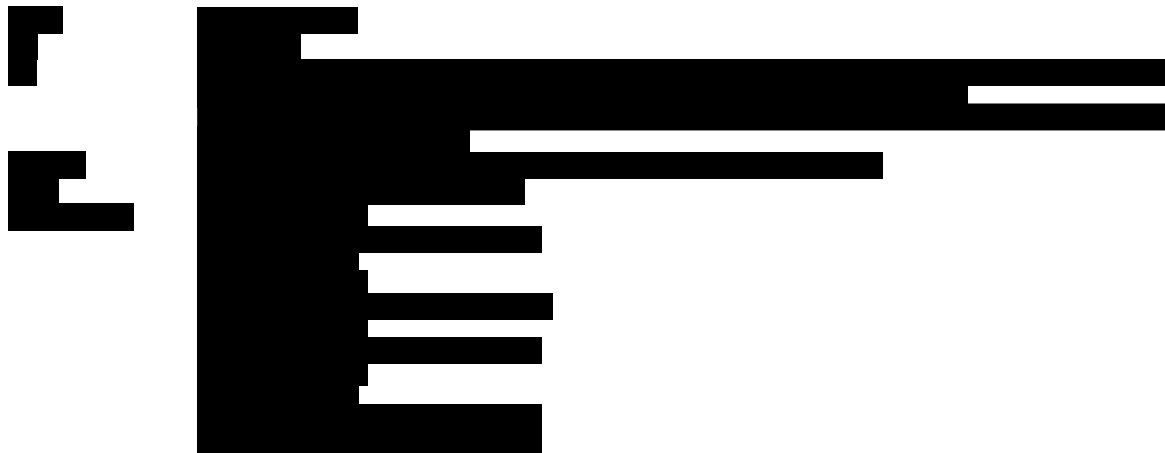
submission

See attachment.

Declarations



The submission will be kept in accordance to the [Privacy statement](#)



11/3/25 Submission - Please confirm receipt.

FORMAL OBJECTION Ref: PP-2023-2300 - Within the Cumberland State Forest.

Today, with our valley open-spaces and our Cumberland State Forest in great danger of exploitation from successive 'sell-anything-not-nailed-down' styled NSW State government(s), proven players dedicated to satisfying the voracious demands of BIG-Business, greedy Property Developers and facilitated by an openly-compliant Hills Shire Council. We must now recognise as local-residents and ratepayers we have no "power". Therefore in the absence of support we must work together and work much harder to make our political leaders recognise the much wider economic-value of the Cumberland State Forest's previously protected trees, and the increasingly threatened wildlife within our development-challenged, urban environment.

To facilitate a much better outcome for the forest and the valley we urgently request your department place a six-month hold on the present planning process. In effect a very short delay to allow for the proper open and frank exposures and further assessment of government, commercial, academic, and ratepayer views in assessing the outcomes likely to flow from any relaxation of our forest protections. As a part of that request we suggest an independent local committee be established to manage the further assessment process.

We understand the intent of the Planning Proposal PP-2023-2300, as sponsored by The NSW Forestry Department is to re-zone critical parts of the Cumberland State Forest land to enable the sale of previously protected areas to facilitate intrusions of residential and commercial developments into this globally-regarded, irreplaceable, threatened by widely opposed substantial adjacent residential property developments, moves threatening our valued public-recreational environ and facilitating the further destruction of our remaining wildlife populations.

In order to achieve their intent, the government sponsored Planning Strategies move proposes to recognise that the **NSW Forest Service for many years has been seeking to rezone the land, contains deliberately dilapidated caretaker dwellings, into residential lots. The sites also includes portions of Blue Gum High Forest and Sydney Turpentine-Ironbark Forest, both of which are identified as Critically Endangered Ecological Communities under the Biodiversity Conservation Act 2016 and are of high conservation significance. The intention of the new proposal is the key to opening up the forest for developer exploitation, in effect, the loss of our globally regarded forestry assets. The**

intention is...

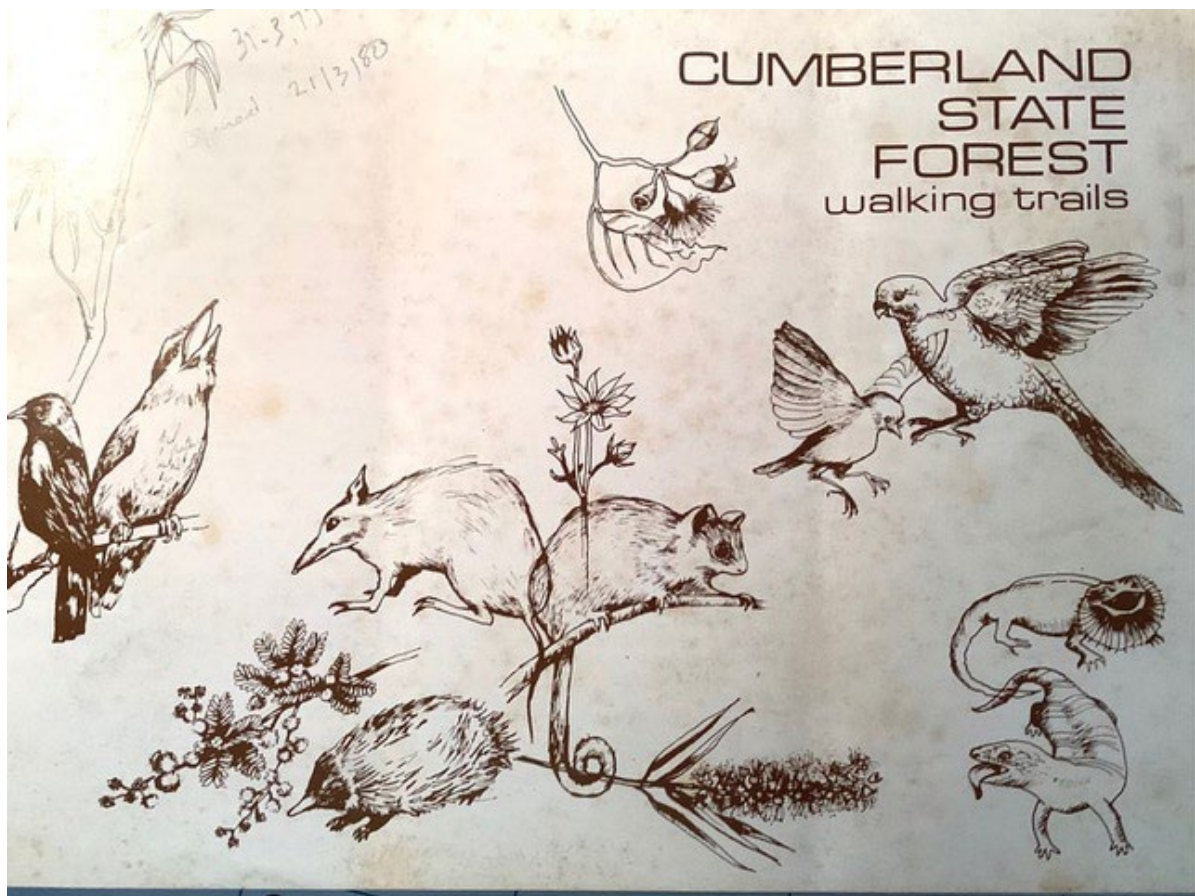
- Rezone the previously protected land from RU3 Forestry to R2 Low Density Residential.
- Apply a height limit of 9 m to the land.
- Amend the land's minimum lot size from 40 ha to 1,140 m² for the northern site (Castle Hill Road) and 1,700 m² for the southern site (Oratava Avenue).
- Set a precedent to facilitate the further incursions of residential and commercial development of protected forest environs.
- Defy the wishes of resident/ratepayers in manipulating this further step in the commercialising our irreplaceable and globally-regarded public asset.

WE BELIEVE THIS PROPOSAL MUST BE DECLINED - PERMANENTLY!

The Cumberland State Forest is dying under the punishment of "a thousand cuts"; only the residents remain on the parapets defending our forest; we must realise now, "Procrastination is still the thief of time." (Martin Luther King Junior) As local residents and many visitors from around the area, we all used to enjoy the occasional sightings of the Powerful Owls, Glossy Black Cockatoos, Echidnas, Tawny Frogs Mouths, King Parrots and Bell Birds et al. We are well aware that everyone is sick and tired of talking about Owls and wildlife in "our" forest and environs, but, it was a probably a similar situation in Tasmania as the Thylacine was being threatened with extinction.



Our history shows the forest was created for the people of Sydney, not developers...
Opening event brochure cover, 21/3/1980



Walking trails opening event
21/3/80

CUMBERLAND — A FOREST FOR THE PEOPLE

supplemented with some exotic conifers and hardwoods.

Today, nearly 250 species — mostly trees with a few shrubs — survive from the original plantings, and are now more than 30 years old. Native forest still covering most of the area represents probably the largest extant example of natural vegetation on Wianamatta Shale in the Metropolitan area.

The arboretum plantings, together with the good road system in the forest are in an excellent basis for Cumberland's newest facility — the Educational Walking Trails. These are an extension of Swain's original idea and complement the previous development in the area.

The nursery for raising tree seedlings was the first amenity established in the forest and is familiar to many home gardeners around the Metropolitan area. More recently, the Commission's Wood Technology and Forest Research Division transferred to new premises built near the Oratava Avenue entrance.

Now with the education and recreational extension and the future improvements planned for the Nursery, the Commission is maintaining Swain's desire that Cumberland should be a forest for the people of Sydney.

With most/many of the involved politicians (with the notable exception of turgid and inactive Minister Plibersek) now safely ensconced in their comfortable "jobs after politics", sometimes I wonder what story of justification for their various roles they will tell when recounting events of destroying the Shire's major public environmental assets. Consider this: What 'war stories' about the roles they played or failed to play in the processes of destroying the forest by stealth will they tell their children and their grandchildren?



It all started like this, “No will notice our destroying one more stupid Owl, or a few Echidna or some silly flitting bats, there’s big money and bonuses to be got out of the development projects, just turn your back, the Council will love it, keep building the units. we’ll knock down hundreds and hundreds of protected trees and call the development The MIRVAC “HIGH FOREST”. The most cynically named development project on planet Earth - and no one gives a toss!

This situation has been threatening for years...

CUMBERLAND FOREST IS IN DANGER... PRIORITY #1 - URGENT

MIRVAC have shown their true colours in the buying of a major business park property and later declaring it as non-profitable and seeking changes in land-use certification for high-density housing access. Supported by Government and Council support in their hectic chase, creating of available housing, at any social cost.



(Pic Extracted from Internet-published MIRVAC report.) Even their grass is fake, but the mechanical digger is real?

"We had better make a start building more flats for boosting our bonuses and shareholder profits. This will always be more important than preserving publicly owned and used forest environments. But don't worry too much, there will always be another compliant Local Council with a spare public forest to exploit somewhere."

By definition, a "Judas Sheep" is a trained animal, utilised within meat processing abattoirs and included as the leaders of flocks of sheep in the slaughtering process. They are identified on the slaughter floor by the wearing of yellow hard-hats and protected from accidental death by the use of a metal throat guard. The protected sheep are trained the lead the mob of sheep designated for slaughter, up the ramps to the killing floor and to their throat-cut death. The slaughterers, working in a blood-soaked frenzy, identify the highly trained and valuable Judas Sheep by their yellow hard-hats and throat protectors and divert them into a holding pen to await the next batch for killing. Once on the killing floor, the unidentified and unprotected sheep are killed as their Judas Sheep leaders return to gather the next batch for the slaughterers. We must clearly understand the practice of utilising "Judas Sheep" is not exclusive or limited to abattoirs or the meat processing industry. I can hear the bleating across the forest from my home.

Recently, featured in the media, one-millions species are targeted for extinction from our planet has stuck a chord of deep dismay. The local wildlife disaster is very easy to understand, the site contains the

nesting trees for the Powerful Owls, which is properly listed as a vulnerable species. In destroying the environment housing the Owl's food source, Possums, the Owls were forced to leave our locality en masse. Disappointing event in the extreme Australia as a country, has a very poor record in the matter of negligently killing-off "Vulnerable Species". Even the developer-friendly Hills Shire Council has publicly admitted that *'...the proposed development footprint has not considered suitable buffer distances around Powerful Owl nesting trees...'* Today in 2025, living adjacent to the forest boundaries, I have not heard the call of the Powerful owl for at least a year and a half, and with the hundreds of trees housing possums destroyed, the owl's food source has also been destroyed and the owls have gone.



Reading in The Hills Shire, "FOCUS" Magazine – Spring 2018 Issue – 'News and Information from The Hills Shire Council', contained the following quotation from Clr. Alan Haselden, now Deputy Mayor, representing the East Ward, (part of which Ward contains Mirvac's Coonara Avenue development site), together with the plots of our forest's land destined for development access, adjacent to the threatened, globally-unique Cumberland State Forest proper, *"We are fortunate in having enormous tracts of native forest in national parks and crown lands and we do not need to be over zealous in constraining a property owner in the reasonable use and occupation of their land. We are, after all, living at the perimeter of a world city"*. In this he strikes the point, the Cumberland State Forest is the only unique and globally regarded forest so close to the dense population of a major city, and as such, stands out as an irreplaceable social and health giving asset. When elected representative are so insensitive to ratepayers views and our wildlife reputation, it's no wonder the BIG developers get such easy access and successes.

Ho, ho, ho, nothing changes, same old, same old, like the Mayor's National Park publicity distractions, we won't be holding our breaths in seeking fairness and action from either Federal Labor's Plibersek, a 'Developer-Dazzled' Labor State Government or The Hills Shire Council, all players in the bigger developer-support game.

The entrance plots now destined for developer sale should be reserved for National Park entrances and information centres. That would have assumed there was any serious intention to create a national Park in the first place.

Having now discovered that the proponent lodged the review with the Sydney Central City Planning Panel (SCCPP). The SCCPP decided the plan had merit and submitted it for Gateway Determination. A gateway determination was made to proceed with the proposal. subject to conditions including public exhibition. In this the councillors bray that "people will be able to have their say". The salient point remains, the peoples voice is ignored by the politics of the developer supporter mob. This must be more widely assessed from a public perspective.

This move to convert protected forestry land into saleable development plots by Forestry/Council has been simmering for a very long time, apart from deliberately allowing the cottages on the affected sites to fall into disrepair to support their claim for land for housing, revealed as a deliberate and almost criminal act of bastardry at a time of a desperate low-cost rental housing shortage. In August 2019, The Forestry Corporation NSW submitted a planning proposal **13/2019/PLP** to rezone and sell for housing development, the 2 blocks of land currently contained within the Cumberland State Forest, now being attacked under PP-2023-2300. Details of this 2019 proposal are on the West Pennant Hills Progressive Association's website <https://www.wphvpa.org/cumberland-state-forest>. At that juncture the Hills Shire Council did not support the proposal.

At The Civic Trust, we reiterate our comments we pursued energetically at the time, we implacably disagree; your Cumberland State Forest and Environs Civic Trust demands permanent protection of our forestry, wildlife and recreational assets within our urban population. Your Civic Trust says, “Forests growing close to our city boundaries deliver major health, wealth and happiness benefits, far beyond the narrow interests of transient politicians, venal property developers and their greedy supporters.”

The various council supported applications are merely the rumbling continuation of the of the MIRVAC invasion and the deliberate “monetisation” of our forest. The Cumberland State Forest area as shown in the EIS plan below, is already surveyed in preparation to provide 33 residential-development “lifestyle” sale lots, all having access to outside roading.. At the time of the survey, Oratava Avenue houses were renumbered to provide the forest house numbers when development was forced through. The forest is not a priority for State Government, that is, except as a useful money source for land sales right now and for rateable income into the future - the public and the wildlife are ignored.

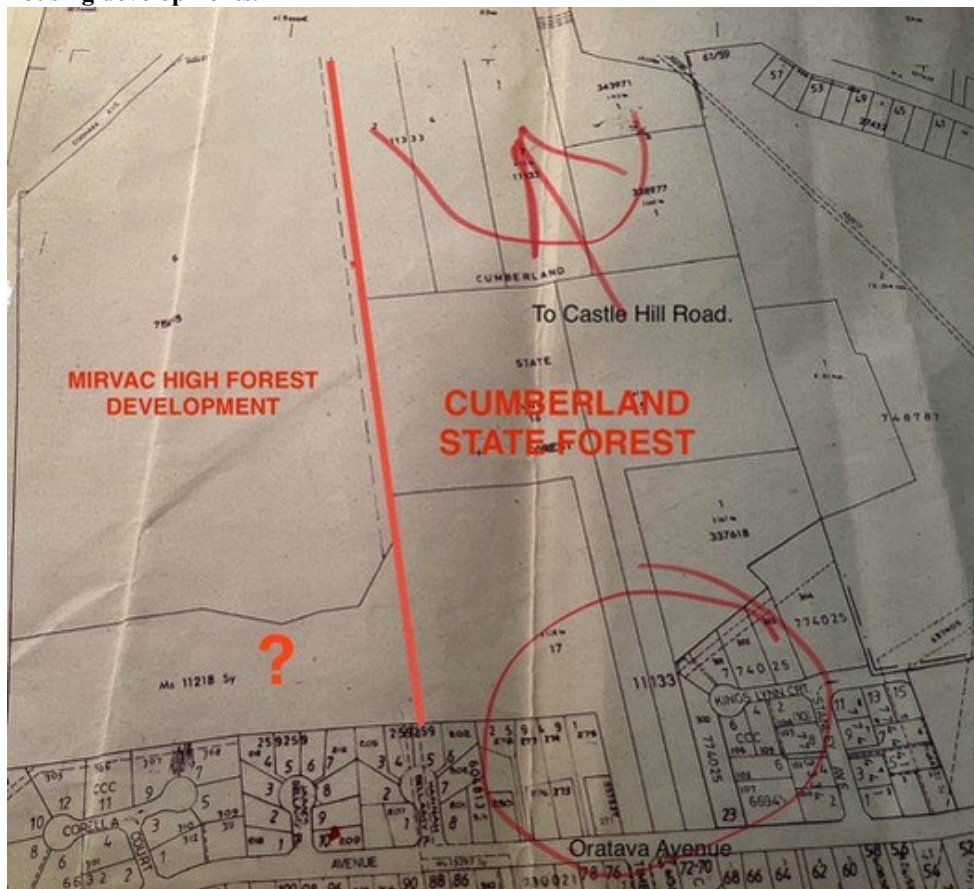
In presenting the various items below and across several discussions with various Council staff we were constantly assured there could be no changes to categories. We realise this was a Council smoke-screen and waited, and waited, and waited. Today PP2033-2300 is the evidence of our patience. has prepared a battle-plan for extensive participation, based on a long term solution to restore our lives to some level or normality and pleasantness to live as we choose before the Government intruded in their unwarranted development proposals.

These blocks as sold to the public in 1920 were purchased to create the Cumberland State Forest, which was established in 1937. A similar sized block adjacent was also purchased to complete the forest. The second block was sold by Baulkham Hills Shire Council to IBM to create a business park and was eventually sold to MIRVAC for housing developments.



The Hill’s Shire Council - EIS West Pennant Hills. The Forest was initially surveyed for development?These blocks were purchased to create the Cumberland State Forest, which was established in 1937.

A similar sized block adjacent was also purchased to complete the forest. The second block was sold by Baulkham Hills Shire Council to IBM to create a business park and was eventually sold to MIRVAC for housing developments.



[illegible]

The Mayor in writing to me in September 2019 (Extract - full letter available if required)

7.00am to 7.30am. Although the provision of additional commuter parking spaces is a matter for Sydney Metro, it is Council's understanding that at this stage no additional commuter parking is proposed.

5. Why does the Cumberland State Forest show as being made up of a series of smaller lot parcels rather than one consolidated lot?

The land now known as the Cumberland State Forest comprises a number of land parcels which were originally land grants issued to early settlers and freed convicts for grazing and cultivating fresh produce. The land was used as a quarry and harvested for timber in the 1850s. In the 1920s the land was subdivided into its current subdivision pattern. The Cumberland State Forest was established in approximately 1937. The Government Gazette No.106 of 14th July 1939 and No.129 of 25th August 1939 declared the land as a 'State Forest'. There were extensions to this land in 1943 and 1964 at the rear of 55 Coonara Avenue, West Pennant Hills. During the dedication of this land as state forest, no consolidation of the lots appears to have been undertaken.

The Cumberland State Forest is approximately 40 hectares in size and under The Hills Local Environmental Plan 2012, a minimum lot size of 40 hectares applies to the land. This means that no further subdivision of the land is possible under the currently applicable planning controls.

Any land owner may lodge an application to change the planning controls that apply to their land, known as a planning proposal, however this can be a lengthy and expensive process. While a planning proposal applicable to the Cumberland State Forest has been lodged, seeking to create some additional lots fronting Oratava Avenue and Castle Hill Road, Council is yet to consider this proposal and determine whether there is strategic and site-specific merit in allowing a part of the site to develop for residential lots.

6. Tree Removal Works

As you are no doubt aware, the timber logs shown in your photograph were left over following the major storm that resulted in significant damage in many parts of the West Pennant Hills Valley last December.

The ability to remove many of those logs which are quite large and heavy will require further investigation by Council's vegetation team as it is understood that access to them for heavy lifting equipment is severely restricted.

Regrettably if they cannot be removed at a reasonable cost, Council will have no other option than to leave them in place and allow them to decay naturally as occurs with any other fallen tree in a bushland environment.

If you would like further information on these matters, please do not hesitate to contact the following council officers:

In April 2021 The Hills Shire Council put a planning proposal to rezone land within the Cumberland State Forest on hold until a decision is made by the NSW Government on the possibility of the Cumberland State Forest becoming a national park. Council voted to delay determining whether or not to send the planning proposal for a Gateway Determination on the Forestry Corporation of NSW controlled sites during Tuesday's Ordinary Meeting of Council. At that time it was postulated the derelict cottages site would be essential for building the entrance and information centre for the proposed

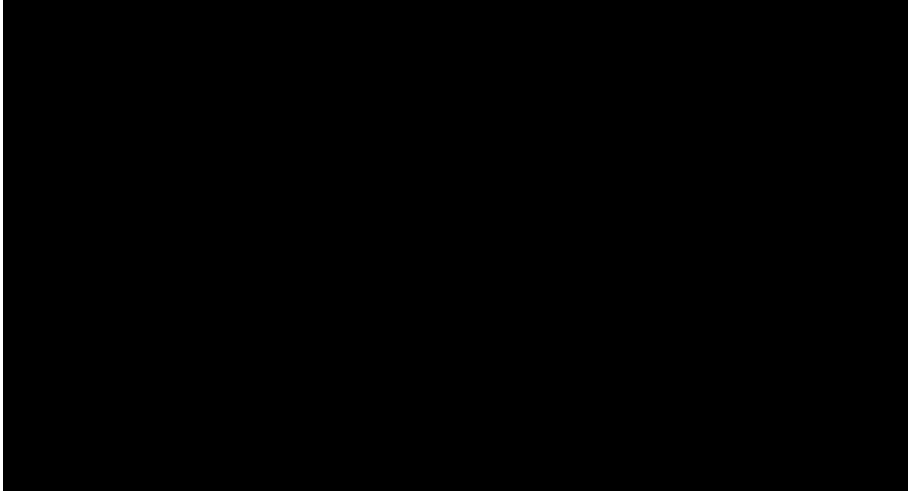
The SCCPP decided the plan had merit and submitted it for Gateway Determination. A gateway determination having been made to proceed with the proposal, subject to conditions including public exhibition. In this the councillors brag that "people will be able to have their say". The salient point remains, the people's voice is a short-delay in planned objectives, invariably ignored by the politics of the developer supporter mob.

Ho, ho, ho, nothing changes in The Hills District. Once renowned as 'Sydney's Garden Shire', now the centre of 'Sydney's Developer's Paradise'. It's the same old, same old, like the Mayor's 'National Park' publicity distractions. And, we won't be holding our breaths in seeking fairness and action from either Federal Labor's Plibersek, a 'Developer-Dazzled' Labor State Government or The Hills Shire Council, all players in the bigger developer support game.

In this note we lodge our sincere objections to the proposal and demand opportunities be provided for proper discussion. Having now discovered that the proponent lodged the review with the Sydney Central City Planning Panel (SCCPP).

THIS PROPOSAL MUST BE DECLINED - PERMANENTLY!

On behalf of our Civic Trust members, our many concerned local supporters and friends, I respectfully await your determinations.



“You don’t know what you’ve got till it’s gone - they want to take away all our trees and they’ll put ‘em in a tree museum, then they’ll charge all us people a dollar and a half just to see ‘em....”

Link: Big Yellow Taxi – Jodi Mitchell.



Joni Mitchell Big Yellow Taxi 1970.mp4
youtu.be

Background Information extracts...

Thoughts for the forest in 2018...



'A VISION SPLENDID'

It's all about making our lives better than they were.

What is "A VISION SPLENDID" – This collectively imagined near-future, is both idealistic and yet ordinary. Utopian in concept but makes simple common sense. With most of our politicians, at every level and creed, trudging woefully across the tar-pits of political mediocrity, our intention in defining our Vision Splendid, is not to merely oppose, or to dictate wish-lists of objections, with conflicting new demands or policies but, with intelligent determination, work together to create imaginative and practical strategies to inject a breath of fresh air into our environs and our lives. We are determined to ignite inspiration, stimulate powerful conversations and engender the possibility that in good faith and comradeship, pulling together, we will plot a new and dazzling course for our Hills Shire, our Cumberland State Forest and our Valley; we will create a Vision Splendid for our mutually successful future, a future of we can be justly proud and that we can all be excited to create. (Adapted from - A24 - "Rebuild Australia")

As an example: In 2018 during a discussion session, a local lady of mature years summarised the present situation and the urgent requirement for more determined action, when she stated, "These 'blow-in' developers have absolutely no interest in us or our local area, they appear to have grabbed our Council in a vicious squirrel-grip, because the evidence is in. They seek to exploit us for their corporate money. Our foolishness in using the Shire Council as our representatives against the State Government and their Developer mates in prosecuting grossly unsatisfactory, predatory over-development strategies, policies and politics, is like taking a knife to a gunfight. Time has run out, we must become organised activators in the defence of our Valley, our Forest and our valued Lifestyles!"

That being as it may, her considered views, developed from her long Baulkham Hills/Hills Shire council and State Government experiences of various tribally aligned Premiers and Mayoral and Council disappointments, are not necessarily my views as spokesman (residing close to the forest and rate-paying for only a mere 40 years, on and off, in the Shire) She made a valid and well supported point. We have an urgent need, for honest and just determination for socially excellent, environmentally friendly, economically viable, practical and survivable activities in our Shire, and this is why we continue to submit our joint and several comments for your urgent consideration.

"It's now 2025, NOTHING CHANGES. The resident's battles to protect the forest have been fought and lost to venal politicians, the "deals" have been done, the Council continues in traditional uncaring and muddled ways, politicians are safely esconced in their jobs after politics. and the monetisation of the forest environs on behalf of "development" continue apace. Facing the fact my friends, that time has run out and what was tomorrow is today, we are confronted with the fierce urgency of now. In this unfolding kaleidoscopic conundrum of life and history, there is such a thing as being too late.

In April 2021 The Hills Shire Council put a planning proposal to rezone land within the Cumberland State Forest on hold until a decision is made by the NSW Government on the possibility of the Cumberland State Forest becoming a national park. Council voted to delay determining whether or not to send the planning proposal for a Gateway Determination on the Forestry Corporation of NSW controlled sites during Tuesday's Ordinary Meeting of Council. At that time it was postulated the derelict cottages site would be essential for building the entrance and information centre for the proposed

This latest secretive but discovered just in time move is a continuation of

deliberations to establish a selling-off the forest. It has started with the deliberate failure to maintain the cottages on the properties. In 2019 Mayor of The Hills Shire, Dr Michelle Byrne said that delaying the planning determination would allow time for full consideration of the national park proposal. "The Cumberland State Forest has become a very valuable parcel of green-space in our Shire and will grow in importance as Sydney grows," Mayor Byrne said. "The Cumberland State Forest is home to some of the country's most valuable flora and fauna species and we would like to see it moved from a forestry land use to a national park so that generations of people can enjoy this wonderful space. The forest is now home to a sub-standard cafe, a bog-standard garden centre, a noisy privatised entertainment facility, all replacing a valuable information and teaching centre and a recreational retreat for the people of Sydney, a wonderful 'quiet' forest. At the opening of the Cumberland State forest walking paths programme on 21st March 1980 the speeches closed as follows, "Now with the education and recreational extensions and the future improvements planned for the native plant tree seedling nursery, the Commission is maintaining Swain's desire that Cumberland should be **"A Forest For The People Of Sydney"**.

"As we grow, it's increasingly important that we retain and protect our green spaces so that they can remain intact for current and future generations. It's also paramount that residents, especially those who will be living in higher density housing in the future, have access to these valuable sites, especially the Cumberland State Forest, for education, conservation and active and passive recreation"

Published on 15 April 2021 in Council Publicity blurb. The Hills Shire Council has put a planning proposal to rezone land within the Cumberland State Forest on hold until a decision is made by the NSW Government on the possibility of the Cumberland State Forest becoming a national park. The proposal sought to rezone the forest land, with kerbside access to Oratava Avenue, which contains dilapidated caretaker dwellings, into four residential lots. The houses had been deliberately neglected over many years (NSW Forest Service management drove past them every day as they went to their forest offices) by the NSW Forest Service. The sites also includes portions of Blue Gum High Forest and Sydney Turpentine-Ironbark Forest, both of which are identified as Critically Endangered Ecological Communities under the Biodiversity Conservation Act 2016 and are of high conservation significance. Council voted to delay determining whether or not to send the planning proposal for a Gateway Determination on the Forestry Corporation of NSW controlled sites during Tuesday's Ordinary Meeting of Council.

Previously, in September 2019 Mayor of The Hills Shire Council, Dr Michelle Byrne, and Baulkham Hills State Liberal MP David Elliott launched their proposals to convert the forest into a National Park, a major distraction for use against the residents of the Council's East Ward. The pair got their pictures in the local paper (now defunct) calling for the Cumberland State Forest to become a National Park. Mayor Byrne said that transferring the Cumberland State Forest to the National Parks and Wildlife Service would result in greater protection of the much-loved local Forest. "We believe that the best way to protect the Cumberland State Forest is for it to become a National Park, with the emphasis being on conservation, community access, well-being and enjoyment rather than remaining a State Forest where the focus is on a return on investment for the State Government," Mayor Byrne said. Mayor of The Hills Shire, Dr Michelle Byrne has congratulated the State Government on its decision to expand its National Park network, saying it's a win for residents of Western Sydney. "The COVID-19 pandemic is also highlighting how important these spaces are, especially for our physical and mental wellbeing," now Mayor Emeritus Byrne added.

National parks are created as an indication of the land's national significance and for the enjoyment of everyone. They're protected from urban development, land clearing, mining, invasive species, and other factors that would damage the area and its flora and fauna.

To understand the issue more clearly, 'What's a national park'? Ultimately a national park is an

area of land that's been declared environmentally or culturally significant and is granted government protection and preservation. This may be because it's home to a unique ecosystem, an abundance of native flora or fauna, a specific species not found elsewhere, cultural sites, whether Indigenous or colonial, or a striking and significant natural landscape. National parks are created as an indication of the land's national significance and for the enjoyment of everyone. They're protected from urban development, land clearing, mining, invasive species, and other factors that would damage the area and its flora and fauna.

Interestingly, on Sunday 30th September 2021, the State Government announced a 500 hectare site located at Shanes Park, between Penrith and Windsor, would be become the newest National Park in NSW, with locally extinct native species such as quolls, bettongs and brush-tailed phascogales to be re-introduced into this area. Mayor Byrne congratulated the State Government... "This is fantastic news, especially for Western Sydney residents," Mayor Byrne said. "As Sydney continues to grow, we need to protect our green spaces, such as Shanes Park. This allows for important conservation efforts to be carried out and a place where our native wildlife can survive and thrive. "Reclassifying Cumberland into a national park strengthens its protection. In addition to this, national parks play a significant role in providing scientific research and conservation efforts, as well as providing the public with access to a place where they can appreciate the natural wonders of our local environment," Mayor Byrne added. "As part of seeking to advocate on behalf of our community, we want to understand the timing of their intended commitment to transfer the forested areas and of course ensure they honour any agreement reached with the NSW Government,"

The decision comes after the Minister for Energy and Environment, Matt Kean MP advised Council that he had asked the NSW National Parks and Wildlife Services to carry out a detailed assessment of the area as part of the process in determining whether to reclassify the urban forest into a national park. "We love our local forest and we hope the National Parks and Wildlife Services act quickly on the Minister's request," Mayor Byrne said.

Previously the Mayor is reported in various Council papers as saying - *"The proposal will have a direct impact on 0.16ha of Blue Gum High Forest, 0.29ha of Sydney and the habitat of the Powerful Owl, Dural Land Snail, Eastern Australian Underground Orchid and many other species of flora and fauna. As part of a draft State Voluntary Planning Agreement relating to the development of the former IBM site, Mirvac has offered to dedicate 10 hectares of land to Forestry NSW. As part of seeking to advocate on behalf of our community, we want to understand the timing of their intended commitment to transfer the forested areas and of course ensure they honour any agreement reached with the NSW Government," Mayor Byrne added. The Cumberland State Forest is Australia's only metropolitan state forest and is home to an array of fauna, flora and ecological communities.*

Ho, ho, ho, nothing changes, same old, same old, like her National Park publicity distractions, we won't be holding our breaths in seeking fairness and action from either Federal Labor's Plibersek, a 'Developer-Dazzled' Labor State Government or The Hills Shire Council, all players in the bigger developer support game.

Having now discovered that the proponent lodged the review with the Sydney Central City Planning Panel (SCCPP). The SCCPP decided the plan had merit and submitted it for Gateway Determination. A gateway determination was made to proceed with the proposal. subject to conditions including public exhibition. In this the councillors bray that "people will be able to have their say". The salient point remains, the peoples voice is ignored by the politics of the developer supporter mob



“You don’t know what you’ve got till it’s gone - they want to take away all our trees and they’ll put ‘em in a tree museum, then they’ll charge all us people a dollar and a half just to see ‘em....”

(Big Yellow Taxi – Jodi Mitchell. Link: https://youtu.be/Tr__rRGWVgI)



THE TWIN BATTLES FOR “OUR” FOREST



1. INTERNAL BATTLE:

- SELL-ANYTHING STYLED GOVT.
- UNCARING SHIRE COUNCIL
- THE AREA ALREADY SUBDIVIDED FOR SALE
- INAPPROPRIATE MANAGEMENT
- CREEPING COMMERCIALISATION
- INCREASED TRAFFIC ISSUES
- PARKING AND CONGESTION
- INCREASING PEOPLE POLLUTION
- NOISE AND ACTIVITY POLLUTION
- NO WILDLIFE PRESERVATION FOCUS
- NO CREATIVE UTILISATION PLANS

2. EXTERNAL BATTLE:

- MIRVAC DEVELOPMENT DEMANDS
- OTHER DEVELOPER PREDATIONS
- “FORCED DEVELOPMENT” - STATE GOVT.
- AQUIESCENT HILL’S SHIRE COUNCIL

BATTLE FOR “OUR” VALLEY ENVIRONS AND LIFESTYLE



OUR VALLEY BATTLE:

- DEVELOPMENT FOCUS STATE GOVT.
- POLITICALLY DISTORTED COUNCIL ACTING ONLY AS SERVANTS OF A GROSSLY GREEDY STATE GOVT.
- AQUIESCENT HILL’S SHIRE COUNCIL IN APPROVING DEVELOPMENTS.
- SEMI-COMPETENT COUNCILLORS
- PUTTING DEVELOPER DEMANDS BEFORE CITIZENS, RESIDENTS AND RATEPAYER INTERESTS.
- NO INTEGRATED PLANNING
- INAPPROPRIATE DEVELOPMENTS
- INCREASED TRAFFIC ISSUES
- CONGESTION AND POLLUTION
- LACK OF INTEGRATED CONSULTATION
- NO WILDLIFE FOCUS
- VALLEY LIFESTYLES SUFFERING

NOTE: Our Valley is situated entirely within The East Ward of The Hill’s Shire Council .

□

□

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]

☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

West Pennant Hills

I have made a reportable political donation

No

☒

I agree to the Privacy statement

submission

Our family has resided in West Pennant Hills for 25 years, before that in the Cherrybrook area. During that time, we have seen housing density increase, increase in road traffic congestion, with limited development of infrastructure other than the Metro (which has limited parking or shuttle bus services) limiting its availability to residents.

Other infrastructure including schools and recreational facilities is lagging behind the population increase. with all schools in the area at capacity and no plans for additional primary or high schools.

With the addition of 400 houses at 55 Coonara Avenue, we see no benefits in destroying a significant area of Critically Endangered Ecological Community for an additional 4 houses, we also believe that if this rezoning is approved, it will lead to the start of further encroachments into the CSF, eventually leading to the destruction of CSF. Is this the action of responsible government advocating the importance Climate Change?

Submission Type

I am submitting on behalf of my organisation

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]

☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

Galston

I have made a reportable political donation

No

☒

I agree to the Privacy statement

submission

Please accept the objecting submission attached on behalf of Galston Area Residents Association (GARA).

Many thanks,

[REDACTED]

“This planning proposal seeks to amend The Hills LEP 2012 to: rezone the site from RU3 Forestry to R2 Low Density Residential; introduce a maximum building height of 9m; amend the minimum lot size from 40 ha to 1,140m² and 1,700m²; amend the heritage map to remove the application of local archaeological items in the Cumberland State Forest; update the provisions including the revision of the address/property description under the Hills LEP Sch 5 Environmental Heritage”.

Biodiversity Development Assessment Report – Concept Development Application
55 Coonara Avenue, West Pennant Hills

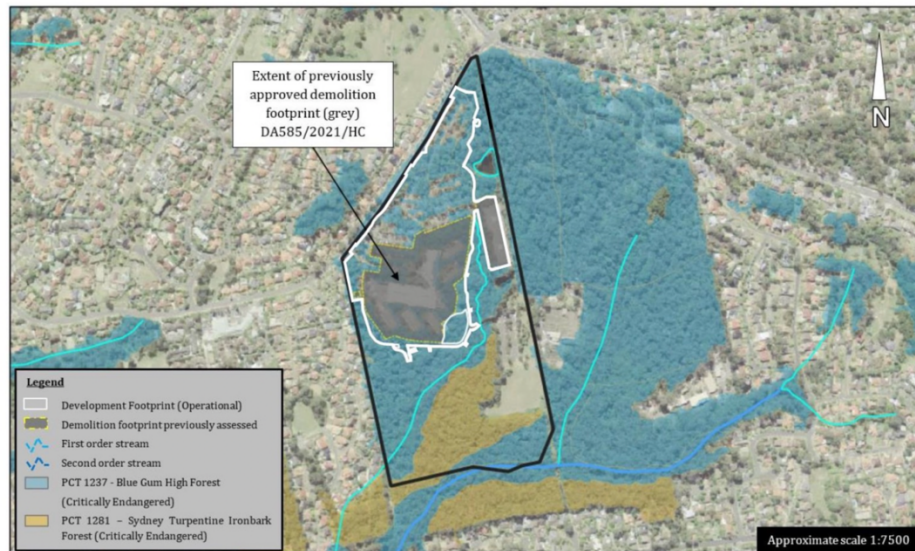


Figure 9: Vegetation map of the site and surrounds produced for the Sydney Metropolitan Area by the NSW Office of Environment and Heritage (V3.1 2016 E_VIS 4489) (available at https://geo.seed.nsw.gov.au/Public_Viewier/index.html?viewer=Public_Viewier&locale=en-AU). This shows the previously developed and landscaped parts of the site as supporting Blue Gum High Forest, a Critically Endangered Ecological Community.

Introduction

“Cumberland State Forest is the ONLY metropolitan State Forest in NSW” – Motion to Legislative Council 2019, Hon. Matt Kean, then Minister for Energy & Environment.

We object to the rezoning of these valuable forested lots in Cumberland State Forest (CSF). The community and The Hills Shire Council (THSC) were opposed to this rezoning for housing the previous time this was proposed by Forestry Corporation in 2019 (PP 13/2019/PLP).

In an article in The Telegraph, Mayor Byrne stated at the time that the proposal ‘*would set a concerning precedent for the future, if rezoning was approved. What is to stop the Forestry Corporation of NSW from returning in the future to rezone further parts of the forest?*’

“At this early stage, it seems crazy for forestry sites to be sold given the emphasis of the State Plan, Metropolitan Plan, Regional and District Plans articulating government policy on increasing recreational opportunities for Sydney and the establishment of the green grid to improve liveability in our suburbs.”

In the same article a Forestry spokeswoman said, ***“Forestry Corp does not sell forested areas of land and has no plans to rezone or subdivide any other areas of CSF”.***

(<https://www.dailytelegraph.com.au/newslocal/hills-shire-times/forestry-corporation-bid-to-subdivide-sell-land-at-cumberland-state-forest-west-pennant-hills/news-story/e9496b850cf3bc10c63cecea0121cd5a>)

Since the Mirvac development for housing was approved in the ex-IBM Business Park adjacent to CSF, over 3,000 trees have been removed for housing here – many of them mature trees with hollows for wildlife, with Blue Gum High Forest (BGHF) and Sydney Turpentine-Ironbark Forest (STIF) being reduced. These are ‘critically endangered ecological communities’ (CEEC) on the brink of extinction.

Forestry Corporation has stated these 2 lots are, ‘*consistent with neighbouring streets*’ and they are ‘*cleared blocks*’. We think not.

No endangered species can be further removed in this urban forest ***just for housing***. No further incursion into the forest must be permitted.

Concerns

- 1) **Loss of Biodiversity**
- 2) **Loss of State Forest**
- 3) **Proposal for CSF to become National Park Estate**
- 4) **Biodiversity Offsets**
- 5) **Federal Referral required**
- 6) **Local Character & Heritage Impacts**
- 7) **Loss of Recreational & Open Space**
- 8) **More Housing/Funding is not required**
- 9) **RFS Report & Bushfire Concerns**
- 10) **Arborist Report required**

1) Loss of Biodiversity

The size of the area to be rezoned is approximately 0.71ha which includes remnant native vegetation comprising BGHF and STIF. However, the development footprint needs to include an area suitable for an APZ, so it must be assumed the footprint for works will have a far greater impact on these critically endangered ecological communities and the species which inhabit them should appropriate APZs be applied.

The BDAR records the following threatened species or threatened communities recorded either in, or near to, the development footprint:-

EP&A Act and BC Act:

- Powerful Owl (2024)
- Little Lorikeet (2018)
- Gang-gang Cockatoo (2018 & 2019)
- Grey-headed Flying-fox (2018 & 2019)
- Little Bent-winged Bat (2020)
- Large Bent-winged Bat (2020)
- Greater Broad-nosed Bat (2018)

- Dural Land Snail (2024)
- *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)
- Blue Gum High Forest in the Sydney Basin Bioregion
- Sydney Turpentine Ironbark Forest in the Sydney Basin Bioregion

EPBC Act:

- Grey-headed Flying-fox
- *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)
- Blue Gum High Forest of the Sydney Basin Bioregion
- Turpentine-Ironbark Forest of the Sydney Basin Bioregion

The BDAR outlines proposed Biodiversity Offset credits for the removal of Powerful Owl and Dural Land Snail habitat and the loss of BGHF and STIF.

For this reason alone, no further rezoning of this forest which would remove threatened species habitat can be permitted.

2) Loss of State Forest

Under the Forestry Act 2012, Part 3, Div. 1, s15, the Revocation of dedication of land as State Forest may only be revoked or altered in whole or in part by '*a proposal for the revocation or alteration is to be tabled in each House of Parliament*'. This rezoning requires an amendment to the Hills LEP which can only be determined by Parliament, not the Department. The statement outlined below in reports is not correct:

A final assessment of the planning proposal will be undertaken by the Department after the public exhibition. At this stage further amendments may be made to respond to matters raised by community members or public authorities. The Department is the local plan-making authority and will determine if the LEP amendment will be made.



Pg 28, Council Minutes – 13th April 2021 shows contiguous forest

The revocation or alteration of State Forest must be put to both Houses of Parliament for approval before any progression of this proposal.

3) Proposal for CSF to become National Park

In March 2021, Minister for Energy & Environment, Matt Kean MP outlined that he had referred the issue of making the State Forest into a National Park to the responsible Minister and requested a detailed assessment by NPWS.

As far as the community is aware, this proposal is still under review and until such time as this is determined there can be no rezoning of these lots within CSF.

4) Biodiversity Offsets

The proposed development exceeds the nominated threshold triggers for impacts on Biodiversity Values Land. The BDAR states that removal of 0.45ha of the vegetation will require Biodiversity Offset Credits with potential impacts on Serious and Irreversible Impacts (SAIL) entities.

Total Offset are 11 credits for removal of BGHF and STIF and a further 18 credits for impacts on Powerful Owl and Dural Land Snail. **Total 29 Credits.**

For the Mirvac site adjacent to the CSF, there were significant impacts – and still are with further DA's to be approved – on these same species requiring offsets. These impacts cannot be reviewed in isolation – it's the same forest and the species that live here do not remain in arbitrarily defined boundaries by development application boundaries.

The image below shows how much forest has been cleared for the Mirvac housing development within the CSF.



No further reduction of Cumberland State Forest can be permitted – the cumulative impacts are being overlooked with individual DA's and proposals not giving the total impacts.

Furthermore, there is inconsistency in the reports as to how much of the clearing will trigger the offsets – is it 0.45ha or 0.55ha? Or is it more? Clarity must be sought.

5) Federal Referral Required

BDAR, September 2020, pg.ii outlines that a referral to the Dept. of Environment and Energy is recommended.

The planning proposal will impact 0.55 ha of native vegetation, which includes impacts to three (3) different Plant Community Types (PCTs):

- 0.16 ha of PCT 1237 (Blue Gum High Forest)
- 0.29 ha of PCT 1281 (Sydney Turpentine Ironbark Forest)
- 0.10 ha of planted native vegetation (PCT 862)

The assessment of serious and irreversible impacts is set out under Section 6.7.2 of the *BC Reg 2017* to guide the determining authority on this decision. These principles have been reviewed and assessed in Appendix 2 & 3.

There will be no significant impact on matters listed under the *FM Act*.

As the proposal will result in the reduction in extent of both Blue Gum High Forest and Turpentine–Ironbark Forest, it may constitute a significant impact on matters of national environmental significance. As such a referral to Department of Environment and Energy is recommended to determine if *EPBC* assessment is required.

A Federal Referral is necessary for the proposed loss of CEEC. The vegetation is contiguous and is Critically Endangered. This impacts on Matters of National Environmental Significance (MNES) and a determination is a prerequisite.

6) Local Character & Heritage Impacts

There will be potential impacts on the Bellamy Sawpit heritage item – adjacent to the APZ for the Oratava Avenue lots and this proposal for housing is inappropriate and unnecessary here. The distance is only 150m from this heritage item which is insufficient.

In 2021, there were concerns by the Planning Panel that the subdivision layout is potentially inconsistent with the local character.

The maximum building height of 9m is inappropriate considering the small buildings currently on this site.

Impacts on heritage and local character would be detrimental.

7) Loss of Recreational & Open Space

This planning proposal is not consistent with strategic planning documents, in particular in relation to general objectives for housing under the Greater Sydney Regional Plan (2018), Central City District Plan (2018) or the Hills Shire Community Strategic Plan 2017-2021.

Additional housing here does not have more strategic merit than the protection of Cumberland State Forest for open space and recreation for current & future generations.

8) More Housing/Funding is not required

More housing supply in this area is not required due to significant development approvals and rezoning around Cherrybrook Metro precinct just over 640m from the Northern site.

The proposal suggests that funds from the sale of these lots could be used to benefit the rest of Cumberland State Forest but there is no certainty funds will be used this way and there is a strong sentiment that regenerating these lots and adding them to the forest would be the very best way to ‘benefit the rest of CSF’ and the wider community. The loss of approximately 17ha of mature forest for the Mirvac development means this forest cannot afford any more losses.

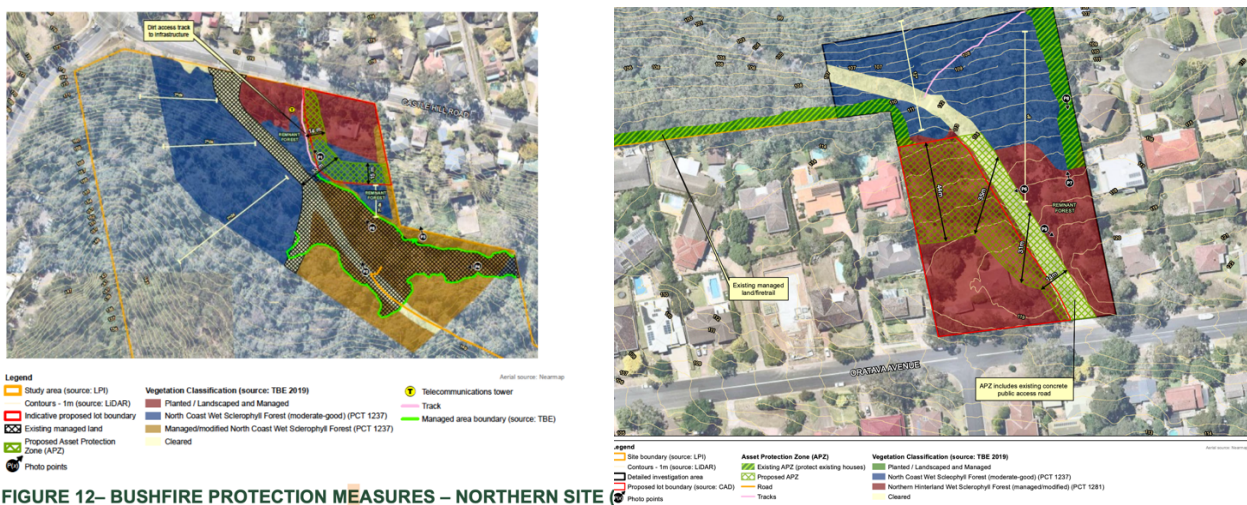
Mirvac is handing over 10 ha from their site to CSF – with this comes management fees. Forestry Corp doesn't need the money from these houses as they will have additional income to manage the area of forest at the southern end of the Mirvac site and the CSF generally.

Subdivision to provide housing for additional funding is not warranted in this location or by Forestry Corp for the ongoing management of CSF.

9) RFS Report & Bushfire Concerns

The RFS report dated October 2024 outlines some concerns for how much forest will be impacted not only by the development, but by the required Asset Protection Zone (APZ) for bushfire protection. This APZ will impact upon the CEEC on the site and the proposed impacts for BGHF and STIF.

North & South proposed lots outlined below with minimum APZ's:



The final paragraph in the RFS report states:

Based on the above assessment, it is shown that the subject sites have limited development area which can accommodate BAL 29 footprint. It should also be noted that under the proposed zoning certain special fire protection purpose (SFPP) developments are permissible on the site. However, SFPP developments require larger APZ in accordance with Table 6.8a of PBP 2019 to achieve 10kW and therefore it is unlikely that SFPP development can be accommodated on the subject sites.

The RFS essentially does not agree with the bushfire reports in the application and it may be observed that they do not support the rezoning generally. Larger APZ's are required due to the connectivity of the vegetation in and around the subject sites and the substantial bushfire risk this poses.

10) Arborist Report required

At THSC meeting on 13th April 2021, the following statement was made that, “*should a Gateway Determination be issued, the Proponent be required to submit the following information, prior to public exhibition and public agency consultation*”:

- An updated BDAR addressing the issues identified in this report;
- An Arborist Report** which addresses all trees potentially impacted by the proposed development;

An Arborist Report has not been included as part of the Gateway Determination. The current Appendix 4 Tree Assessment Report does not provide specific information on the trees to be impacted by THIS rezoning and development but is a general report which gives an assessment of the health of all trees within CSF.

There has been a failure by Forestry Corp to provide the necessary Tree report outlined in earlier Conditions of Consent. No approval can be given without the necessary Arborist Report.

Conclusion

In summary, there are inconsistencies in the reports provided and some recommended reports are not supplied as part of this public exhibition despite earlier directions to provide them.

The reasons for the rezoning are unjustified regarding the need for additional housing in this local area and with the cumulative impacts of numerous developments already occurring within this forest, the further removal of parts of this forest estate is inappropriate. The cumulative impacts will be very detrimental to the sustainability of this valuable urban State Forest.

Neither the community or the local Council think this rezoning is necessary or a positive thing for Cumberland State Forest which is still under consideration to become a National Park.

Thank you.

Submission Type

I am making a personal submission

Title**First Name****Family name**☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email**Suburb/ Town**

West Pennant Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

I support the submission prepared by the West Pennant Hills Valley Progress Association.

The critical factor is that once a precedent to convert land within the Cumberland State Forrest into land for housing it could encourage other conversions into housing land from the Forrest. The Forest is a precious and unique piece of land that should preserved in its entirety to continue to benefit today's community and the community into the future.

I am making a personal submission

11

5

Please tick this box if you do not want your name published in the list of submitters on the department's website

3451

No

☒

☒ I agree to the Privacy statement

OBJECTIONS

1. Loss of critically endangered Blue Gum High Forest (BGHF) and Sydney Turpentine Ironbark Forest (STIF).
2. Loss of habitat for the Dural Land Snail and Powerful Owl.
3. Inefficient and inappropriate use of land
4. Inconsistent with Ministerial Directions
5. The Hills Shire has already met its housing targets

PP-2023-2300 Cumberland State Forest

The proposal will have a direct impact on 0.55ha of native vegetation, including 0.16ha of Blue Gum High Forest and 0.29ha of Sydney Turpentine Ironbark Forest. It will also impact the habitat of the Powerful Owl, Dural Land Snail, Eastern Australian Underground Orchid and many other species of flora and fauna. If this proposal goes ahead, it will set a dangerous precedent for selling off further blocks in the future.

Submission Type

I am making a personal submission

Title**First Name**

[REDACTED]

Family name

[REDACTED]

☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

WEST PENNANT HILLS

I have made a reportable political donation

No

☒

I agree to the Privacy statement

submission

If approved, the current proposal would impact 0.55 hectares of native vegetation, including 0.45 hectares of Critically Endangered Ecological Community (CEEC). WPHV has already lost a large area of CEEC on the adjacent site at 55 Coonara Avenue where more than 400 homes are being constructed. The CSF proposal advanced to Gateway because it was deemed to have merit, but the residents of WPHV see no merit in destroying a significant area of Critically Endangered Ecological Community in order to build only a few homes .

The proposal should not be accepted because:

It threatens biodiversity

Objective 27 of the Regional Plan requires that 'Biodiversity is protected and urban bushland and remnant vegetation is enhanced.' This proposal will impact 0.45ha of CEEC made up of 0.16ha BGHF and 0.29ha

STIF. The proposal does not comply with Objective 27.

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) has estimated that only 139ha of BGHF remained in 2004. DCCEEW also states that one of the main ongoing threats to BGHF is ' further clearing of vegetation for urban development'.

It will reduce habitat for the Dural Land Snail and Powerful Owl.

The Biodiversity Development Assessment Report (BDAR) states that during the 2024 survey, the endangered Dural Land Snail was confirmed within the subject sites. A breeding pair of Powerful Owls (listed as Vulnerable) was also observed.

This proposal would result in the loss of important habitat for our endangered and vulnerable native fauna. Residents of the West Pennant Hills Valley , who only very rarely see these

magnificent birds, feel strongly that they deserve protection.

The proposal constitutes Inefficient and inappropriate use of land

The total amount of land to be rezoned for housing is approximately 0.71ha. According to the site plan in the Gateway Assessment Report, approximately half of this land cannot be developed. The whole site is bushfire prone and will require approximately half of the land to be used as an Asset Protection Zone. This is a very inefficient use of the land, demonstrating that the land is not suited to residential development.

Additionally, two rustic, single storey cottages which currently blend into the forest landscape, would be replaced by 4 large, modern dwellings up to 9 metres high which will look completely out of place.

It is inconsistent with Ministerial Directions

Direction 9.1 Rural Zones states that 'RU3 Forestry is a rural zone under the Standard Instrument.' and that a planning proposal must not rezone land from rural to residential. The proposal breaches this.

The Hills Shire has already met its housing targets

The Hills Shire does not need an additional 4 homes to be built in order to meet its housing targets. These would be large luxury homes that do not contribute to housing diversity, nor will they be affordable given the large block size and the additional cost of building in a bushfire zone.

This proposal should not be approved.

Submission Type

I am submitting on behalf of my organisation

Title

First Name

Family name



Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

West Pennant Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

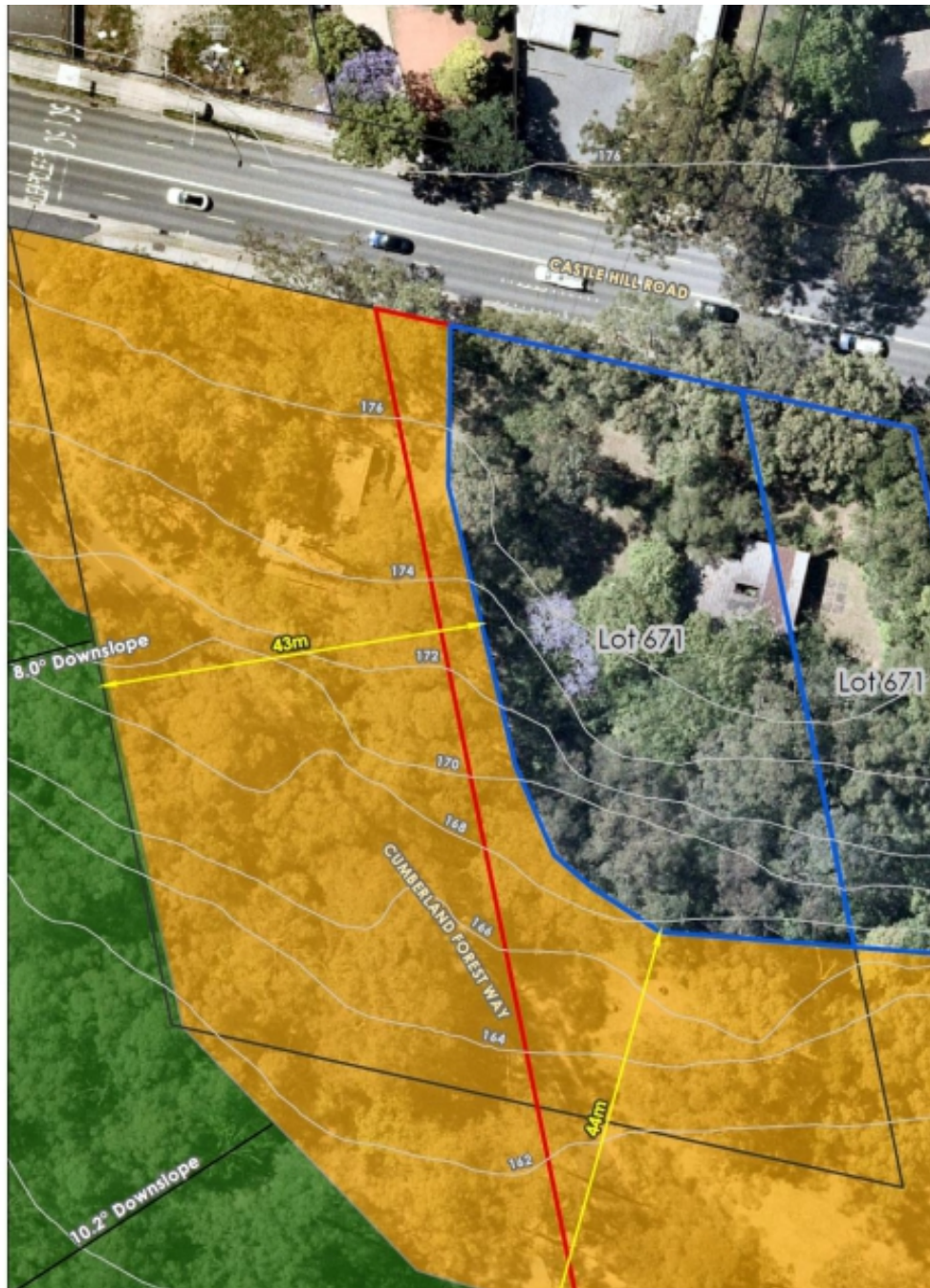
As per attached submission document.

Cumberland State Forest Planning Proposal

PP - 2023 - 2300

We object to Planning Proposal PP-2023-2300 for the following reasons:

- The BlackAsh Consulting Strategic Bushfire Study shows that the Asset Protection Zone for the proposed new subdivisions are, in the majority, covering land that would be owned by a separate entity (Forestry Corp) than the owners of the new subdivided blocks (see BlackAsh diagram below).



This situation is not supported by Planning for Bushfire Protection 2019 which states "APZs should be contained within the overall development site and not on adjoining lands" and "Easements should not be considered where the adjoining land is used for a public purpose" (PfBP 2019 excerpt below). The APZ should be contained wholly within any subdivided lot.

3.2.5 APZs on adjoining land

An APZ imposed by a development condition must be maintained for the life of the development, unless modified by a consent. In order to guarantee that an APZ is managed in perpetuity, APZs should be within the overall development site and adjoining lands.

APZs on adjoining land are not encouraged. If an APZ is proposed on adjoining land, a condition must be provided that the land will be managed in perpetuity. In order to achieve this, the proponent must have an easement under the *Conveyancing Act 1919* s.88B to ensure:

- surety of APZ and the correct management and maintenance prescriptions; and
- that management occurs in a binding agreement in perpetuity.

These situations shall be assessed on the basis of the following:

In such circumstances, the proponent will be required to:

Generally the owner/occupier of the land shall be responsible for the APZ. The owner/occupier who benefits from the easement shall be responsible for maintaining the APZ. Where an APZ has been established to the benefit of a third party, it shall be maintained in accordance with the Plan of Management.

Neither the NSW RFS nor a council has the authority to impose an APZ on an adjoining landowner's new development. It is therefore the responsibility of the landowner to negotiate with adjoining landowner/s as part of the DA process. Easements should not be considered where the adjoining land is used for a public purpose and where the

This also applies to the proposed subdivision on Oratava Ave where the APZ would again be on public land which would be separately owned from the subdivided land (see BlackAsh excerpt below).



It would not be in the public interest for the general public, through their taxes, to have to pay for maintenance of bushfire Asset Protection Zones on public land in perpetuity, when the lots that benefit from the APZs would be privately owned.

Whether or not Forestry Corp is prepared to sign a written agreement for a bushfire APZ easement over its land, it is public monies that would be spent. Forestry Corp could not and should not agree that those monies would be spent in perpetuity. Conversely, Forestry Corp could not agree to the maintenance being undertaken on public land by the owners of the subdivided lots.

The APZs for any subdivision must be within the subdivided lots themselves, not on the public land that comprises the Cumberland State Forest.

- The lots proposed for subdivision, as well as the adjoining land within Cumberland State Forest, contain the critically endangered ecological communities of Blue Gum High Forest and Sydney Turpentine-Ironbark Forest. It can be seen from the tree canopies that are visible in the two BlackAsh diagrams above for the Caste Hill Rd and Oratava Ave lots, that currently Forestry Corp does not maintain the Asset Protection Zone Inner Protection Areas (IPAs) and Outer Protection Areas (OPAs) in accordance with Planning for Bushfire Protection 2019.

The PfBP 2019 excerpt below describes the requirements of IPAs and OPAs. Clearly the tree canopy cover is not less than 30%, let alone less than 15% of the relevant IPAs and OPAs. In short, **Forestry Corp would have to remove a significant amount of critically endangered forest trees and understorey just to meet the requirements of PfBP 2019 Section A4.1.1 and A4.1.2. That would not be in the public interest. It would be totally unacceptable.**

A4.1.1 Inner Protection Areas (IPAs)

The IPA is the area closest to the building and creates a fuel-managed area which can minimise the impact of direct flame contact and radiant heat on the development and act as a defendable space. Vegetation within the IPA should be kept to a minimum level. Litter fuels within the IPA should be kept below 1cm in height and be discontinuous.

In practical terms the IPA is typically the curtilage around the building, consisting of a mown lawn and well maintained gardens.

When establishing and maintaining an IPA the following requirements apply:

Trees

- **tree canopy cover should be less than 15% at maturity;**
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- **tree canopies should be separated by 2 to 5m;** and
- **preference should be given to smooth barked and evergreen trees.**

Shrubs

- **create large discontinuities or gaps in the vegetation** to slow down or break the progress of fire towards buildings should be provided;
- **shrubs should not be located under trees;**
- **shrubs should not form more than 10% ground cover;** and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

Grass

- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- **leaves and vegetation debris should be removed.**

A4.1.2 Outer Protection Areas (OPAs)

An OPA is located between the IPA and the unmanaged vegetation. It is an area where there is maintenance of the understorey and some separation in the canopy. The reduction of fuel in this area aims to decrease the intensity of an approaching fire and restricts the potential for fire spread from crowns; reducing the level of direct flame, radiant heat and ember attack on the IPA.

Because of the nature of an OPA, they are only applicable in forest vegetation.

When establishing and maintaining an OPA the following requirements apply:

Trees

- **tree canopy cover should be less than 30%;** and
- **canopies should be separated by 2 to 5m.**

Shrubs

- **shrubs should not form a continuous canopy;** and
- **shrubs should form no more than 20% of ground cover.**

Grass

- grass should be kept mown to a height of less than 100mm; and
- **leaf and other debris should be removed.**

An APZ should be maintained in perpetuity to ensure ongoing protection from the impact of bush fires. Maintenance of the IPA and OPA as described above should be undertaken regularly, particularly in advance of the bush fire season.

- We therefore believe that the statement made on page 48 in the BlackAsh Bushfire Strategic Study, that there will be *"no negative implications on adjoining land from a bushfire perspective"* (excerpt below), is totally incorrect.

Implications on Adjoining Land

The change in land use will have no negative implications on adjoining land from a bushfire perspective. The existing long-term land management practices within the Cumberland State Forest, including SFAZ and APZ will continue.

- It is therefore extremely relevant that an *"Arborist report which assess all trees potentially impacted by the proposed development"* was requested by the Hills Shire Council in April 2021. We think it is disingenuous for the proponent, Forestry Corp, to then provide a document which is a tree risk assessment for all the significant trees within the whole of Cumberland State Forest.

This arborist report has nothing whatsoever to do with how many trees will be directly and indirectly impacted by the proposed development. Indeed the ArborSite Tree Assessment Report states *"Your ArborSite report outlines the details of the tree assessments along with risk ratings, recommended work actions and budget estimations. Refer to the introduction section of this report for an explanation of each of the provided reports and their purpose"*. The purpose is described in the Introduction (excerpt below), which has NOTHING AT ALL to do with the impacts of the proposed development:

Introduction

The ArborSafe Tree Management System was developed specifically for both owners and managers of treescapes. The System's purpose is to assist landowners and managers to better manage their treescape, particularly the increasing need for identification of hazards, management guidance on risk reduction measures, treescape budgeting, tree health and amenity management.

1 Your need for a tree management system

Occupational Health and Safety laws are the primary driver behind the need for both owners and managers of treescapes to have a best practice management system in place. Generally, it is acknowledged that trees provide tremendous amenity value to our daily lives. However, as dynamic living structures trees grow, mature, decline and die. They are also susceptible to diseases, man-made interferences and damage from natural forces. These factors affect the structure and lifecycle of trees and can result in the potential for either a partial or total structural failure of any tree. The direct consequences of these structural failures are sometimes damage to property and/or injury or death of people.

2 Irrevocable duty of care

Owners and managers have an irrevocable Duty of Care and must take all reasonable and practicable steps to ensure a safe environment, free from hazards to health and safety for all people within their treescape. Therefore, as the owners and managers having both the rights to control the legal property, and the power to act, they are ultimately responsible for identifying, eliminating and/or reducing so far as is practicable hazards and risks to health and safety of people within their property.

3 The ArborSafe system

The ArborSafe System and supporting services are designed to help you manage your treescape within the constraints of a finite budget. One of the objectives of the ArborSafe service is to assist in identifying both existing and potential tree related hazards in your selected tree inventory that may have the capacity to cause injury or damage to people and/or property. Then through the implementation of control measures outlined within ArborSafe reports and tree data (or others that you may see fit), you can remove and/or reduce these hazards so far as is practicable. ArborSafe can assist in your management and control of hazards present in your treescape and also provide you with forward budget visibility of your treescape expenses. We annualise tree assessments to assist in ongoing tree hazard identification and risk management guidance. Between annual tree reassessments, if any trees are of concern please contact us for a review of subject trees, i.e. post storms, failures or rapid decline.

The Local Planning Making Authority team should NOT have accepted a document which provides no relevant information with regard to direct and indirect impacts on what trees, which will need to be removed and which will need to be pruned. Neither the Biodiversity Development Assessment Report nor the Vegetation Management Plan provides this information, nor is it their role to do so. It is the role of an arborist to provide an Arboricultural Impact Assessment (AIA), which is standard practice for developments.

The Department of Planning, Housing and Infrastructure MUST request an AIA so that the direct and indirect impact of this development on individual trees can be considered.

- We believe it is relevant to point out that the "Client" recorded in the BlackAsh Strategic Bushfire Study is Mr Troy Darcy of Forestry Corporation of NSW. Mr Darcy is the Property Asset Specialist at Forestry Corp (see BlackAsh excerpt below).



Document Tracking

Project Name:	Planning Proposal – Cumberland State Forest, West Pennant Hills
Prepared by:	Corey Shackleton
Client Details:	Troy Darcy Telecommunications & Property Asset Specialist Forestry Corporation of NSW By Email: Troy.Darcy@fcnsf.com.au

Immediately prior to becoming Property Asset Specialist at Forestry Corp, Mr Darcy was the Asset Manager for Mirvac. He managed Mirvac's assets at 55 Coonara Ave, West Pennant Hills, the property contiguous with the Cumberland State Forest (Linkedin excerpt below). It is our understanding that Mr Darcy has been instrumental in arranging for the dedication of part of Mirvac's land to be annexed to the Cumberland State Forest.

As Mr Darcy worked for Mirvac for more than 9 years, he would be or should be fully conversant with the requirement for an Arboricultural Impact Assessment for the development of any land asset that contains significant numbers of trees. In particular, as both the Mirvac site at 55 Coonara Ave and the Cumberland State Forest contain significant large areas of the critically endangered ecological communities of Blue Gum High Forest and Sydney Turpentine-Ironbark Forest.

We are not in any way suggesting that any person, business, corporation or entity has done or intends to do anything untoward or illegal. We are simply pointing out that Forestry Corp and Mr Darcy should have or would have known what type of report the Hills Shire Council was requesting. It was NOT a Tree Risk Management Report. It was an Arboricultural Impact Assessment.

It is essential that an Arboricultural Impact Assessment is provided.

Experience



Telecommunications & Property Asset Specialist

Forestry Corporation of NSW · Full-time

May 2018 - Present · 6 yrs 11 mos

West Pennant Hills NSW

Responsible for a wide range of property matters including:

...

💎 Interpersonal Skills, Annual Budgeting and +4 skills



Asset Manager

Mirvac

Oct 2008 - May 2018 · 9 yrs 8 mos

As Asset Manager, Office and Industrial, at Mirvac I am responsible for the sustainable and profitable performance of the assets within Mirvac, assisting with the delivery of Strategic Asset Plans for the buildings.

A key focus for my role is driving strong engagement with all key stakeholders, cultivating our customer centric culture. This also involves managing negotiations, assisting in evaluating potential acquisitions and disposals and implementing annual asset budgets, forecasts and strategic plans.

- The Rural Fire Service (RFS) Determination Letter states that *"Based on the above assessment, it is shown that the subject sites have limited development area which can accommodate BAL 29 footprint"*.

The Updated Strategic Bushfire Study by BlackAsh states that all of the RFS concerns have been "RESOLVED". In fact none of the issues raised by the RFS have been resolved. BlackAsh has simply disagreed with the RFS and sees that as having RESOLVED the RFS concerns.

Just because the author of the Study once worked for the RFS, does not mean that their opinion should carry more weight than the RFS Development Assessment and Plan Supervisor, Ms Kalpana Varghese, who wrote the RFS Determination Letter. We place more weight on the determination of Ms Varghese than that of a Forestry Corp-engaged consultant company, who is essentially working for Forestry Corp.

Ms Varghese raises concerns that the effective slopes used to determine the APZ widths in the BlackAsh Study are less than the RFS has assessed in the west and south directions. No Registered Surveyor's plan of the slopes has been provided as requested by the RFS.

The effective uphill slope to the Castle Hill Rd lots is crucial in determining the width of that APZ. Even at 10.2° slope, the APZ provided is less than required. If it is effectively steeper as RFS suggests, the APZ could be up to 13 metres narrower than required under Planning for Bushfire Protection 2019 (see PfBP table below). Similarly, a Registered Surveyor's plan must be provided for the Oratava Ave lots.

Table A1.12.2

Minimum distances for APZs – residential development, FFDI 100 areas (<29kW/m², 1090K)

KEITH VEGETATION FORMATION	EFFECTIVE SLOPE				
	Up slopes and flat	>0°-5°	>5°-10°	>10°-15°	>15°-20°
Distance (m) from the asset to the predominant vegetation formation					
Rainforest	11	14	18	23	30
Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	24	29	36	45	56
Grassy and Semi-Arid Woodland (including Mallee)	12	16	20	25	32
Forested Wetland (excluding Coastal Swamp Forest)	10	12	16	20	26
Tall Heath	16	18	20	22	25
Short Heath	9	10	12	13	15
Arid-Shrublands (acacia and chenopod)	6	7	8	9	10
Freshwater Wetlands	5	6	6	7	8
Grassland	10	12	13	15	17

It is essential that a Registered Surveyor's plans of both the Castle Hill Rd and the Oratava Ave areas be provided to the RFS and the Delegated Authority for them to properly consider and assess the appropriateness and effectiveness of the proposed APZs.

- The Gateway Determination has NOT conditioned that the proposal be referred to the Australian Department of Climate Change, Energy, Environment and Water (DCCEEW) as advised in the Gateway Determination Report. The "report" referenced in the Determination Report is the proponent's Biodiversity Development Assessment Report (BDAR) The two relevant Gateway extracts are below:

Gateway Determination Report -

The report concludes that as the proposal will result in the reduction in extent of both Blue Gum High Forest and Turpentine-Ironbark Forest, it may constitute a significant impact on matters of national environmental significance. **The report recommends a referral to Department of Climate Change, Energy, the Environment and Water to determine if EPBC assessment is required.** The Gateway has been conditioned accordingly.

Gateway Determination -

- The Hills Shire Council
- Transport for NSW
- NSW Department of Climate Change, Energy, the Environment and Water - Biodiversity and Conservation
- Australian Department of Climate Change, Energy, the Environment and Water**
- Sydney Water
- Utility Providers

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

Providing "a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal" is **NOT** the same as making a **referral** to the Australian Department of Climate Change, Energy, Environment and Water (DCCEEW) under the EPBC Act.

We believe that the Department of Planning, Housing and Infrastructure (DPHI) Acting Director and the Manager of Local Planning (Metro Central, West & South), who signed off on the Gateway Determination Report in July, would have been or should have been aware of what a referral under the EPBC Act is and what it entails.

We further believe that the DPHI Acting Director of Local Planning (Metro Central, West & South), who signed off on the Gateway Determination itself and was also one of the DPHI officers who signed off on the Gateway Determination Report, should have been aware of what a referral under the EPBC Act is and what it entails.

We therefore believe that DPHI has misinterpreted what was recommended in the BDAR (excerpt below) and has failed to condition a Referral under the EPBC Act.

We are at a loss to understand how such a basic mistake was made by senior officers of DPHI regarding Matters of National Environmental Significance (MNES).

As the proposal will result in the reduction in extent of both Blue Gum High Forest and Turpentine–Ironbark Forest, it may constitute a significant impact on matters of national environmental significance. As such, a referral to Department of Climate Change, Energy, the Environment and Water is recommended to determine if further EPBC assessment is required.

It is essential that a referral be made under the EPBC Act on this MNES.

It can be seen from the EPBC referral portal excerpt below that no referral has been made on this proposal.

All referrals

EPBC Number



Project



Proposer/Approval Holder Name

 Forestry

Industry Type



Valid Date From

 dd/mm/yyyy 

Valid Date To

 dd/mm/yyyy 

Primary Jurisdiction

 New South V 

Apply Filter

Search



Export

EPBC Number	Project	Proposer/Approval Holder Name	Location	Industry Type	Valid Date ↓	Project Status	Primary Jurisdiction
2017/7975	Colo Road upgrade, Trunkey Creek, 50km south west of Bathurst NSW	Forestry Corporation of New South Wales	Colo Road, Trunkey Creek, NSW, 2795	Transport - Land	21/07/2017	Referral Decision Made	New South Wales

- We believe that the Forestry Corp planning proposal could be considered to be misleading. It proposes subdivision sizes that are far in excess of the minimum lot sizes available to it under the Hills Shire Council LEP minimum lot size, being 700sqm (THSC LEP lot size map is on the next page).

For the Castle Hill Rd site, the 2,177sqm lot can be further subdivided at a later stage into 3 lots of 700sqm. Under the new DPHI Low and Mid Rise Housing Scheme Stage 1, each of these, and the 1,125sqm lot, can then be further subdivided into 2 lots. ie a total of 7 lots.

For the Oratava Ave site, both lots can be further subdivided at a later stage into 2 lots of 700sqm. Under the new DPHI Low and Mid Rise Housing Scheme Stage 1, each of these can then be further subdivided into 2 lots. ie a total of 4 lots.

The Hills Shire Council would be powerless to stop this further subdivision. The subdivision would not be consistent with the adjoining residential lots along Castle Hill Road and Oratava Ave. The adjacent properties would not be likely to undertake such subdivision because the value of the existing homes would preclude such development.

Below is the Mecone description and diagram of both sites.

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.

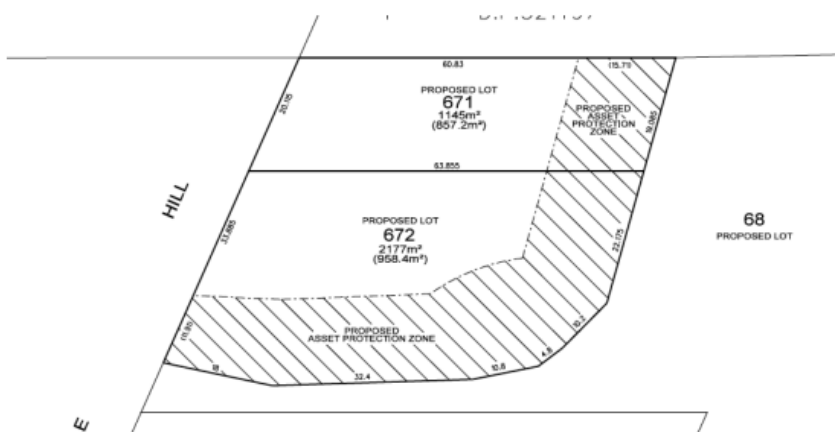


FIGURE 14 - INDICATIVE SUBDIVISION PLAN OF NORTHERN SITE (CASTLE HILL ROAD)

Source: Rygate Surveyors

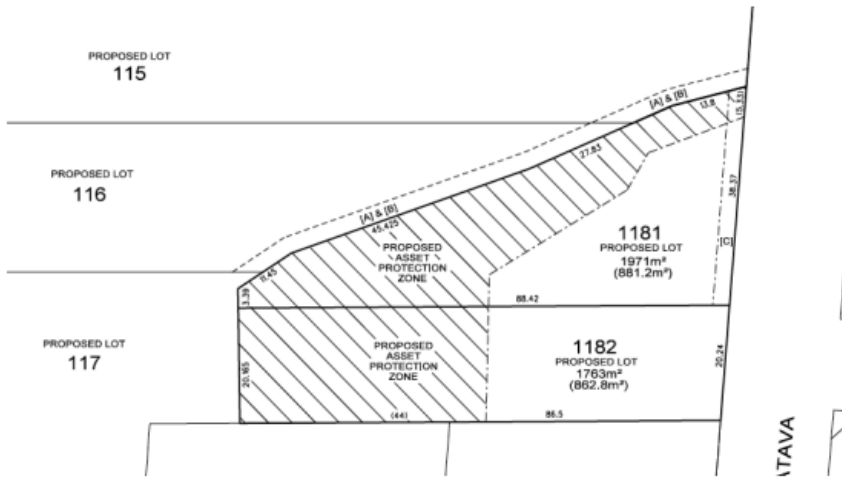
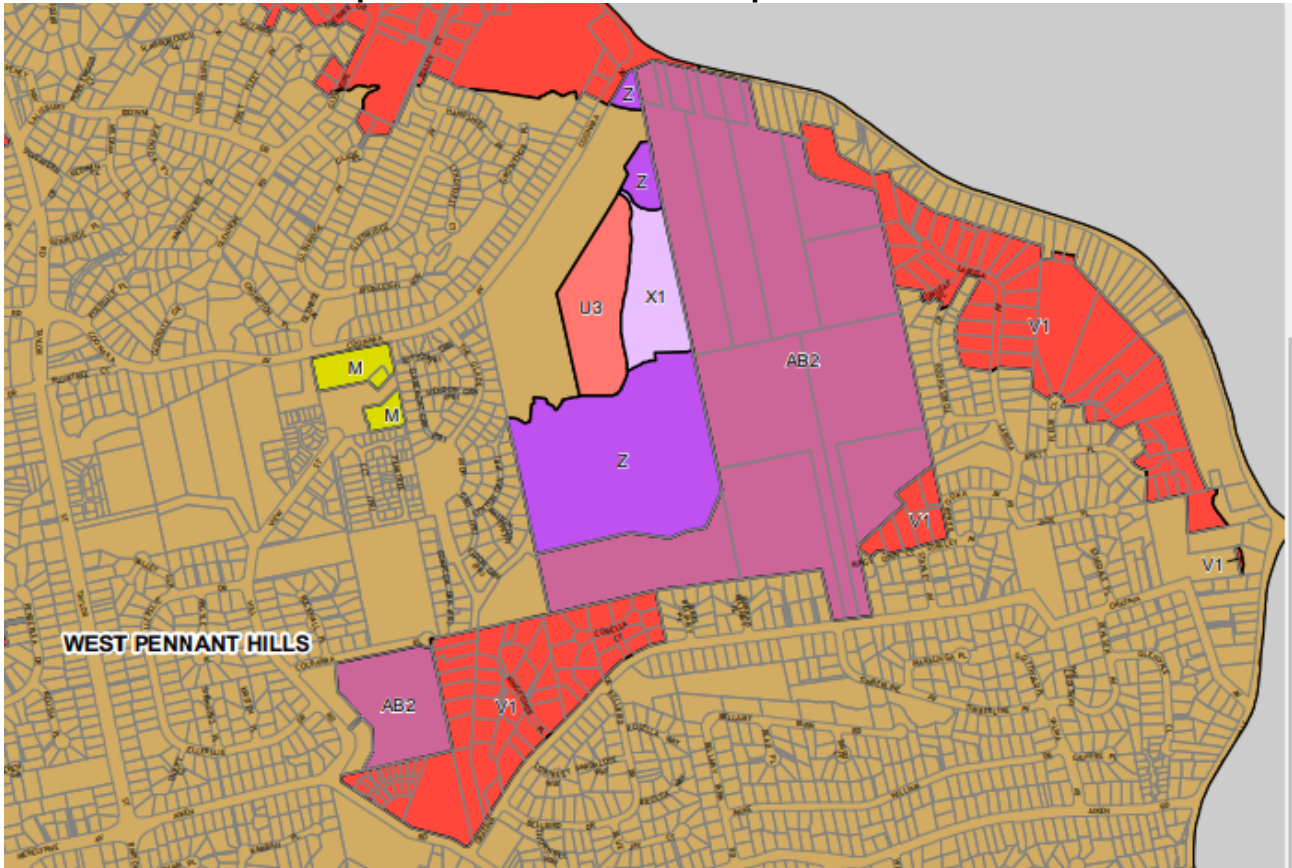


FIGURE 15 - INDICATIVE SUBDIVISION PLAN OF SOUTHERN SITE (ORATAVA AVENUE)

Source: Rygate Surveyors

THSC LEP lot size map - brown areas are 700 sqm minimum -



It would be in the public interest for the lots to be made accessible to all the public and for the dilapidated workers cottages, which look more like sheds than homes (Mecone photos below), to be demolished and the sites be allowed to regenerate as Blue Gum High Forest and Sydney Turpentine-Ironbark Forest, as they already appear to be doing.

Expanding, instead of reducing, the size of publicly accessible area of Cumberland State Forest is far more in the public interest than Forestry Corp obtaining a few shekels by subdividing part of Cumberland State Forest.



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)

- The planning proposal documentation states that the Department of Planning, Housing and Infrastructure is the local plan-making authority and will determine if the LEP amendment will be made. **This is incorrect.**

For any part of Cumberland State Forest to be rezoned ie "altered", approval by both houses of the NSW Parliament is required.

See Forestry Act excerpt below. This information should have been provided in the DPHI factsheet and considered in all the proponent's documentation, particularly the Mecone document.

Forestry Act 2012 No 96

Part 3 Division 1 Section 15

15 Revocation of dedication of land as State forest (1916 Act, s 19)

(1) Subject to this Act, the dedication of land as State forest may only be revoked or altered in whole or in part in the following manner:

*(a) **a proposal for the revocation or alteration is to be tabled in each House of Parliament.***

(b) after the proposal has been tabled, the Governor may, on a resolution being passed by both Houses that the proposal be carried out, by notice published in the Gazette, revoke or alter the dedication.

*(2) On any such revocation, the land becomes Crown land to be dealt with under the [Crown Land Management Act 2016](#) and until so dealt with **is to be reserved from sale or lease under any Act.***

We believe the planning proposal is not able to be dealt with in the manner proposed.

- We believe that the Forestry Corporation planning proposal and the subsequent Gateway Determination and Determination Report, as well as the DPHI exhibition factsheet contain substantial inaccuracies and misleading and/or insufficient information. This impacts on both the public exhibition and its consequential submissions, as well as any determination made by the Sydney Central City Planning Panel and DPHI.

We request a public meeting be held with regard to this Planning Proposal.

We request accurate information be provided to the public.

- We note that the Hills Shire Mayor, Dr Michelle Byrne, has said *"it seems crazy for forestry sites to be sold given the emphasis of the State Plan, Metropolitan Plan, Regional and District Plans articulating government policy on increasing recreational opportunities for Sydney and the establishment of the green grid to improve liveability in our suburbs."*
- **We believe that the planning proposal PP-2023-2300 is not in the public interest and should be refused.**

Without prejudice. We are not suggesting in any way in this submission, that any person, organisation, or entity has done or is planning to do anything untoward or illegal.

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]



Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

West Pennant Hills 2125

I have made a reportable political donation

No



I agree to the Privacy statement

submission

I wish to object to the rezoning of the land for housing development for the following reasons

1. Protection of the endangered species residing in the forest namely the the Powerful Owl and the Dural land snail.
2. Protection of the endangered Blue Gum Foest and the Sydney Turpentine Ironbark Forest. There are only 139 Blue gum forests left in the world and we need to protect it for future generations.
3. The Hills district has had its fair share of housing developments and has met its target obligation towards providing new housing.
4. We need to consider the environmental impact on what more development is going to have on The Cumberland State Forest, the Blue Gum Forest and the Sydney Turpentine Ironbark Forest.

[REDACTED]

I am making a personal submission

114

11/11/2019

☐ Name withheld

Sydney

No

☒ I agree to the Privacy statement

Please see attached submission opposing the planning proposal.



17 March 2025

Sydney Central Planning Panel

By website

Dear Planning Panel

Objection to Planning Proposal PP-2023-2300; Cumberland State Forest

I write to formally object to Planning Proposal PP-2023-2300, which seeks to rezone two sites within the Cumberland State Forest (CSF) from RU3 Forestry to R2 Low Density Residential at 87-97 Castle Hill Road and 121-131 Oratava Avenue, West Pennant Hills. This proposal is deeply flawed and presents serious concerns regarding environmental conservation, bushfire risk, and public interest.

Inappropriate Rezoning of Public Land and Environmental Impact

The proposed rezoning threatens critically endangered ecological communities (CEECs), including the Blue Gum High Forest (BGHF) and Sydney Turpentine-Ironbark Forest (STIF), both of which are protected under State and Federal laws. The development will directly impact 0.16ha of BGHF and 0.29ha of STIF, alongside critical habitat for the Powerful Owl, Dural Land Snail, Eastern Australian Underground Orchid, and numerous other species.

Cumberland State Forest is a significant ecological and public resource that should be safeguarded. The proposal undermines conservation efforts and sets a dangerous precedent for future rezoning attempts within CSF. The site should remain in public ownership and should be considered permanent protection as part of the protected area network, rather than being developed for housing.

Bushfire Risk and Non-Compliant Asset Protection Zones (APZs)

The proposed Asset Protection Zones (APZs) are insufficient and non-compliant with Planning for Bushfire Protection 2019 guidelines. The Rural Fire Service (RFS) has raised concerns (Ref: PP-2023-2300) regarding the inadequacy of APZs, stating that the available development area does not meet Bushfire Attack Level (BAL) 29 standards and that Special Fire Protection Purpose (SFPP) developments would require even larger APZs.

It is unacceptable that APZs have been placed on neighbouring public land, which is contrary to planning regulations. Any attempt to rezone this land without resolving fundamental bushfire risks is reckless and should be rejected.

Lack of Transparency and Public Consultation Failures

There are significant discrepancies in the documentation provided for public consultation, including:

- Inconsistent figures regarding the size of the southern site (reported as 3734m² in the Gateway Assessment Report but 3377m² in public exhibition fact sheets).
- A lack of an arborist report or tree removal impact assessment, despite previous requests from The Hills Shire Council (meeting 13/04/2021).
- The omission of key legal requirements from the fact sheet, particularly that the revocation of forestry land must be approved by NSW State Parliament.

These failures undermine public trust and necessitate a public hearing and re-exhibition of the proposal with corrected information.

Conclusion

The environmental, bushfire, and procedural failures associated with Planning Proposal PP-2023-2300 are serious and cannot be overlooked. This land must be protected for public and environmental benefit rather than sacrificed for inappropriate urban expansion.

I urge the Sydney Central Planning Panel and the NSW Government to reject this rezoning proposal and, instead, consider permanently protecting these sites within the Cumberland State Forest.

If you would like to discuss this matter further, please contact me by return email.

Kind regards

A handwritten signature in black ink, appearing to read 'Sue Higginson', with a stylized flourish at the end.

Sue Higginson
Member of the Legislative Council & Solicitor

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]



Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

Kenthurst

I have made a reportable political donation

No



I agree to the Privacy statement

submission

[REDACTED]

March 17, 2025

Re: 87-97 Castle Hill Road and 121-131 Orotava Avenue, West Pennant Hills.

Dear Sir/ Madam,

I object to the rezoning of the above land from RU3 Forestry to RU 2 Low Density Residential so that it will be consistent with the existing development which currently surrounds the northern and southern parts of Cumberland State Forest (CSF).

We are fortunate to have a State Forest in Metropolitan Sydney and it is utilised every day not just by local people but those who live further afield to come and enjoy the peace and solitude offered, along with the opportunity to bird watch. The Park is also used by school groups and volunteer guides who show visitors various aspects of the forest.

I grew up not far from CSF and lived in the area for about 35 years. Most mornings my family and I would come here for early morning walks along the internal road. It was different back then in the 1970s - 80s, with not so much traffic and very few houses backing onto the State Forest.

However, over the years we have noticed the changes each time we come to CSF, which includes being able to look directly into people's backyards. When you are in a forest, this is the last thing one wants to see- homes crowding in on precious green space. One comes to places like CSF to escape!

More and more infill development is being allowed to proceed which will only place more demands on local infrastructure which has not kept pace with population growth.

In particular I object to rezoning on the northern side near the main entrance to the State Forest from Castle Hill Road. This should remain as part of the CSF. Allowing Development here at 87-97 Castle Hill Road will involve the insertion of Asset Protection Zones as part of bushfire mitigation which will mean the removal of more forest and loss of biodiversity. It is at this point when one first enters CSF that one becomes aware of the tall stands of Blue Gum High Forest which creates a great sense that one is leaving the outside world behind even if just for a few hours.

The very thought of having houses right at the entrance to CSF is sacrilege!

The proposed rezoning in the southern section near the entrance at 121-131 Orotava Avenue is not so dominant, because of the existing residential dwellings but the asset protection zones for the new development site will still "eat into the forest" including planted Turpentine trees. In addition, rezoning at this end of the CSF in the future could set a dangerous precedence for further development if the Forestry Corporation of NSW decides to move its research facility.

Although people have to live somewhere and close to transport, it should not come at the expense of losing unique green spaces like Cumberland State Forest through rezoning for urban development.

In the end it will be the forest and all biodiversity, including the Powerful Owls and Gliders which will suffer as connecting green corridors are swallowed by urban development.

Kind regards,

[REDACTED]

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]



Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

Galston

I have made a reportable political donation

No



I agree to the Privacy statement

submission

Please see attached objecting submission to the rezoning of 2 lots at Cumberland State Forest, West Pennant Hills (PP-2023-2300).

Kind regards,

[REDACTED]

I object to the proposed rezoning of these 2 areas of Cumberland State Forest for housing for the following reasons:

In response to Forestry Corporation summary:-

- Housing here **would impact** on the recreational capacity of CSF;
- The sites are **not physically isolated from the wider forested areas** as observed in reports – it would be easy to open them to the public;
- Residential development here **would not be contiguous** with existing residential development;
- Removal of CEEC **cannot be considered an acceptable impact** given the significant removal of BGHF and STIF on the adjacent Mirvac site for housing which require a Federal Referral and substantial Biodiversity Offset credits;
- Environmental impacts associated with the delivery of housing on this site will be considerable given the **9m height limit** requested and the **removal of tree canopy** in an area teeming with biodiversity and threatened flora and fauna species;
- A reduction in the minimum lot size from 40ha is a dangerous precedent to set;
- The Council's **proposal to transfer CSF to a National Park** will be impacted by the progression of this planning proposal and it should not proceed;
- Residential activity in this location would impact on the immediate surrounds with ongoing effects of **noise and light pollution** that will cause harm and disturbance to nocturnal species including Powerful Owls, other raptors and the many bat species recorded on this site which include several threatened microbat species.

Further Concerns: -

Flora & Fauna Impacts

There are 7 Threatened Fauna Species and 2 threatened ecological communities (TECs) on this site. Under the EPBC Act, the **Grey-headed Flying Fox** and **White-throated Needle-tail** migratory species may be impacted by further removal of forest.

The biodiversity on this site is second to none – it has important habitat for so many species and is an important stopping place for migratory birds and bats. The trees here are well-established and many have mature hollows large enough for **Powerful Owls** which cannot be accommodated in many other urban areas.

Numerous threatened microbats exist on this site including **Southern Myotis** and the **Large Bent-winged Bat** roost and forage here.

The **Dural Land Snail**, threatened species, is known to inhabit this site and constantly removing parts of the forest under numerous development applications including this rezoning proposal is going to push this colony further towards extinction.

The area is being considered to be added to the **National Park Estate** and this is still under determination.

This planning proposal cannot be considered whilst this determination is occurring.

Fauna Management Plan

There needs to be a **Fauna Management Plan** included to outline the protocols for wildlife management and handling of fauna on this site. The areas have been derelict for several years and the buildings are likely habitat for numerous wildlife species, including likely habitat for microbats, birds, reptiles and possums/glidors.

A **fauna ecologist** with expertise in certain species should do relevant pre-clearance surveys. The surveys are carried out under an Animal Research Authority but require a '**site specific amendment**' to be lodged prior to any works commencing. This is a requirement under the Animal Ethics licence of the ecologist.

Specific **pre-clearance surveys** must be done **for bats and the Dural Land Snail** prior to any vegetation clearing on these sites. Surveys must be done just prior to works with a fauna supervisor on site during any clearing of vegetation or demolition of existing structures.

Capture, containment and release protocols must be fully outlined in the FMP. **Regular fauna reports** must be provided to the authority overseeing the works, including to the committee for the ARA detailing impacts on fauna species of the works.

Tree Report

Forestry Corporation needs to **provide an Arborist Report** in order to assess the trees on the two sites not just supply the Appendix 4 Tree Assessment report which is a regular annual report to outline the condition of all trees in Cumberland State Forest.

Federal Referral

The Biodiversity Development Assessment Report, September 2020 gives details of the impacts of the vegetation clearing for the different Plant Community Types (PCTs) to include:

0.16 ha of Blue Gum High Forest
0.29 ha of Sydney Turpentine Ironbark Forest
0.10 ha of native vegetation

The reduction in the extent of the BGHF and STIF **may constitute a Significant Impact on Matters of National Environmental Significance (MNES)** and therefore it is recommended that a referral to the Department of Environment and Energy is made to determine if EPBC Assessment is required.

This tree removal will remove trees where the patch size is part of a remnant of native vegetation that is more than 5 ha in area. The EPBC Act significant impact guidelines provide relevant criteria to assist in determining whether a proposed action is likely to have a significant impact on matters protected by the EPBC Act and the further clearing of these CEEC's meet the relevant criteria. **A Federal Referral is required for the proposal.**

Parliamentary Approval required

The Forestry Act 2012, Part 3, Division 1, s15 indicates that the revocation of State Forest must only be approved by a proposal for the revocation to be tabled in each House of Parliament.

This proposed rezoning involves an amendment to the Hills LEP so this planning proposal must be put to both Houses of Parliament before any approval can be given.

Provision of Housing

The justification of this rezoning is the provision of housing in the local area yet there is plenty of new housing occurring at the Cherrybrook Metro precinct and on the Mirvac site adjacent to the CSF where Mirvac removed over 3,000 mature trees to provide housing. There is no justification that these forest lots must be rezoned for housing because **the provision of 4 extra homes will not make any substantial difference to meeting local housing needs.**

Setting a Precedent

The loss of these lots within State Forest just for housing will **set a concerning precedent** for the future sale of community assets and valuable forest in the future.

There is **no justification for this sale** – the community would much prefer their valuable urban open space is protected and indeed improved upon. CSF should be rehabilitated and grown in size and significance to ensure its protection in perpetuity.

Bushfire Risk & APZs

The RFS report seems to indicate the Asset Protection Zones outlined in the consultants reports are not compliant with best practice recommendations. The APZ's for this site do not meet criteria for BAL 40 or higher, and yet these homes will be situated in a large, continuous area of forest.

The **APZ's must be reconsidered** and if the development cannot be accommodated appropriately and securely within the appointed lots, the development cannot be approved.

Impacts on Forest

If these lots are sold for housing, there will be **ongoing impacts of human activities** which will further impact on the sustainability of the rest of CSF to include **domestic pets** roaming and killing wildlife, the effects of **noise & light pollution**, **nocturnal activities** impacting on fauna, **pollution** from household waste and the impacts of further reduction of soil over **hard surfaces** to impact on **stormwater** runoff.

Kind regards.

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]

☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

West Pennant Hills 2125

I have made a reportable political donation

No

☒

I agree to the Privacy statement

submission

I am a resident of the West Pennant Hills Valley and I and my family have lived here for nearly 38 years. My children have enjoyed many visits and outings to Cumberland State Forest (CSF), as both children and adults, and now my grand-daughter is also enjoying these visits and walks. We have considered ourselves very fortunate to have "the great outdoors" at our doorstep, to see awesome old trees, hear birdsong and know that our forest is providing shelter to many Australian species of flora and fauna. A haven amongst the many houses. A haven that should be protected for our future generations.

We have witnessed many changes and huge growth over those years. We have lost many open green areas in the name of progress. We have seen traffic increase exponentially, also in the name of progress. Not everyone has the same definition of progress. Many people have settled here because of the sense of peace and space. This has been gradually eroding. CSF should remain intact because selling parcels of the forest will set a precedent for future rezoning for the profit of a few. I as many others see no merit in destroying a significant area of forest for a few more homes. CFS should be kept intact for the many residents and non-residents who enjoy its space and sense of freedom.

We depend on our policy makers and government to have a vision for a better living future and not to be caught up in short-term measures and pressures.

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]

☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

Kenthurst

I have made a reportable political donation

No

☒

I agree to the Privacy statement

submission

I am submitting this via the attached PDF for the second time as I have not yet received email confirmation ([REDACTED]) of my submission. Apologies if you have it twice.

16th March, 2025

**Planning Proposal submission for PP-2023-2300 Cumberland State Forest
87-97 Castle Hill Rd and 121-131 Oratava Avenue, West Pennant Hills.**

Thank you for the opportunity to comment on this planning proposal.

This submission objects to the Forestry Corp NSW proposal to rezone two parcels of land within the Cumberland State Forest (CSF) for residential housing for the following reasons:

1. Disappearing Public Urban Green Space

The Cumberland State Forest is unique. Being Australia's only metropolitan state forest, it is of incredible value and importance to residents of the Hills Shire, particularly the local community of West Pennant Hills.

This community is still hurting from the loss of trees, including critically endangered ecological communities (CEEC) and wildlife habitat on the neighbouring site at 55 Coonara Avenue, which have recently been cleared to make way for over 400 houses.

In dealing with the current housing crisis, we know it is important to increase the supply of housing, (particularly affordable housing), however, it is imperative that densification occurs where it makes sense.

It should occur where there is already good amenity and infrastructure, in areas safe from natural disasters such as bushfire and not result in any further loss of natural green space, particularly that which involves critically endangered ecological communities, (where less than half of 1% still exists in the world.)

This forest must be protected from rezoning for development, or we risk losing it through a process of "death by a thousand cuts".

The precedent that this proposal would set, if allowed to proceed, is deeply concerning.

NSW State Government documents, including the Regional Plan (Objective 27) seek to protect biodiversity and enhance urban bushland and remnant vegetation.

This proposal will impact 0.16 ha of critically endangered Blue Gum High Forest and 0.29ha of Sydney Turpentine Ironbark Forest. It will also result in the loss of important habitat for endangered and vulnerable native fauna such as the Powerful Owl. Continued clearing of already critically endangered forest for urban development contradicts this objective and is unacceptable.

2. National Park nomination outcome is unknown

Following the lodgement of this planning proposal in 2019, The Hills Shire Council showed incredible foresight in recommending to the NSW State Government that the Cumberland State Forest be nominated as a national park, protecting this valuable natural asset for generations to come.

Council is still awaiting a decision on the nomination, and it would be premature to progress this proposal before the outcome is known.

3. The Hills Shire has more than met its housing targets

The Hills Shire has enough zoned land for nearly 50,000 new homes. Council has issued nearly enough approvals to meet their 5-year housing target with around 17,000 dwellings approved which have not yet translated into completed homes.

The housing crisis is a culmination of many factors, however the issues in the Hills are not related to zoned supply or dwelling approvals but instead problems within the construction, finance and utility service industries.

There is no need to sell off and develop urban forest (that once lost can never be replaced) to provide a mere 4 homes when plenty of rezoned land is already available in the Shire for housing. The housing shortfall should not be used as a valid reason for clearing critically endangered communities in this case.

In addition, these homes will not be affordable, and they will be within a bushfire zone.

4. New housing should only be constructed in safe areas.

Already we are seeing houses in bushfire and flood prone areas becoming uninsurable. As our climate warms, these risks will only escalate. The Rural Fire Service (RFS) letter dated 11/10/24 outlines the concerns regarding the Asset Protection Zone (APZ) required and states “it is unlikely that special fire protection purpose (SFPP) development can be accommodated on the subject sites.”

The RFS view is that the APZ would need to be larger than currently proposed which would result in further clearing on public land and direct impact to critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest.

It must be noted that the RFS is an independent body, and its advice should be considered with more weight than a paid consultant of the proponent.

5. There is no report identifying the specific vegetation to be removed

The Arborist report in Appendix 4 “Tree Assessment Report” examines the health of all the trees in the Cumberland State Forest but does not specifically mention the trees that will be impacted by the planning proposal.

A Landscape Plan indicating tree removal and APZs has not been included in the Report as per the Local Planning Panel advice.

The Biodiversity Conservation and Science review should confirm that requested updates to the BDAR as per the Local Planning Panel advice have been completed.

The Biodiversity Development Assessment Report states *“As the proposal will result in the reduction in extent of Blue Gum High Forest and Turpentine-Ironbark Forest, it may constitute a significant impact on matters of national environmental significance. As such, a referral to Department of Climate Change, Energy, the Environment and Water is recommended to determine if further EPBC assessment is required.”*

In keeping with this advice, the proposal should be referred by Forestry Corp NSW to DCCEEW to determine if an EPBC assessment is required.

As stated above, I believe this proposal will be detrimental to the local community and the local environment and sets a dangerous precedent for the safety and protection of the much-loved Cumberland State Forest.

Thank you for considering this objection on behalf of myself and concerned residents who I represent,

Kind regards,

A black rectangular redaction box covering the signature and name of the person who wrote the letter.

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]

☐

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

West Pennant Hills

I have made a reportable political donation

No

☒

I agree to the Privacy statement

submission

I support the submission made by the West Pennant Hills Valley Progress Association.

I frequently take advantage of the amenity provided by the Cumberland Forest and it is a vital residue of the Blue Gum Forrest that once covered a large portion of the Sydney Basin and surrounding hills. Further conversion of this forest land into residential housing land will be all the more easy when the current proposal creates the precedent that developers look to.

Submission Type

I am making a personal submission

Title**First Name****Family name**

Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email**Suburb/ Town**

West Pennant Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

87-97 Castle Hill Rd & 121-131 Oratava Avenue
West Pennant Hills
PP-2023-2300

Thank you for the opportunity to comment on the planning proposal at 87-97 Castle Hill Rd & 121-131 Oratava Ave , West Pennant Hills Our property backs onto the Cumberland State forest and is located opposite the proposed ' southern site at 121-131 Oratava Avenue. As such we have a number of concerns with the planning proposal on exhibition.

First and foremost we object to the proposal due to potential impacts on our property and the environment. Cumberland State Forest and Southern site' provides a valuable vegetated outlook from our property. It should be noted that the majority of the surrounding houses and backyards have been designed with the expectation that this vegetation would be conserved and remain within the ownership of the State Forest.

We previously had concerns with the environmental impacts when the old IBM site at 55 Coonara Avenue West Pennant Hills was rezoned to facilitate redevelopment. Now we are increasingly concerned about the cumulative impacts of the subject planning proposal and the precedent it sets for selling off portions of the Cumberland State Forest. We understand that the ' southern site' is home to critically endangered ecological communities, any proposed clearing of this vegetation is unacceptable.

However should the proposal proceed despite community objections, any future development on these sites should have a minimal impact on surrounding properties and the State Forest. The planning proposal material states that vehicle access to the lots created on the 'southern site' will be via Oratava Avenue or via private access Rd for the State Forest. We object to any vehicle access to the sites from the private Rd due to noise and amenity impacts. Vehicle access should be restricted to Oratava Avenue only.

Our experience is that new development typically seek highest use of the sites from to recoup associated high land costs, which often results in total clearing of vegetation and overdevelopment of the site. The R2 Low density residential zoning proposed for the site would permit a range of disruptive land uses. If the site must be rezoned, it should be rezoned to a more sensitive zoning such as C4 Environmental Living. This is consistent with the zoning of several other sites adjoining the State Forest which contain sensitive vegetation. Rezoning the

site to C4 Environmental Living would assist in protecting the sensitive vegetation located on the site and the surrounding forest. This would provide the community with certainty that any future development will have a limited environmental and visual impact and be more in keeping with the existing character of the area.

The proposed height limit could potentially facilitate up to three stories on the site, this would crowd surrounding properties and create privacy concerns for our property and backyard. The surrounding homes are generally two story buildings. Further controls should be included to reduce the height limit and associated privacy concerns considering the sites sensitive location. We would like these concerns to be addressed at the planning proposal stage, to provide us and the community with certainty that the proposed development will have a minimal impact on surrounding properties and the State Forest.

Submission Type

I am making a personal submission

Title

First Name

Farida

Family name

☐

Name withheld

Please tick this box if the submitter do not want their name published in the list of submitters on the department's website

Email

farida@subtleenergies.com.au

Address 1

Address 2

Suburb/ Town

West Pennant Hills

Post code

State

Does the submitter have any political donations to report?

No

Please provide your view on the application

submission

See attached.

Declarations



The submission will be kept in accordance to the [Privacy statement](#)

Cumberland State Forest Planning Proposal PP - 2023 - 2300

We strongly object to Planning Proposal PP-2023-2300.

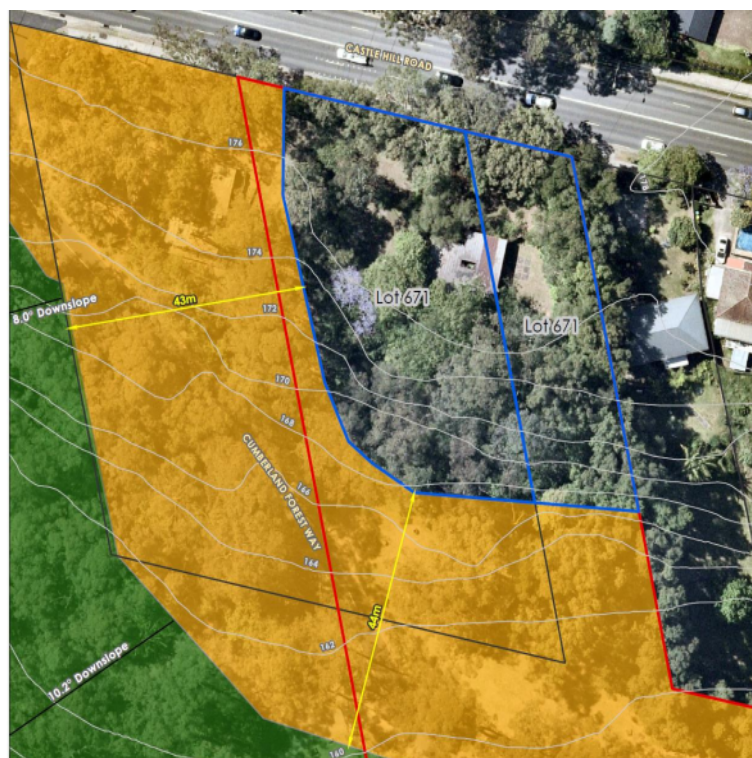
A bushfire Asset Protection Zone (APZ) would need to be permanently maintained around the subdivided lots which would require clearing mature trees within what would then become the adjoining property of the Cumberland State Forest. Those trees are part of the critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest.

Too many trees will need to be removed to meet the requirements for the Rural Fire Service bushfire asset protection zone. That would require removal and/or thinning of a lot of the critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest which are on the blocks and in the APZ that would be required.

Currently NSW Forestry Corp does not maintain the area which would be within the APZ, to the standards required of an APZ Outer Protection Area (OPA), which requires:

- the tree canopy to be less than 30% of the area
- each tree canopy to be separated by 2 to 5m from another tree
- shrubs to form no more than 20% of ground cover
- shrubs to not form a continuous canopy
- Forestry Corp would be required to maintain the APZ in perpetuity by clearing the understorey and mowing, which would prevent any forest regrowth.

It can be seen from the image below, from the Bushfire Report, that these requirements are not adhered to by Forestry Corp with the house being empty and them owning the land. There is almost continuous tree canopy not only around the house on Castle Hill Road, but also on either side of Cumberland Forest Way which cuts through the APZ. The APZ would be on either side of that entrance road. To protect the Blue Gum High Forest and Sydney Turpentine Forest, the lots on both Castle Hills Road and Oratava Ave would need to be reduced in size to a smaller lot size (up to 600 sq metres). The balance of the proposed lots, which are heavily treed with these CEECs, should be left as part of the Cumberland State Forest. The APZ can then be applied just within those subdivided lots as per RFS Planning For Bushfire Protection 2019. Forestry Corp will then not have to maintain an APZ to the required RFS standards, which would involve clearing CEEC trees and shrubs.



To clear the APZ to the standards required by the Rural Fire Service (RFS) for infill residential development, would mean that the entrance road to Cumberland State Forest would be irreversibly changed forever, with large numbers of trees and shrubs being removed.

Clearing trees would ruin the aesthetics of the entrance road to Cumberland State which is predominantly heavily forested, particularly on the western side of the road. Some of that area would need to be cleared/thinned to meet RFS requirements for infill subdivision

It would no longer look like a State Forest; it would look like a park or playground.

It would also mean that the ecological status of the critically endangered ecological communities (CEEC) would be reduced to such an extent that the area would no longer be categorised as a CEEC.

It can be seen from the Google Streetview below, that the western side of the road has areas that have dense vegetation including continuous trees and the shrubs that are under them. That would change if this Planning Proposal is approved.

There is no assessment provided of the individual trees that will be impacted. The Tree Assessment Report is an assessment done for Forestry Corp on the whole of the Cumberland State Forest. This assessment does not provide any indication of how many trees are to be removed or what species they are. The document provided is not applicable to this project and a new assessment must be provided that specifically addresses the impact of this planning proposal on individual trees, particularly the CEEC trees.

The planning proposal is inconsistent with Ministerial Direction 3.7 Public Bushland. The proposal does NOT minimise direct and indirect impacts on native vegetation and threatened ecological communities because the planning proposal does not properly consider that further clearing of trees and understorey would be required for the current bushfire asset protection zone to meet the requirements of an outer protection zone under Planning for Bushfire Protection 2019. The inconsistency is therefore not justifiable.

The planning proposal is inconsistent with Ministerial Direction 4.3 Planning for Bushfire Protection. The RFS has provided comment on the planning proposal and states *"the subject sites have limited development area which can accommodate BAL 29 footprint"*. I trust the RFS opinions over that of any consultant that is being employed as a consultant for a developer.



As the Hills Shire Mayor, Dr Michelle Byrne, has stated previously in the media *"it seems crazy for forestry sites to be sold given the emphasis of the State Plan, Metropolitan Plan, Regional and District Plans articulating government policy on increasing recreational opportunities for Sydney and the establishment of the green grid to improve liveability in our suburbs."*

The size of Cumberland State Forest should not be reduced by selling off any part that contains Blue Gum High Forest vegetation, including the lots on Oratava Avenue. If anything is subdivided, the lots should be much smaller so they don't include Blue Gum High Forest or Sydney Turpentine Ironbark Forest.

We go to this forest as immediate neighbours for our walks to rejuvenate, to fill up our lungs with the beautiful gift of oxygen that these trees provide us. Mirvac has as it is destroyed 3100 trees for development as this was approved by the planning dept.

Please ask all those involved in this proposal to leave our Forest alone or what little is left of it as by doing all this we are going to do a big disservice to ourselves, our children, our families for generations to come and most importantly to our eco system! Look

at the weird storms, typhoons climate changing drastically due to what we humans, some politicians, developers have done to our planet in the name of technology and development.

Please let us be preservers of our beautiful Cumberland state forest not destroyers!

This should be declared a National Park!

Neighbours in distress

[REDACTED]

[REDACTED]

[REDACTED]