Appendix C: Section 3.4 Development Control Plan Compliance Table

Objective	Control	Compliance
C1 Site Planning and Design Principles 1.2. Design Principles a) To ensure that development is undertaken in a sustainable manner, demonstrating this through the application of the Building Sustainability Index (BASIX), Green Star and/or Australian Buildings Greenhouse Ratings certification system, where appropriate; b) To ensure that development is designed on a 'whole of building' approach by: i) responding to the site's context, the desired scale and character of an area, and ii) minimising impacts on key views, scenic values and where applicable, rural character; iii) responding to climatic and contemporary environmental conditions by: • encouraging passive solar building design; • allowing reasonable daylight access to all developments and the public domain; • reducing the necessity for, or improve the control of, mechanical heating and cooling;	1.2.3. Building Form - Height, Bulk and Scale a) Context: An applicant must demonstrate how all proposed buildings are consistent with the height, bulk and scale of adjacent buildings and buildings of a similar type and use. b) Character: An applicant must demonstrate how any building's height, bulk and scale will avoid or minimise negative impacts on an area's landscape, scenic or rural character (where relevant) taking into account the topography of the area, the surrounding landscape and views to and from the site. c) Articulation: Where the dimension of the building is 20m or more, an applicant must demonstrate how the building or surface has been articulated (either through built form or materials) to minimise impact on bulk and scale. d) Overshadowing: Building locations, height and setbacks should seek to minimise any additional overshadowing of adjacent buildings and/or	The proposed expansion to ALDI is consistent in terms of height, bulk and scale with the existing shopping centre. The proposed development involves an alteration and addition to an existing supermarket which forms part of an existing shopping centre building. The proposed expansion will maintain the existing building height. In terms of the bulk and scale, the proposed landscaping and the planting of additional trees will assist in minimising views to and from the site. The proposed alteration and addition to Aldi supermarket includes the installation of windows adjoining the carpark which provides articulation to the façade and natural light into the store. **N/A -** The Pyramid Street setback allows adequate space for planting and its northerly orientation minimises overshadowing.

• reducing the energy consumed by installed appliances and equipment; • improving the indoor environmental quality of occupants; • minimising greenhouse gas emissions; iv) minimising likely bulk and scale impacts of a building; v) considering the natural topography and landform and minimise excavation and likely visual impacts of the development; vi) ensuring that the development (including the public domain): • has incorporated the Crime Prevention Through Environmental Design (CPTED) • principles of surveillance, access control, territorial management and space • management into its design; and • is accessible and useable for all members of the community	public spaces where there would be a significant reduction in amenity for users of those buildings/spaces. e) Setbacks/Separations: Buildings should be sufficiently set back from property boundaries and other buildings to: i) Maintain consistency with the street context and streetscape character, especially street/front setbacks; ii) Maximise visual and acoustic privacy, especially for sensitive land uses;	The building has been designed to minimize the negative impacts on the area's landscape and character. The proposed building extension is to match the existing height of the shopping centre and will thus not negatively affect the scale. The bulk of the building facing Pyramid Street has been reduced i.e. the building is now shorter due to the reconfigured dimensions of the supermarket. The proposed façade is to shift towards Pyramid Street thus providing a better formal edge that enhances the sense of enclosure onto the street. Landscaping and planting proposed will reduced the visibility of the expansion towards the residential area. A permeable pavement surface is proposed within the revised design for the truck service lane (refer to Appendix A and B). Additional tree planting and landscaping is proposed along the Pyramid Street frontage which will provide additional visual screening / buffering to residents on Pyramid Street.

	iii) Maximise deep root planting areas that will support landscape and significant tree plantings integrated with the built form, enhancing the streetscape character and reducing a building's visual impact and scale;	Refer to response above.
	iv) Maximise permeable surface areas for stormwater management; and	As stated above, a permeable pavement surface is proposed within the revised design for the truck service lane. Minor works are being proposed to the existing car park area which is already a paved surface.
	v) Minimise overshadowing.	Overshadowing of the proposed development is minimised by the reduce building width of the supermarket and the buildings northerly orientation.
	f) Building Façade Treatment: The aim is to ensure that any built form will: i) promote a high architectural quality commensurate with the type of building and land use;	The Pyramid Street façade seeks to improve the existing conditions and associated architectural response. A continuous high level glazing strip and parapet bulkhead break down the overall mass of the façade, creates a human scale and promotes activation along this edge.

	ii) adopt façade treatments which define, activate and enhance the public domain and street character;	The proposed expansion will incorporate similar materials as the existing built from of the shopping centre building.
	iii) ensure that building elements are integrated into the overall building form and façade design;	Refer to responses above.
	iv) compose façades with an appropriate scale, rhythm and proportion that responds to the building's desired contextual character;	Refer to responses above. Brick building materials used to minimise noise and amenity impacts from storage and servicing areas and match existing supermarket building.
	v) design façades to reflect the orientation of the site using elements such as sun shading, light shelves and appropriate glazing as environmental controls;	The proposed expansion will incorporate windows that will provide daylight to the supermarket.
	vi) express important corners by giving visual prominence to parts of the façade, for example, a change in building articulation, material or colour, roof expression or building height, and	Refer to responses above. A new colourbond parapet to match the existing is proposed to be installed.
	vii) co-ordinate and integrate building services to improve the visual presentation.	Acoustic screening is being added to the condenser area in accordance with the engineers details.

	g) Roof Design: The roof is an important architectural element of any building and: i) the shape and form of the roof should respond to its surrounding context and minimise visual impact from any key viewpoints; and ii) should consider opportunities for incorporating 'green roofs'.	The design of the roof is required to connect with the existing shopping centre building. The flat roof form will not be visible from ground level or adjoining residential properties. The installation of a green roof is not appropriate for this development.
C2 Vegetation Management 2.1. Preservation of Trees and Vegetation a) To protect and conserve the biodiversity values of trees and other vegetation in the City, and b) To maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change, and c) To support conservation and threat abatement action to minimise biodiversity loss and conserve threatened species and ecological communities in nature, and d) To protect and enhance biodiversity corridors, landscape character and scenic values of the City; and e) Recognise the importance and function of trees and other vegetation for Cooling our City, and f) To preserve the amenity of the City through the preservation of trees and other vegetation, and	1. Approval Requirements General Approval Requirements a) A person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation prescribed by this Plan without an appropriate approval. This includes the following activities in relation to trees and other vegetation which are not permitted without approval: • Removal by cutting down, clearing, under scrubbing, thinning or any other method • Removal of bark around part of or full circumference of a tree trunk (i.e. ring-barking) • Cutting off the top of a tree to reduce its height (i.e. topping) • Cutting off branches on one side of a tree (i.e. lopping)	Tree removal is proposed as part of this application. Approval is being sought to remove trees eight trees.

g) To preserve existing trees and other vegetation where possible during the planning, design, development and construction process, and h) To firstly avoid or minimise impacts of a proposed development and land use change on biodiversity and if impacts are unavoidable provide appropriate offsets, and i) To achieve an appropriate balance between the protection of trees and other vegetation and mitigating risks from natural hazards.	• Cutting off or pruning branches greater than 50mm diameter • Cutting, removal or otherwise damaging the roots or root system • Poisoning or any other activity which causes harm or injury Development Consent b) A person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation prescribed by this Plan, which is proposed as part of development without Development Consent. These works must be assessed as part of a Development Application. Native Vegetation Panel Approval c) If proposed clearing of native vegetation is not associated with development (i.e. not for a purpose requiring development consent) and the proposed area of clearing exceeds the area clearing threshold (see table C2.1 below), or the vegetation is identified on the Biodiversity Values Map then approval is required from the Native Vegetation Panel (not Council). The area clearing threshold (see table C2.1 below) varies depending on the minimum lot	This DA includes seeking approval to remove eight trees. **N/A**

	size (shown in the Lot Size Maps made under the relevant Local Environmental Plan), or actual lot size (where there is no minimum lot size provided for the relevant land under the Local Environmental Plan). If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold. Vegetation Permits d) Where the area clearing threshold is not exceeded (see table C2.1 above) and development consent is not required, a person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation prescribed by this Plan without a Vegetation Permit. There are two types of Vegetation Permit Application: i) Application to Remove or Prune Trees, or ii) Application to Clear Native Vegetation	**N/A**

	A Vegetation Permit is not required if works are carried in out in accordance with an exemption as detailed in Section 3 – Vegetation Permit Exemptions. 2. Prescribed Vegetation a) Prescribed trees or other vegetation covered by this section of the Plan includes: i) Any native tree (both living and dead) or other vegetation that is on land zoned E2 Environmental Conservation in the Penrith LEP 2010 Land Zoning Map, or on natural resources sensitive land identified in the Penrith LEP 2010 Natural Resources Sensitivity Land Map. ii) In all areas, any native vegetation community including remnant native vegetation. iii) In all areas, any tree or other vegetation whether native or introduced having a height of 3.5 metres or more or a trunk diameter exceeding 100mm at 1400mm above ground level. iv) Any tree or other vegetation that is, or forms part of, a heritage item or is within a heritage conservation area. v) Any tree or other vegetation that is culturally, socially or biologically significant or a unique specimen and has been formally recognised by an appropriate	The proposed development includes the removal of eight trees, seven of which are located along the Pyramid and Water Street frontages. An Arboricultural Impact Assessment has been prepared by Tree iQ dated 3 July 2020 addressing the relevant points to support the tree removal application. Additional advice has been provided in Appendix D by Tree iQ dated 22 September 2020.

	government authority (e.g. a significant tree or vegetation register). 3. Vegetation Permit Exemptions a) A Vegetation Permit is not required for pruning or removal of: i) a tree that is dead and is not habitat for native fauna; ii) a tree that is an imminent risk or threat to human life or property; iii) deadwood that is not habitat for native fauna; iv) a tree located within 3.0 metres of an external enclosing wall of a dwelling, as measured from the centre of the trunk at 1400mm above ground level; v) an exempt tree species published by Council (refer to website); vi) a tree or other vegetation that produce an edible fruit, excluding Australian natives and ornamental fruit trees; vii) a tree or other vegetation removed in accordance with the NSW Rural Fire Service 10/50 Vegetation Clearing Code of Practice; viii) a tree or other vegetation within bushfire asset protection zones maintained in accordance with an approved Bushfire Risk Management Plan. The term 'asset	**N/A**

	protection zone' is defined in the NSW Rural Fire Service Planning for Bushfire Protection 2018 guidelines; ix) a tree or other vegetation subject to written approval or direction from the NSW Rural Fire Service for the purpose of property protection and bushfire hazard x) reduction; xi) a tree that will cause imminent damage to the structural integrity or function of an existing perimeter boundary fence on rural land; xii) a tree or other vegetation growing within an approved constructed dam or dam wall where maintenance is required to prevent impacts on structural integrity or function; xiii) a tree or other vegetation where works are carried out in accordance with a Development Consent, or approval issued by the Native Vegetation Panel; xiv) trees or other vegetation that grow within a timber plantation; xv) a tree or other vegetation that are on Council owned or managed land provided the work is undertaken by persons authorised by Council, and is in accordance with Council approved works, a Council policy or a Plan of Management, AS 4373 -	

	2007, Pruning of Amenity Trees and statutory approvals; xvi) a tree or other vegetation where action is required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002; xvii) a tree or other vegetation declared as weeds and covered by a Biosecurity Priority Weeds Plan prepared under the Biosecurity Act 2015 and Biosecurity Regulation 2017 (see the Department of Primary Industries and Hawkesbury River County Council websites); xviii) a tree or other vegetation to control pests in accordance with a pest management plan prepared under the Biosecurity Act 2015 and Biosecurity Regulation 2017 (see the Department of Primary Industries website). b) A Vegetation Permit is not required to prune a tree in accordance with AS 4373 - 2007, Pruning of Amenity Trees providing: i) the branches to be pruned are no greater than 50mm diameter and the shape and structure of the tree will not be significantly modified; and ii) the branches to be pruned are within 3.0 metres a dwelling roof, and the final	**Noted**

	cut is only back to the nearest branch junction or collar and the largest cut is no greater than 150mm in diameter; iii) the branches to be pruned are located within 2.0 metres of ground level and the tree is greater than 6.0 metres in height, where the final cut is only back to the nearest branch junction or collar and the largest cut is no greater than 150mm in diameter. 4. Application Submission Requirements a) The level of information required to assess a development or permit application to remove or clear trees or other vegetation will depend on: i) the scale and extent of proposed works; ii) site location and characteristics; iii) whether the site contains any significant trees; iv) whether the site contains any threatened species, threatened ecological communities, or protected plants and animals listed under the Biodiversity Conservation Act 2016;	Plans have been prepared by i2C detailing the expansion to the existing shopping centre. Refer to amended drawings within Appendix A and landscape plans in Appendix B. In addition to the Arboricultural Impact Assessment prepared by Tree iQ dated 3 July 2020 addressing the relevant points to support the tree removal application, additional advice has been provided in Appendix D by Tree iQ dated 22 September 2020 regarding tree removal for Pyramid Street. The trees being removed are not threatened species or protected vegetation.

	v) whether the site is identified on the NSW Office of Environment and Heritage Biodiversity Values Map. b) A report prepared by a suitably qualified and experienced arborist may be required with a tree removal application and as a minimum should address the following in relation to trees: i) The location, number and type (species) of trees proposed to be removed; ii) A clear site plan identifying tree(s) proposed for removal and other relevant site features such as a dwelling, fences and driveways; iii) Details of the proposed works and the reasons for the works; iv) The age, health and condition, including structural soundness and the condition of the root zone; v) The aesthetic, scientific, ecological and/or historic importance; vi) The impact of the proposed work on the appearance, health or stability of trees or vegetation and the general amenity of the surrounding area, including any effect on the streetscape; vii) In the case of an application to remove a tree(s) or vegetation, whether	Refer to response above. An Arboricultural Impact Assessment has been prepared by Tree iQ dated 3 July 2020 addressing the relevant points to support the tree removal application. Landscape plan drawings have also been prepared. Refer to Appendix B for revised drawings for Pyramid Street.

	pruning would be a more practicable and desirable alternative; viii) Any risk the tree(s) may pose to people, dwellings, structures or services; ix) The extent of other trees and vegetation on the property; x) Whether the tree(s) is likely to be used as habitat, or is a source of food or shelter for native animals; xi) Whether the tree(s) is a threatened species or forms part of a threatened community; and xii) Whether all alternatives to removing or pruning the tree or vegetation have been considered.	
	c) A Flora and Fauna Assessment Report including a Test of Significance under Part 7, Division 1, Section 7.3 of the Biodiversity Conservation Act 2016 may be required with an application to remove or clear native trees or other native vegetation. The report must be prepared by a suitably qualified and experienced ecological consultant.	**N/A**
	d) A Biodiversity Development Assessment Report (BDAR) will be required for an application to remove or clear native trees or other native	**N/A**

	vegetation on land identified by the Biodiversity Values Map, or where clearing exceeds the Biodiversity Offset Scheme area clearing thresholds, or after applying the Test of Significance the impacts are likely be significant. A BDAR must be prepared by an accreditor assessor under the Biodiversity Conservation Act 2016.	
	e) Applicants should seek advice from Council if assistance is needed in relation to submission requirements.	**Noted**
	5. Trees Causing Property Damage	
	a) In relation to trees causing property damage, it must be demonstrated (e.g. by a report from a practising qualified structural engineer) that the tree, its trunk, or its root system is causing damage to a structure and the damage cannot be controlled by measures such as the installation of a root barricade.	**N/A**
	6. Trees and New Development - Site Planning and Design The following controls apply where the removal of trees and other vegetation is proposed as part of a development application for a proposed use permissible under the relevant zone of Penrith LEP 2010:	

	a) Australian Standard AS 4970-2009 Protection of Trees on Development Sites should be considered, and	Australian Standard AS 4970-2009 Protection of Trees on Development Sites was considered and addressed within the Arboricultural Impact Assessment and Tree Protection Specification prepared by Tree iQ dated July 2020.
	b) The siting and layout of a development should consider, at the initial concept stage, the location of trees and other vegetation (including on adjoining land) and favour their retention.	The location of the existing trees along Pyramid Street were considered in the initial concept stage for the extension, however, these trees did not facilitate suitable development opportunities for the site and would have impacted on car parking requirements for the site. In addition, the truck servicing lane and compactor needs to be located near or adjacent to the Aldi supermarket to meet other DCP requirements. The trees along the Pyramid Street frontage that are proposed to be removed have been identified as moderate to low landscape significance as stated in the Arboricultural Impact Assessment prepared by Tree iQ dated 3 July 2020. Further to this, Trees 59 and 60 have been identified as Retention Value of 'Priority for Removal', suggesting that removal of these trees is supported. Tree 61 has a Retention Value of 'Consider for Removal', suggesting that removal of these trees will have a negligible impact. Tree 56 and 57 despite being labelled as

		'Consideration for Retention', has a short Useful Life Expectancy due to its late-mature age class and reduced health. Refer to Appendix D.
	c) Buildings, Asset Protection Zones and Effluent Management Areas are to be sited on existing cleared land, where possible.	**N/A**
	d) Where a stand of trees is to be retained, any associated native understorey should also be retained.	**N/A**
	e) Trees and vegetation should be retained on steeply sloping sites (slopes greater than 20%) or where there is unstable soil to minimise erosion or geo-technical instability. (See also the controls in the Land Management section of this Plan relating to Geotechnical Stability).	**N/A**
	f) Trees and vegetation must be retained along watercourses (See also the controls in the Water Management section of this Plan, relating to Riparian Corridors).	**N/A**
	g) An application is required to address the effect of the proposed development on existing vegetation, the landscape character and the scenic quality of the locality.	An assessment of impact on existing vegetation, landscape character and scenic quality of the locality was undertaken in the SEE and in the attached correspondence to Council prepared by Macroplan.

	h) Trees and vegetation must be retained where they shield existing or proposed buildings from views from public areas.	Currently, trees do not fully provide a shield to the residential area as the planting is sparse. The proposed landscaping solution will provide an improve outcome to the streetscape. Refer to Appendix B.
	i) Trees and vegetation must be retained where they form part of the landscape character of an area, including on or near ridgelines.	The proposed trees in conjunction with the landscaping will be provide an improve outcome to the residential area and add to the visual amenity of the street and locality.
	j) Any proposed building or structure are to be located outside the tree protection zone for retained trees. Council may consider a variation based on an appropriate arboricultural assessment.	**Variation required.** The condenser enclosure deck, subframe and acoustic screening is proposed with the tree protection zone of tree 55. However, the following design and construction methods should be included as part of the approval as per the Arboricultural Impact Assessment was prepared by Tree iQ dated 3 July 2020: • The condenser enclosure deck, subframe and acoustic screen should be constructed above existing grade supported on isolated piered footings as detailed in Section 3.1.4.

		• A minimum clearance of 200mm should be provided between the tree, deck, sub-frame and acoustic screen.
	k) Hard (or impervious) surfaces are not permitted under the drip line of any tree.	The revised landscape plans provide permeable paving for the new truck service lane.
	l) Where possible services (and particularly pipes carrying water/moisture) are to be located outside the tree protection zone of any tree to be retained. Council may consider a variation based on an appropriate arboricultural assessment.	**Noted.** Included on page 19 of the Arboricultural Impact Assessment was prepared by Tree iQ dated 3 July 2020.
	m) Wherever trees or vegetation are removed (with consent) as a consequence of the development, an equal or greater number of replacement trees that grow to a similar or greater height or canopy should, where practical, be incorporated into the landscaping design of the new development.	A total of eight (8) trees are being removed and 10 trees will be replanted. Additional landscaping is proposed along the Pyramid Street frontage with the proposed planting of seven (7) Melaleuca linarifolia (mature tree planting) in addition to the planting of native shrubs. A further three (3) Melaleuca linarifolia (mature tree planting) is also proposed along the eastern corner of the site fronting Pyramid Street (refer to Appendix B). As stated in the addendum to Arboricultural Impact Assessment prepared by Tree iQ dated 22 September 2020 (Appendix D), *the new landscape treatment on Pyramid Street with the inclusion of seven (7) new Melaleuca linarifolia*

		(Snow in Summer) and shrub underplanting will create a dense, stratified canopy which is well for the site conditions.
	n) The siting and layout of a development should also consider, at the initial concept stage, bushfire risk. (See the Bushfire Management section of the Plan).	**N/A**
	7. Protection of Trees During Construction	
	a) Tree protection must be in accordance with an approved Tree Protection Plan (TPP) prepared with consideration of Australian Standard AS 4970-2009 Protection of Trees on Development Sites.	**Noted.** A Tree Protection Plan has been prepared by Lindy Lean Landscape Architect (Appendix B) in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites.
	b) During construction, an adequate fence or similar structure must be constructed around any trees or other vegetation to be retained in accordance with the approved TPP.	**Noted**. The Tree Protection Plan prepared by Lindy Lean Landscape Architect provides the fencing details (Appendix B).
	c) Tree protection zones identified by an approved TPP must not be used by vehicles or machinery, for stockpiling wastes, for storage of any building materials or any other construction activities. This will help protect the tree or vegetation from soil compaction and contamination; root, trunk	**Noted.** Signage will be provided on the fencing to ensure that tree is protected (refer to Appendix B).

	and limb damage; and changes in surface levels that affect the health of the tree or vegetation.	
2.2. Biodiversity Corridors and Areas of Remnant Native Vegetation in Non-Urban Areas a) To promote the establishment and retention of biodiversity corridors and areas of remnant native vegetation that contribute to the long-term survival of native fauna and flora species in the area; b) To maintain (and where possible increase) the current area of native bushland and retain the natural species diversity of bushland as far as possible; c) To encourage the planting of a diversity of native species to enhance biodiversity values, scenic quality and landscape character; and d) To facilitate the implementation of weed control and management measures that act upon the processes causing weed invasion of natural areas.	1. Development Consent a) Biodiversity corridors and areas of remnant native vegetation are shown as natural resources sensitive land on the Penrith LEP 2010 Natural Resources Sensitivity Land Map. b) In accordance with the 'Development on natural resources sensitive land' clause of Penrith LEP 2010, development consent is required for the following in biodiversity corridors and areas of remnant native vegetation: i) the subdivision of land; ii) earthworks (including removal of rock or other natural material or alteration of a iii) natural waterway or drainage line); iv) the carrying out of a work; v) development site preparation works clearing vegetation (including slashing or underscrubbing); vi) irrigation with treated effluent. c) Clause 1b) iv) above does not include slashing or under-scrubbing undertaken for the purposes of controlling declared pests under the	**N/A** **N/A** **N/A**

	Biosecurity Act 2015 or to maintain dams, fences or asset protection zones.	
	2. Matters to be Considered	
	a) The 'Development on natural resources sensitive land' clause of Penrith LEP 2010 lists matters that must be considered for any new development or work described in clause 1b) above.	**N/A**
	b) Council must also be satisfied that any development or work is designed, located and managed to avoid or minimise any potential adverse environmental impact.	**N/A**
	c) The matters listed in the 'Development on natural resources sensitive land' clause must be addressed in supporting documentation submitted with the application.	**N/A**
	3. Submission Requirements	
	a) The level of information required to assess a development or permit application to remove or clear trees or other vegetation will depend on: i) the scale and extent of proposed works; ii) site location and characteristics; iii) whether the site contains any significant trees;	**N/A**

	iv) whether the site contains any threatened species, threatened ecological v) communities, or protected plants and animals listed under the Biodiversity vi) Conservation Act 2016; vii) whether the site is identified on the NSW Office of Environment and Heritage Biodiversity Values Map. b) A report prepared by a suitably qualified and experienced arborist may be required with a tree removal application and as a minimum should address the following in relation to trees: i) The location, number and type (species) of trees proposed to be removed; ii) A clear site plan identifying tree(s) proposed for removal and other relevant site features such as a dwelling, fences and driveways; iii) Details of the proposed works and the reasons for the works; iv) The age, health and condition, including structural soundness and the condition of the root zone; v) The aesthetic, scientific, ecological and/or historic importance;	**N/A**

	vi) The impact of the proposed work on the appearance, health or stability of trees or vegetation and the general amenity of the surrounding area, including any effect on the streetscape; vii) In the case of an application to remove a tree(s) or vegetation, whether pruning would be a more practicable and desirable alternative; viii) Any risk the tree(s) may pose to people, dwellings, structures or services; ix) The extent of other trees and vegetation on the property; x) Whether the tree(s) is likely to be used as habitat, or is a source of food or shelter for native animals; xi) Whether the tree(s) is a threatened species or forms part of a threatened community; and xii) xiii)Whether all alternatives to removing or pruning the tree or vegetation have been considered. c) A Flora and Fauna Assessment Report including a Test of Significance under Part 7, Division 1, Section 7.3 of the Biodiversity Conservation Act 2016 may be required with an application to remove or clear native trees or other native	**N/A**

	vegetation. The report must be prepared by a suitably qualified and experienced ecological consultant.	
	d) A Biodiversity Development Assessment Report (BDAR) will be required for an application to remove or clear native trees or other native vegetation on land identified by the Biodiversity Values Map, or where clearing exceeds the Biodiversity Offset Scheme area clearing thresholds, or after applying the Test of Significance the impacts are likely be significant. A BDAR must be prepared by an accreditor assessor under the Biodiversity Conservation Act 2016.	**N/A**
	e) Where vegetation works are proposed on land that is a heritage item or within a heritage conservation area, a Heritage Impact Statement may be required in accordance with Clause 5.10 Heritage conservation of Penrith LEP 2010. In this regard, applicants should consult with Council's Development Services Department. Applicants should seek advice from Council if assistance is needed in relation to submission requirements.	**N/A**
	4. Protecting and Enhancing Biodiversity Corridors and Areas of Remnant Native Vegetation	

	a) As the purpose of biodiversity corridors and areas of remnant native vegetation is to conserve native plants and animals, no clearing of native vegetation should occur within these areas.	**N/A**
	b) As far as possible, biodiversity corridors and areas of remnant native vegetation should be retained with the smallest possible edge-to-area ratio. Measures must be taken to avoid fragmentation of vegetation by roads, tracks, services and the like.	**N/A**
	c) Management of biodiversity corridors and areas of remnant native vegetation must allow natural processes to continue. Measures must be taken to prevent disturbance to existing vegetation, including roots, the hydrological regime and surrounding soil.	**N/A**
	d) Management of biodiversity corridors and areas of remnant native vegetation must have regard to the value of the vegetation as fauna habitat. In particular, old trees (both living and dead), fallen logs, bush rock and a diverse vegetation structure, including understorey species, should be maintained for fauna habitat.	**N/A**

	e) Where land disturbance occurs, natural regeneration is the preferred method of rehabilitation.	**N/A**
	f) Locally native species must be used for revegetation and restoration of biodiversity corridors and areas of remnant native vegetation, if regeneration is unlikely to occur.	**N/A**
	g) Where possible, new native vegetation must be planted in clusters and connected to isolated patches of vegetation to enhance the network of biodiversity corridors.	**N/A**
	h) Non-native or introduced vegetation removed from a site is to be disposed of away from biodiversity corridors and areas of remnant native vegetation to avoid the spread of seed and regenerative vegetative material.	**N/A**
	i) Where possible, structures and any associated fire protection zones must be sited on existing cleared land and not within biodiversity corridors and areas of remnant native vegetation.	**N/A**
	j) Regular maintenance is required for existing tracks, especially to control track damage and erosion.	**N/A**

	k) Non-essential roads and tracks in biodiversity corridors and areas of remnant native vegetation must be closed and rehabilitated.	**N/A**
	l) Road signs should be erected where biodiversity corridors and areas of remnant native vegetation cross roads to alert motorists to the significance of fauna at these sites.	**N/A**
	m) Activities such as horse riding and motorcycle riding can cause damage to tracks and native vegetation, spread weeds and introduce nutrients. Therefore these activities must not occur in biodiversity corridors and areas of remnant native vegetation.	**N/A**
	5. Development Near Biodiversity Corridors and Areas of Remnant Native Vegetation	
	a) All new development adjacent to biodiversity corridors and areas of remnant native vegetation must be located, designed and constructed to prevent or minimise, as far as possible, adverse impacts on native vegetation, fauna and habitat.	**N/A**
	b) The layout of new development is to:	
	i) Ensure low intensity land uses are situated directly adjacent to the biodiversity corridor or area of remnant native vegetation;	**N/A**

	ii) Ensure viability and functionality of the biodiversity corridor or area of remnant native vegetation; iii) Maximise connectivity to neighbouring biodiversity corridors; iv) Maximise connectivity to other areas of remnant native vegetation retained on-site or on neighbouring sites; v) Ensure retained vegetation is configured to provide low edge-to-area ratios and avoid narrowing or bottlenecks within the biodiversity corridor; vi) Ensure associated road infrastructure avoids core vegetation, or where not possible, provides for wildlife under/overpasses and minimises the intrusion, length and width; vii) Where possible mitigate or prevent the impact of light pollution on fauna and habitat in adjacent biodiversity corridors and areas of remnant native vegetation. 6. Natural Regeneration and Planting Native Species a) Natural regeneration is the preferred method of rehabilitation. However, if planting is to be undertaken, native species related to the local vegetation community should be selected when planting on both public lands and private lands to aid the restoration or expansion of bushland.	**N/A**

	7. Management of Weeds and Invasive Species a) Weed control refers to the control of non-native or introduced plants, particularly invasive species. Important elements of weed control are gaining an understanding of the causes of weed invasion and taking measures to minimise these causes.	**N/A**
	b) Measures are to be taken to prevent the occurrence of factors leading to weed invasion. Weed invasion occurs within native vegetation areas mainly as a result of the following factors: i) Physical site disturbance; ii) Increased soil moisture due to runoff from adjacent areas; iii) Increased nutrients from runoff or waste dumping; iv) Increased light levels due to clearing or dieback; and v) Increase in weed propagules and seed dispersal agents.	**N/A**
	c) Weed control techniques are to be carried out in a manner that minimises negative environmental impacts. Different techniques are required in varying situations, especially along watercourses, which are very sensitive to pollution	**N/A**

	impacts. Regular monitoring of weeds is to be carried out on an ongoing basis to identify and respond to the occurrence of new plant species that pose a potential threat to native vegetation. d) Biosecurity matter declared under the Biosecurity Act 2015 include weed plant species posing a threat to primary production, the environment or human health. Please refer to the Biosecurity Act 2015 for the requirements and a list of biosecurity matter. Further details on weed management in the Hawkesbury River County Council area (which includes the Penrith local government area) can be found at http://hrcc.nsw.gov.au/. e) Weeds not declared as biosecurity matter (commonly called environmental weeds) should also be controlled as part of a weed management program.	**N/A** **N/A**
2.3. Bushfire Management a) To minimise the risk to life, property and the environment in the event of a bushfire, including the lives of emergency personnel;	1. Planning for Bushfire Protection a) If land is identified as 'bushfire prone land' on the Bushfire Prone Land Map, then any development application on that land must address the bush fire protection measures set	**N/A**

b) To ensure that all development on bush fire prone land makes adequate provision for access for emergency personnel, vehicles and equipment; c) To balance the risk of bushfire to life and property with the other principles in this Plan, including the need to protect and enhance existing vegetation where possible; and **d)** To recognise that land not classified as 'bushfire prone land' may still be subject to the impact from bushfire, particularly through ember attack.	out in the document 'Planning for Bushfire Protection 2006 (PBP). b) If the development proposes the subdivision of land for residential and rural-residential purposes or is a development which has been identified as 'special fire protection purposes', then the development will be Integrated Development under the Environmental Planning and Assessment Act 1979. A development identified as 'special fire protection purposes' includes: i) a school ii) a child care centre iii) a hospital iv) a hotel, motel or other tourist accommodation v) seniors housing vi) a group home vii) any other purpose prescribed by section 100B (6) of the Rural Fires Act 1997. 2. Bushfire Assessment Report a) A Bushfire Assessment Report, prepared in accordance with the PBP, must accompany all development applications on land identified as bush fire prone land. (For report requirements, see Appendix F3 – DA Submission Requirements).	**N/A** **N/A**

	b) The Single Dwelling Application Kit (available on the Rural Fire Service website www.rfs.nsw.gov.au) provides applicants with a streamlined approach to meeting the requirements of the PBP for single dwellings. It has been designed to assist applicants to provide information in support of a development application and presents options that can be incorporated into the building to mitigate the impact of bush fire on life and property.	**N/A**
	3. Land that is Not Classified as Bushfire Prone Land a) Development on land zoned RU1, RU2, RU4, RU5, E2, E3, E4 and R5, or on land within 250m of any of these zones that is not identified as 'bushfire prone land' on the Bushfire Prone Land Map must consider ways to minimise the risk of ember attack, particularly with regard to roof design, building materials and landscape design. These matters must be addressed in the Statement of Environmental Effects.	**N/A**
	4. Bushfire Hazard Reduction a) a) Although consent is not required for bushfire hazard reduction work, it must be authorised by the Rural Fires Act 1997.	**N/A**

C6 Landscape Design	6.1.4. Site Amenity 1) Contextual Design a) Landscape designs should seek to screen development, particularly from the sides and rear of an allotment. b) Landscape design should be used to highlight architectural features, define entry points, indicate direction, and frame and filter views into the site. Landscape design should also be responsive to the bulk and scale of the development. c) Shrubs and small trees should be used to screen service areas and block unwanted views that reduce privacy. d) Plantings should be of advanced species except where it is demonstrated to Council's satisfaction that semi-advanced stock is more suited to soil and/or plant characteristics. e) Landscape design should ensure that plantings when mature will not conflict with structures and services.	The Pyramid Street façade seeks to improve the existing conditions and associated architectural response. A continuous high-level glazing strip and parapet bulkhead break down the overall mass of the façade, creates a human scale and promotes activation along this edge. The proposed trees in conjunction with the landscaping will provide an improve outcome for the locality and add to the visual amenity of the streetscape. Shrubs and other ground coverings will provide screening to the building extension and service truck access lane. Trees to be replanted along the Pyramid Street frontage consider the overhead wires that are located along this street frontage and are supported by Tree iQ (refer to Appendix D). Trees to be planted will be mature tree stock.