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STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED 3 LOT SUBDIVISION

DILGA RESERVE
– 9A DILGA CRES, ERSKINE PARK

JANUARY 2022

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1.0 INTRODUCTION

Cityscape has been engaged to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) to be submitted on the subject site.

The SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning & Assessment* (EP& A) *Act 1979,* and clause 50 of the *Environmental Planning & Assessment Regulation, 2000.*

The purpose of this SEE is to:

- Describe the proposed development and its context
- Assess the development proposal against applicable planning instruments, standards and controls
- Assess the potential environmental impacts and mitigation measures

It has been compiled, through on ground investigations, research, analysis and discussion with officers of Penrith City Council, including a pre-lodgement meeting on 29 September 2021 and is to be read in conjunction with the following reports and plans:

Report/Plan	Author
Survey and subdivision	Richard Hogan & Co Surveying
Flora and Flora Assessment	Ecological Australia
Arboricultural Impact Assessment	Glenyss Laws
Civil Engineering Plans	J.Wyndham Prince
Detailed Site Investigation & Remedial Managament Plan	GETEX
Traffic and Parking Assessment	Parking and Traffic Consultants

2.0 THE SUBJECT SITE

2.1 SITE DESCRIPTION

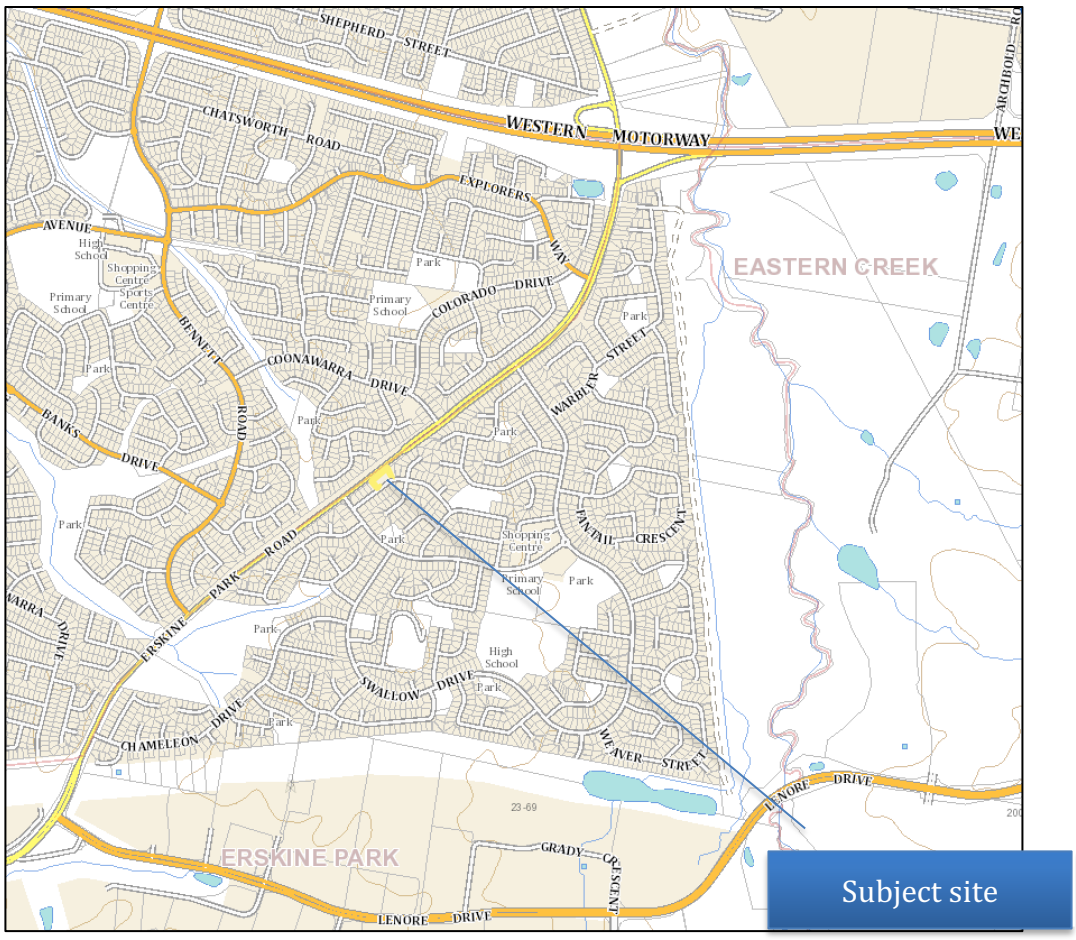
The subject site is a large irregular shaped parcel of land with a frontage to both Dilga Cres and Erskine Park Rd, Erskine Park. A plan showing the locality of the site is provided at Figure 1.

The site is known as Dilga Reserve or 9A Dilga Cres, Erskine Park but has the following real property description:

Lot: 148 **DP**: 703879

The land most relevant to this DA is the eastern section of the site.

FIGURE 1: LOCATION OF SITE (Source NSW Planning Portal)



2.2 SITE DIMENSIONS

The site is a large irregular shaped parcel of land with a total site area of 2315m^2. It has a frontage of 73m and 62.125m to Erskine Park Rd and Dilga Cres respectively. Figure 2 provides an image that shows the site cadastral arrangements.

2.3 TOPOGRAPHY, DRAINAGE + FLOODING

The site sits within an area characterised as low-lying, flood plain type environment, with limited relief. As such it experiences limited slope or topographic variation, nevertheless, the site does fall approximately 1.7m from the north east corner to its south-western corner.

Contours and spots levels are provided on the accompanying survey plan as well as the topographic plan provided at Figure 2 and demonstrate the limited relief. The site does not accommodate any natural watercourses, or any other features of topographical significance.

The site is not exposed to main-stream flooding but is potentially impacted by local overland flood flows from the local catchment. Information currently held by Council indicates that the 1% AEP flood level affecting the site is estimated to be RL 67.7m AHD.

2.4 FLORA & FAUNA

The site has largely been cleared of vegetation as part of previous development and use of the land. However, the site still accommodates scattered stands of remnant bushland. This vegetation coverage on site is represented in the aerial photo provided at Figure 3, whilst Figures 4 provides an extract of the NSW Biodiversity Values Map.

FIGURE 2: **SITE TOPOGRAPHY (Source NSW Planning Portal)**

FIGURE 3: **AERIAL VIEW OF SITE (Source NSW Planning Portal)**

FIGURES 4: **BIODIVERSITY VALUES MAP** **(NSW Environment Website)**

FIGURE 5: **VIEW OF SOUTH EASTERN SECTION OF SITE**

FIGURE 6: **VIEW OF NORTH EASTERN SECTION OF SITE**

FIGURE 7: **VIEW OF CENTRAL SECTION OF SITE**

The Biodiversity Mapping which reveals the site is not identified as having biodiversity values. Figures 5-7 provide photos of the vegetation across the site. Further detail of the sites ecological values is described as part of the accompanying Flora and Fauna Assessment Report. (F&FA).

2.5 EXISTING DEVELOPMENT

The broader site currently provides a neighbourhood park but in fact partly operates as a drainage reserve in its western sections. The eastern sections of the site appear as vacant and underutilised land. Images of those spaces are provided at Figure 5-7.

2.6 ADJACENT DEVELOPMENT

The site is located within a suburban environment and therefore sits within a landscape characterised by a mix of residential development forms and land uses, including community uses and child care centres etc. The aerial photo provided at Figure 8 demonstrates the sites residential context and adjacent land uses.

2.7 ABORIGINAL & EUROPEAN HERITAGE

A search of Council and NSW databases has confirmed that the site is not a heritage item but is located directly adjacent to an item of cultural heritage. Written confirmation of the absence of Aboriginal heritage is provided at Annexure A.

2.8 SERVICES & INFRASTRUCTURE

Power and communication services are currently available to the site and it also enjoys access to *Sydney Water's* reticulated water and sewer services. The site is also serviced by existing trunk and local stormwater drainage systems.

2.9 LOCAL VIEWSHEDS

The site does not sit within any significant viewsheds, but the park does provide a space of relatively good visual amenity within the surrounding suburban environment.

2.10 HAZARDS & NUISANCE

The subject site is not identified as being bushfire prone on the relevant Council map held by Penrith City Council. The site is not exposed to main-stream flooding but is potentially impacted by local overland flood flows from the local catchment.

FIGURE 8: **ADJACENT LAND USE (Source NSW Planning Portal)**

3.0 DEVELOPMENT PROPOSAL

3.1 BACKGROUND

The subject site and the development proposal form part of broader program of planning works undertaken by Penrith City in Erskine Park and St Clair known as the Open Space Reinvestment Project (OSRP).

This is innovative and award-winning project commenced in Oct 2015 and identified open space sites in Erskine Park that were underutilised or in need of an upgrade to meet resident's expectations. The OSRP provides the delivery mechanism to transform those identified lands from underutilised public open space into residential zoned lands, with the funds raised from their development and sale utilised to provide open space improvements.

Six sites, including the lands subject to this DA, have been already been rezoned for residential land use and development, with the proceeds from the future sale of that land being proposed to going directly into improving targeted open space and public domain areas within Erskine Park. The selected improvements were identified during the community consultation phase of the OSRP and are outlined in Penrith Councils *Erskine Park Open Space Masterplan Report.*

Council has already forward funded $2.65 million of open space and public domain improvements from the anticipated sale of these sites with examples of some those forward funded park improvements are provided at Figure 9. However once complete, the project will inject approx. $5.6 million back into Erskine Park and contribute to Penrith City Council's vision for creating a more attractive and safer place to live as well as adapting to the future needs of residents.

FIGURE 9: **OPEN SPACE IMPROVEMENTS ALREADY DELIVERED**







3.2 SUBDIVISION

The applicant seeks Council consent for the subdivision of the subject site to create three lots. This includes two new lots for residential purposes in the northern section of the site and a third lot in the southern section which will continue to function as a Drainage Reserve. The dimension of each lot proposed is represented in Table 1. Vehicle access to proposed lots 1-2 would be provided directly via Dilga Cres. No vehicle access is required to proposed lot 3.

Detailed plans accompany the DA however, a representation of that plan is provided at Figure 10.

3.3 CIVIL WORKS

The proposed development includes a small (maximum height 0.3m) retaining wall at the northern and western boundaries of proposed Lot 2 and localised regrading across the rear and central sections of the broader site. This represents a maximum of 0.9m fill to raise proposed lot 2 to a minimum of level of RL 67.7m which represents the 1:100 or 1% AEP flood level.

The civil works also propose a new pipe and pit drainage system across the rear of lots 1-3 to facilitate drainage of the site to an existing drainage line located on the southern section of the site (proposed lot 3). This drainage line necessitated the creation of an easement across lots 2-3.

Indicative driveway crossing for proposed lots 1 and 2 are also shown on the accompanying civil plans. The location for the driveway crossing for proposed lot 2 is reflected on subdivision plan by restriction of the use of land easement (S) to ensure its construction assists retain existing vegetation on site.

FIGURE 10: PROPOSED SUBDIVISION PLAN

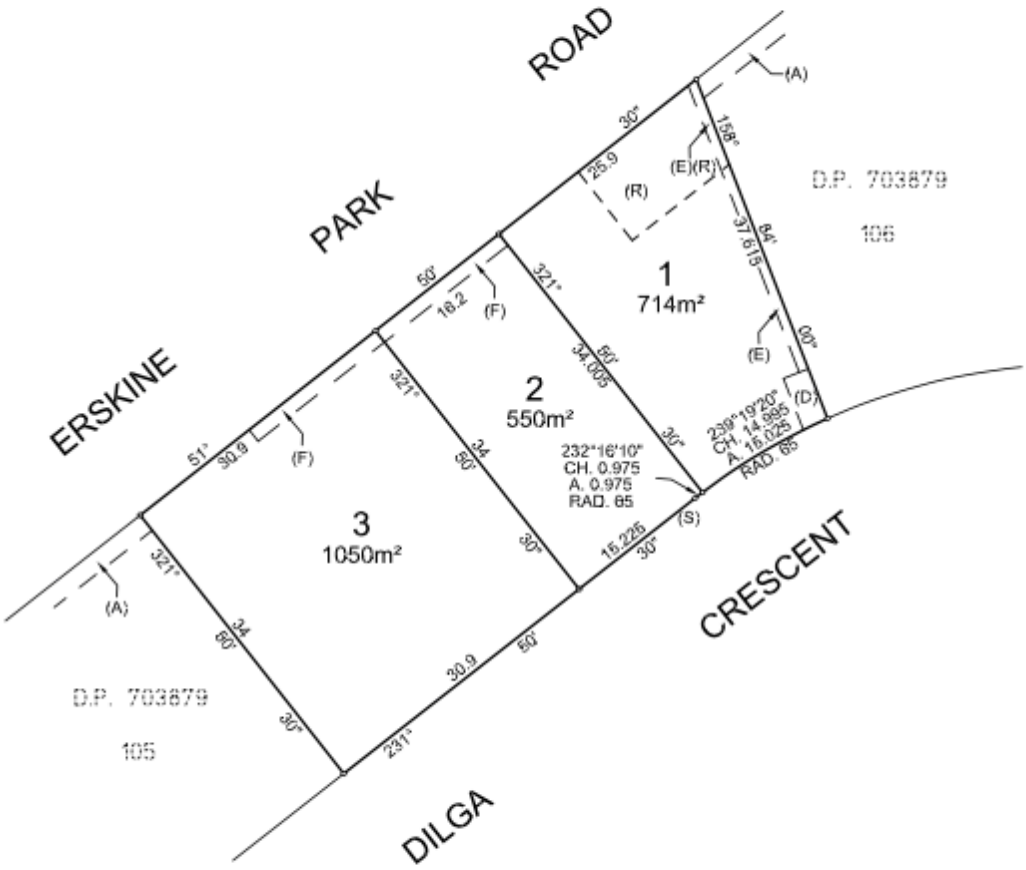


TABLE 1: PROPOSED LOT SIZES AND USE

Proposed Lot	Area	Minimum Width	Future Use	Vehicular Access
1	714m^2	15.025m	Residential	Direct via Dilga Cres
2	550m^2	15.225m	Residential	Direct via Dilga Cres
3	1050m^2	30.9m	Drainage Reserve	None proposed

3.4 VEGETATION RETENTION AND MANAGEMENT

The development proposes the removal of ten trees (10) located in the central and rear section of proposed lots 1 and 2. The proposed tree removal is shown on the accompanying civil plan.

The subdivision plan also includes the following to ensure the retention of the remaining trees:

- Creation of a of a Restriction on the Use of Land (Tree Protection Zone Easement 'R') Tree Protection Zone easement at the rear of proposed lot 2 to assist retain trees at that location and on the adjacent public reserve.
- Identified Driveway crossing location for proposed lot 2.

The accompanying Arboricultural Impact Assessment and Tree Management Plan identifies a range of measures to assist in the retention of those trees.

3.5 REMEDIATION OF LAND

The development proposes remediation of lands in accordance with the accompanying Asbestos Remediation Action Plan (ARAP). The planned remediation strategy involves the removal of the asbestos materials and validation sampling and testing of the site to appropriate use standards.

All clean material will be re-used on site while materials that exceed relevant threshold limits will be removed from the site and disposed at an appropriately licenced landfill.

4.0 STATUTORY SITUATION

4.1 ZONING AND DEVELOPMENT PERMISSIBILITY

The subject site is zoned **R2 Residential Low Density** pursuant to Penrith LEP 2010. An extract of the relevant zone map is provided at Figure 11. It was only relatively recently zoned for that residential purpose as part of the OSRP as refenced at Section 3.1 of this report.

The lots size map that accompanies the relevant LEP provides a minimum lot size of 550m^2. An extract of that map is provided at Figure 12.

The development proposal provides all lots at a scale that well exceed this minimum requirement.

Therefore, the proposed development is permissible under the statutory framework.

4.2 LG ACT LAND CLASSIFICATION

The subject land is classified 'Operational' pursuant to S26 of the Local Government (LG) Act, 1993. This re-classification of land occurred simultaneously with its rezoning, and all community consultation requirements, inclusive of a Public hearing as required under S29 of the LG Act.

FIGURE 11: PLEP ZONING MAP (Source NSW Planning Portal)

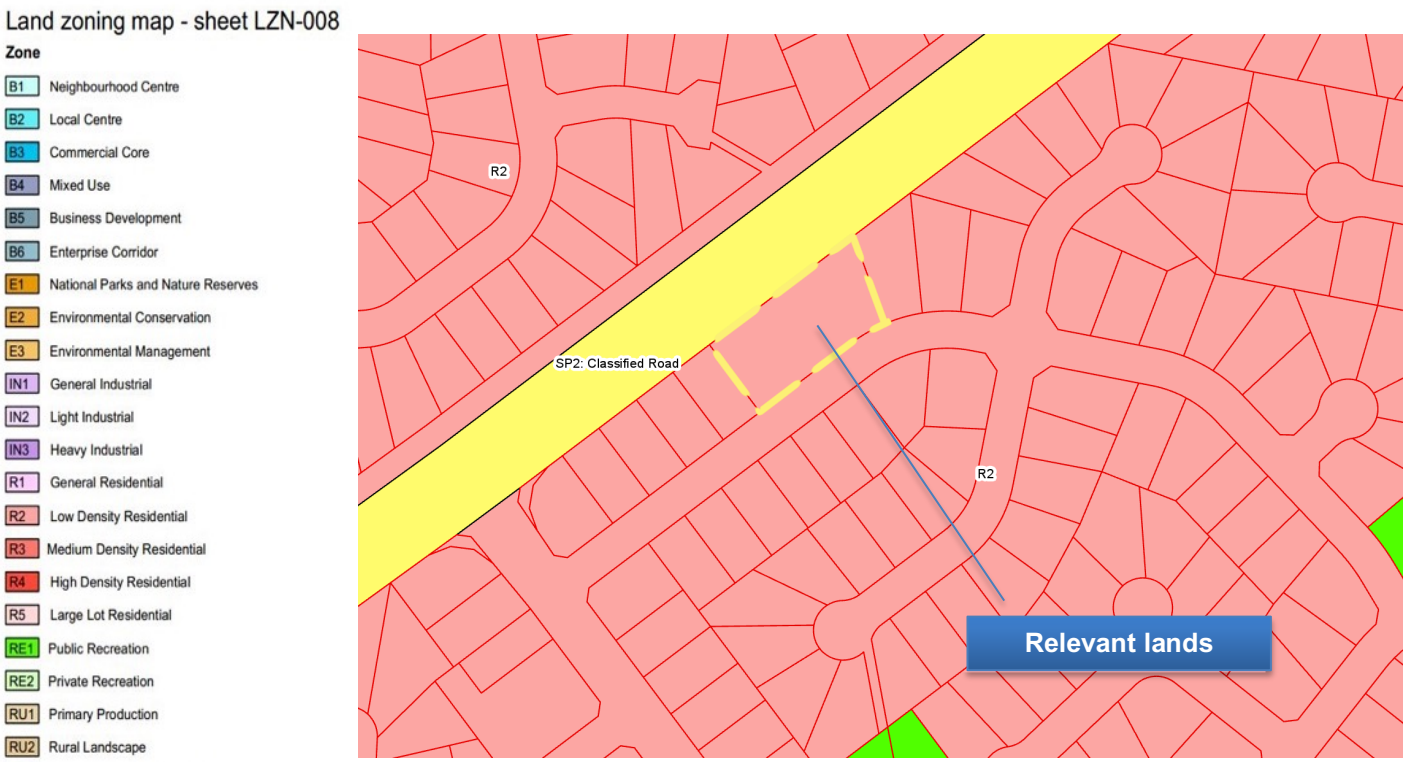
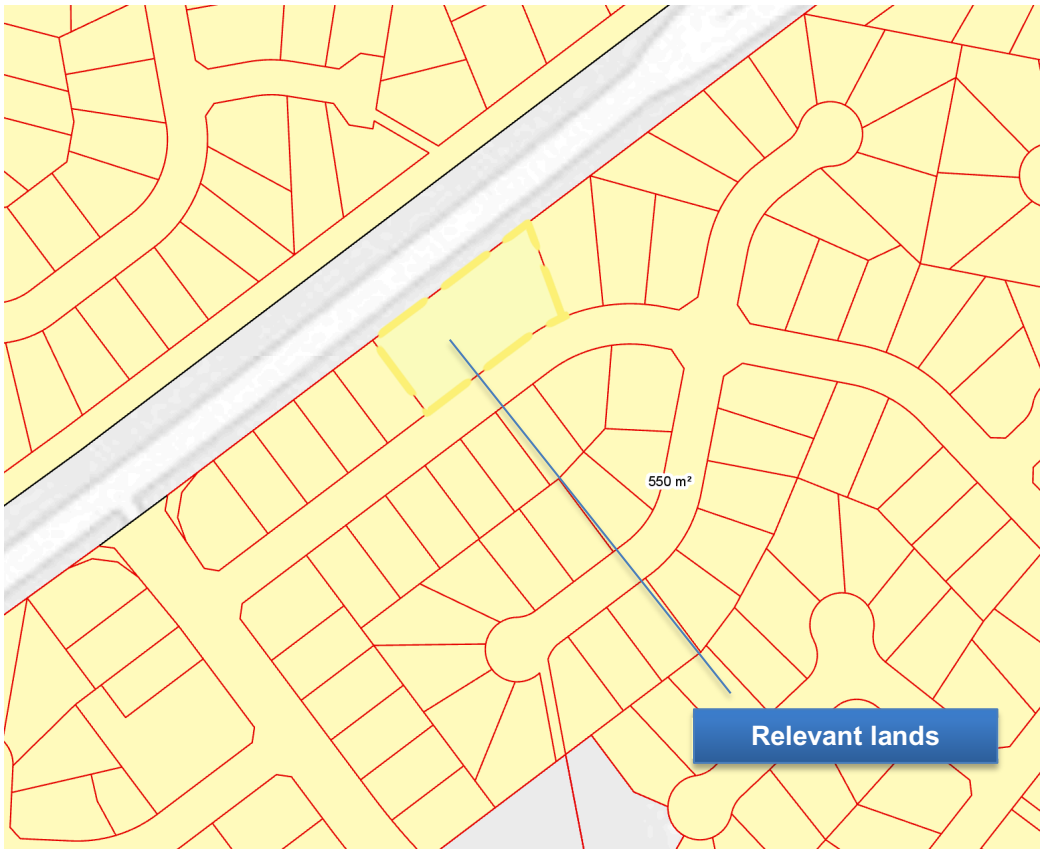


FIGURE 12: PLEP MINIMUM LOT SIZE MAP (Source NSW Planning Portal)



4.3 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation (BC) Act*, *2016* and the *BC Regulation*, establishes the regulatory framework for assessing and offsetting impacts on biodiversity values due to proposed developments and clearing. It establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme (BOS).

The site has not been identified as accommodating biodiversity values on the on the NSW Government's Biodiversity Values Map (See Figure 4). However, the proposed development will impact approximately 0.14 ha of vegetation, of which 0.09 ha was identified as poor condition *PCT 849: Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion.* This community is listed as critically endangered under the BC Act.

PCT 849 may also form part *Cumberland Plain Shale Woodland and Shale-Gravel Transition Forest*. This community is listed as critically endangered under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act),* however the vegetation within the subject site did not meet the minimum condition threshold to be recognised under the Act.

A test of significance (Section 7.3 BC Act) for Cumberland Plain Woodland concluded that the local occurrence will not become extinct following the removal of 0.09 ha of woodland from the subject site and a significant impact will not result from the proposed development.

The subject site could also act as marginal habitat for *Pteropus poliocephalus* (Grey Headed Flying Fox). This species is listed as vulnerable under the BC Act and EPBC Act. Tests and Assessments of Significance under the BC Act and EPBC Act were undertaken to

determine whether the proposed development will result in a significant impact to this species and concluded that a significant impact will not result.

As no significant impacts are likely to result from the proposed development, the NSW Biodiversity Offset Scheme is not triggered and a referral to the Commonwealth under the *EPBC Act,* is not required.

4.4 REMEDIATION OF LANDS

4.4.1 SREP 20- HAWKESBURY NEPEAN RIVER

Clause 11(4) of *Sydney Regional Environmental (SREP) No.20 Hawkesbury-Nepean River* requires remediation of contamianted land to obtain Development Consent. An extract of the relevant section of that planning instrument is provided below:

> ***11 Development controls***
> *The following items set out particulars for the development controls imposed by this Part:*
>
> ***(4) Remediation of contaminated land***
> ***Definition:***
> *Removing soil or other deposits from, or otherwise remediating, contaminated land. For the purposes of this definition, contaminated land means land on which hazardous substances occur at concentration levels above background levels, where an assessment (carried out in accordance with guidelines circulated to councils by the Department) has indicated the substances pose, or are likely to pose, an immediate or long-term hazard to human health or to the environment.*
>
> ***Consent required.***

4.4.2 SEPP 55 – REMEDIATION OF LAND

Clause 8(2) of *SEPP No.55 – Remediation of Land* provides that a person must not carry out Caegory 1 remediation works without the consent of Council.

Clause 9(d) of *SEPP No.55 – Remediation of Land* identifies any remediation works that requires consent under another SEPP or REP as Category 1 remediation works. An extract of that clause is provided below:

> ***9 Category 1 remediation work: work needing consent***
> *For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14(b) applies) that is—*
> *(d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or*

Given that *remediation of contaminated land* requres development consent under *SREP No.20 Hawkesbury-Nepean River* any remediation of lands will is considered to be *Category 1 remdiation work* and therefore requires development consent.

The development proposes remediation of lands in accordance with the accompanying Asbestos Remediation Action Plan (ARAP).

The planned remediation strategy includes final validation reporting that will demonstrate suitability of the site for the propose subdivision.

5.0 PLANNING ASSESSMENT

5.1 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

5.1.1 SEPP No 55 – REMEDIATION OF LAND

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land.

A Detailed Site Investigation (DSI) of the site was undertaken and found that based on the findings from the site historical review and walkover inspection there was the potential for contamination from previous site activities (farmer), imported fill and building materials.

Accordingly, soil samples were collected from the Site and analysed for TRH, BTEX, Metals, PAHs, OCPs, OPPs, PCBs and Asbestos. This analysis revealed that:

- The soil concentrations of TRH, BTEX, Metals, PAHs, OCPs, OPPs and PCBs were within the adopted criteria.
- Bonded Asbestos (ACM) was identified within test pit TP03 at a depth of 0.25m above the adopted asbestos assessment criteria.
- No Friable Asbestos (FA & AF) was detected within any of the test pits.

Therefore, asbestos contamination within the material represents a low risk to human health with respect to the Site use. It is was therefore recommended that a Remedial Action Plan (RAP) is developed and undertaken for the Site which would outline remediation options.

An Asbestos Remediation Action Plan (ARAP) was subsequently prepared and accompanies the DA. The planned remediation strategy

involves the removal of the asbestos materials and validation sampling and testing of the site to appropriate use standards.

All clean material will be re-used on site while materials that exceed relevant threshold limits will be removed from the site and disposed at an appropriately licenced landfill.

Once those remediation works are complete the development will be consistent with the aims and provisions of SEPP 55.

5.1.2 SREP 20 – HAWKESBURY NEPEAN RIVER

Sydney Regional Environmental Plan No 20 (SREP 20) is in place to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against.

The proposed development is not in conflict with this objective, as the development:

- Will connect to existing trunk drainage systems that suitably manage stormwater from the surrounding suburban area
- Provides a development that respond suitably to flood risks
- Does not compromise any identified scenic landscape values
- Can manages potential erosion and sedimentation risks through during the construction phase through the implementation of sedimentation plan.

5.1.3 SEPP (WESTERN SYDNEY AEROTROPOLIS) 2020

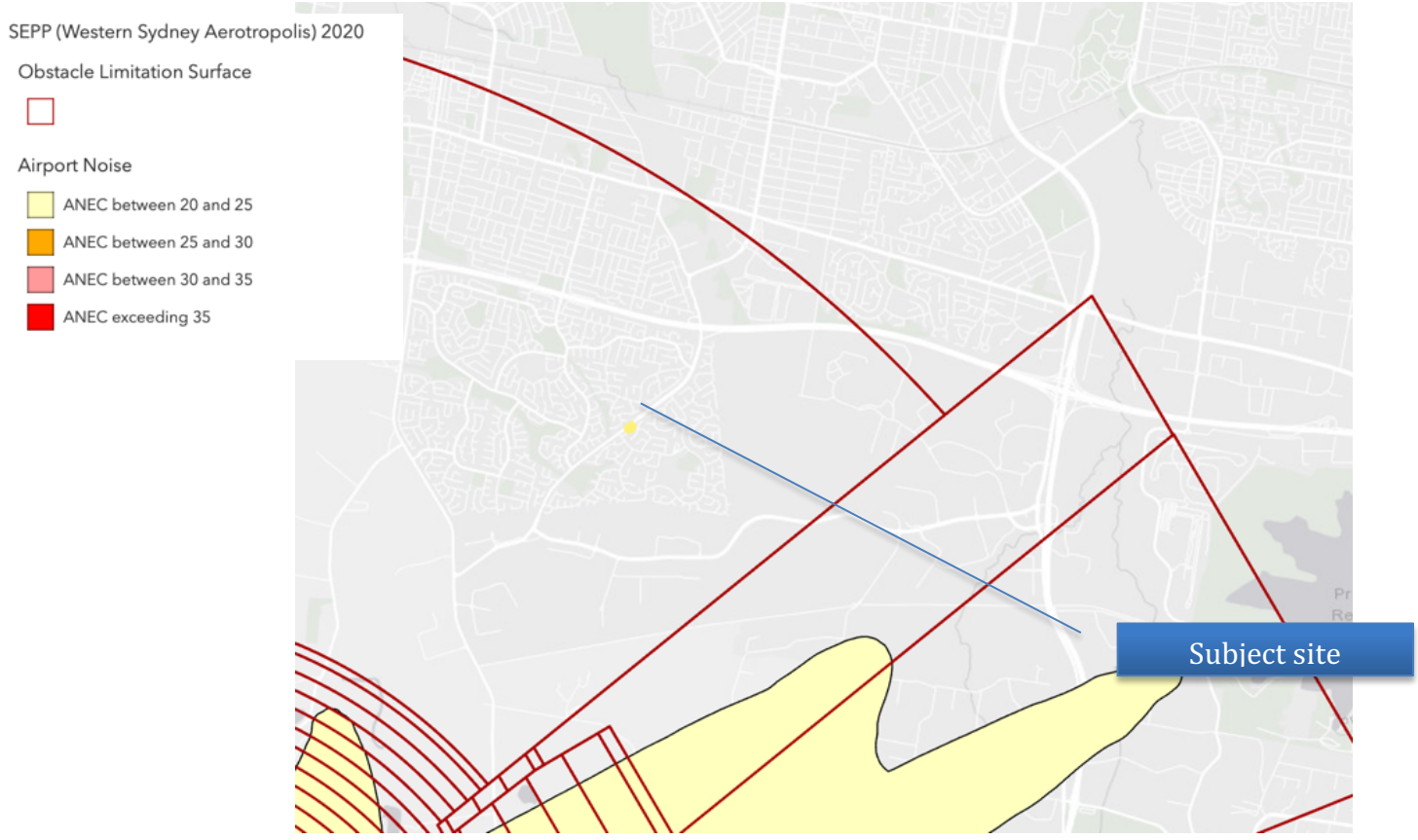
Sydney Environmental Planning Policy (western Sydney Aerotropolis) 2020 (SWA SEPP) aims, amongst other things, to facilitate development in Western Sydney Aerotropolis and ensure development is compatible with the long-term growth and development of Western Sydney Airport.

The SEPP provides provisions and maps that identify key safeguards, including noise, lighting, wildlife hazards, obstacle height limitations, wind turbines etc that must be considered when developing land within the vicinity of the airport.

Figure 13 provides a map that includes all the relevant airport safeguard mapping overlays and demonstrated that the site sits outside of the key noise constraint area but sits within the following:

Obstacle Limitation Surface

FIGURE 13: EXTRACT OF WSA SEPP MAPS



The development proposes a simple subdivision of land that will ultimately accommodate new dwelling opportunities. This development provides no potential to cause any threat to the safeguards identified by the WSA SEPP and therefore causes no inconsistency with the aims or provisions of that planning instrument.

5.1.4 PENRITH LEP 2010

The relevant provisions of the Penrith LEP 2010 are provided below together with an assessment of the development against those provisions.

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

2.3 Zone objectives and land use table

Zone R2 Low Density Residential

1 Objectives of zone

- **To provide for the housing needs of the community within a low density residential environment.**
- **To enable other land uses that provide facilities or services to meet the day to day needs of residents.**
- **To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.**
- **To enhance the essential character and identity of established residential areas.**
- **To ensure a high level of residential amenity is achieved and maintained.**

COMMENT:

The development represents a small and logical infill type development that will provide new dwelling opportunities at a scale and density that is entirely consistent with that of existing and adjacent development.

The site enjoys access to *Sydney Waters* reticulated water supply and sewer network as well as full suite of power and telecommunication services in addition to the local road network and the development is of a type and scale that would not exceed the carrying capacities of that infrastructure.

The development will also facilitate the continued use of the southern section of the site as a drainage reserve.

The development therefore causes no inconsistencies with the relevant zone objectives.

2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with consent.

The subject Development Application seeks to obtain formal Development Consent for the subdivision of the site.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

4.1 Minimum subdivision lot size

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

The Lot Size Map identifies the subject site as having a minimum lot size of 550m^2. Table 1 demonstrates that the subject development provides all lots at a scale that achieves that minimum lot size.

(4A) Despite subclause (3), development consent must not be granted for the subdivision of land in Zone R2 Low Density Residential unless each lot to be created by the subdivision would have—

(a) if it is a standard lot—a minimum width of 15 metres, or

Table 1 demonstrates that the subject development provides all lots at a scale that achieves that minimum lot width.

PART 5 MISCELLANEOUS PROVISIONS

5.21 Flood planning
(1) The objectives of this clause are as follows—
(a) to minimise the flood risk to life and property associated with the use of land,
(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

The site is not exposed to main-stream flooding but is potentially impacted by local overland flood flows from the local catchment. Information currently held by Council indicates that the 1% AEP flood level affecting the site is estimated to be RL 67.7m AHD.

The development proposal includes filling of the land to bring the lots up to the 1% AEP flood level.

Subsequent built development of the site will then be required to provide habitable spaces at a further 0.5m above that finished ground level to achieve the Flood Planning Level (FPL).

The development proposal therefore allows for an opportunity to minimise flood risk to life and property and to allow development that is compatible with the flood risk of the land.

As such the development is considered to be consistent with the relevant flood planning objectives.

PART 6 URBAN RELEASE AREAS

Not relevant to the site or its development

PART 7 ADDITIONAL LOCAL PROVISIONS

7.7 Servicing

(1) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.
(2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:
(a) the development will be connected to a reticulated water supply, if required by the consent authority, and
(b) the development will have adequate facilities for the removal and disposal of sewage, and
(c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and
(d) the need for public amenities or public services has been or will be met.

The site is located within an established suburban area and as such enjoys access to power and communication services as an ability to connect to *Sydney Water's* reticulated water and sewer services. An

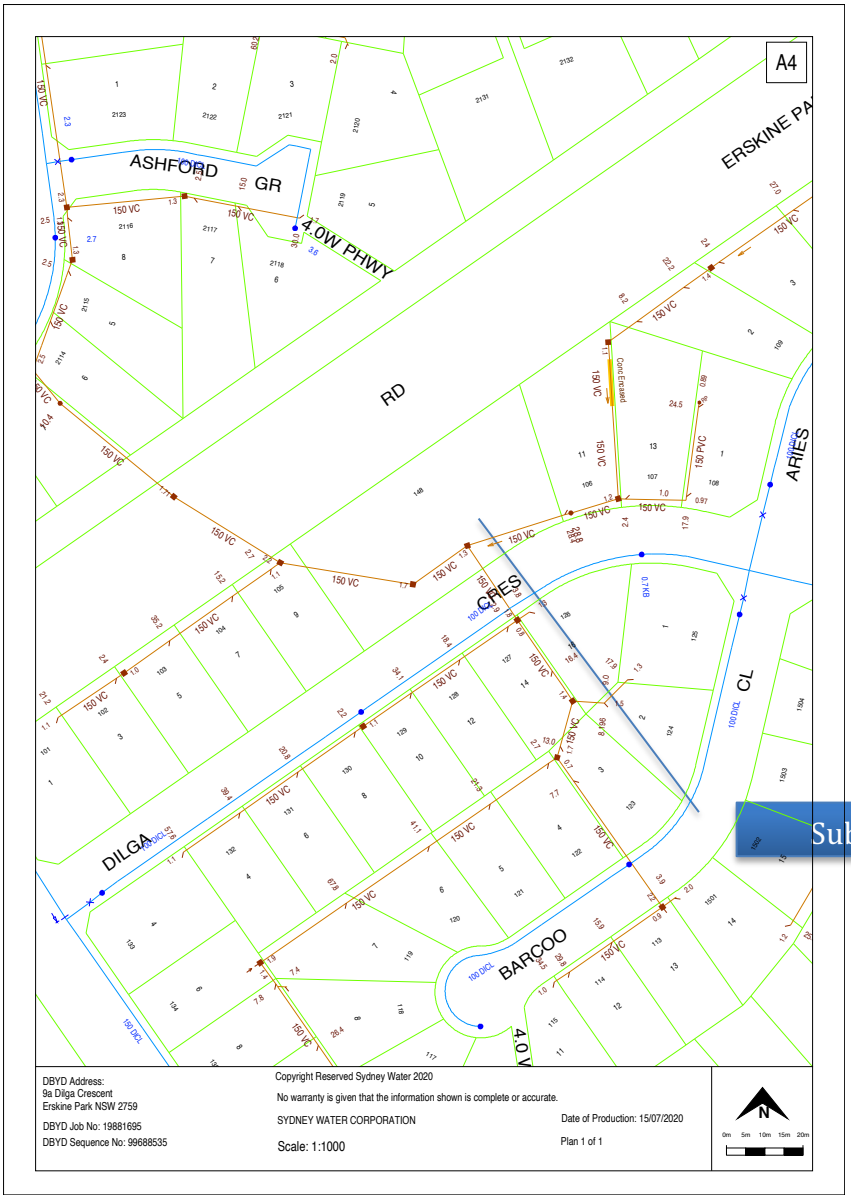
extract of *Sydney Waters* hydra plan is provided at Figure 14 and confirms the site proximity to their services.

The development will also attract s7.11 contributions, which will assist meeting demand for local amenities and services.

PART 8 LOCAL PROVISIONS – PENRITH CITY CENTRE
PART 9 PENRITH PANTHERS SITE

Not relevant to the subject site or its development.

FIGURE 14: SYDNEY WATER HYDRA PLOT



5.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

The Department of Planning & Environment have released a Draft SEPP (Environment) that seeks to protect and manage the natural environment. This Draft SEPP applies to the subject site.

However, the Draft SEPP does not necessarily seek to introduce new planning controls but rather simply seeks to consolidate several SEPP's including SREP 20 – Hawkesbury Nepean.

Accordingly, the development proposes no inconsistency with that Draft SEPP.

There are no other known draft Planning Instruments relevant to this development proposal.

5.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS

PENRITH DCP 2014

C1: SITE PLANNING AND DESIGN PRINCIPLES	CONSISTENCY
B. General Objectives **a) To improve the sustainability of development through improved site planning that takes into account social, economic and environmental opportunities and constraints;** **b) To ensure that developments address the key principles of site planning, urban design and design excellence by:** **i) responding to the natural topography and landform of the site;**	The development will remove trees and insert new lots with an existing Council owned, vacant and underutilised site. In isolation from all other considerations this could be construed as a poor planning outcome for the local community. However, that section of land to be dislocated from the park is underutilised and provides limited public open space utility.

ii) protecting areas of scenic or visual importance in the City of Penrith; **iii) adopting a height, massing and scale that accords with the analysis of the site and minimises visual impact;** **iv) incorporating safety and security measures in its design;** **v) utilising, where possible, sustainable materials that minimise impacts on the environment, maintenance and waste; and** **vi) incorporating the principles of universal design to maximise accessibility for all people.** **c) To ensure that non-residential buildings (and their future uses) are designed to incorporate design and sustainable excellence by:** **i) being accredited under the Australian Buildings Greenhouse Ratings certification system, now part of the National Australian Built Environment Rating System (NABERS) and/or Green Star certification system, whichever is applicable; and** **ii) ensuring that energy and water consumption is minimised.**	A program of consultation with the local community was undertaken as part of the Open Space Reinvestment Project (OSRP). This innovative and award-winning project sought to dislocated, rezone and sell underutilised public lands with the funds from the development and sale used of land used to transform the balance of the open space through improvements. In this way the OSRP represents the delivery mechanism to make those spaces more attractive and safer public places as well as being better adapted to the future needs of residents. When viewed in this broader context the development can therefore be considered to represent a planning outcome that will result in enhanced social, economic and environmental outcomes for the local community as well as readily achieves the sustainability outcomes required by the DCP. Further, this outcome clearly demonstrates achievement of the relevant DCP objectives pertaining to site planning, and design.
C2: VEGETATION MANAGEMENT	
B. General Objectives **a) To adopt the principles of ecologically sustainable development (ESD) in protecting and enhancing Penrith's native vegetation;** **b) To preserve existing trees and vegetation for the benefits they provide;** **c) To preserve existing trees and vegetation, where possible, during the design, development and construction process and justify any tree or vegetation removal to Council;** **d) To protect and enhance native vegetation and biodiversity in the Penrith Local Government Area, including habitat for threatened species, populations and ecological communities and corridors for flora and fauna;**	The development proposes the removal of ten (10) located in the central and rear section of proposed lots 2 and 3. This includes four (4) trees of high retention value and six (6) trees of low retention value. A F&FA has been undertaken and concludes that: • A test of significance for Cumberland Plain Woodland concluded that the local occurrence

e) To retain native vegetation in parcels of a size and configuration which will enable existing plant and animal communities to survive in the long term; **f) To protect and enhance the landscape character and scenic qualities of the Penrith Local Government Area; and**	will not become extinct following the removal of 0.09 ha of woodland from the subject site and a significant impact will not result from the proposed development. • As no significant impacts are likely to result from the proposed development, the NSW Biodiversity Offset Scheme is not triggered and a referral to the Commonwealth under the EPBC Act, is not required. The subdivision plan provides an easement to ensure the retention of all trees on adjoining sites.
C3. WATER MANAGEMENT	
B. General Objectives **a) To adopt an integrated approach that takes into account all aspects of the water cycle in determining impacts and enhancing water resources;** **b) To promote sustainable practices in relation to the use of water resources for human activities;** **c) To minimise water consumption for human uses by using best practice site planning, design and water efficient appliances;** **d) To address water resources in terms of the entire water catchment;** **e) To protect water catchments and environmental systems from development pressures and potential pollution sources;** **f) To protect and enhance natural watercourses, riparian corridors, wetlands and groundwater dependent ecosystems;** **g) To protect, conserve and enhance surface and groundwater resources;** **h) To integrate water management with stormwater, drainage and flood conveyance requirements; and** **i) To utilise principles of Water Sensitive Urban Design in designing new developments or infill development in existing areas.**	The subject site is not located in any close proximity to any water course but the southern section of the site forms a drainage reserve and potentially impacted by local overland flood flows from the local catchment. Information currently held by Council indicates that the 1% AEP flood level affecting the site is estimated to be RL 67.7m AHD. The development proposes limited filling of the land to achieve the identified flood level. This filling together with suitable design of subsequent built forms will ensure that such development achieves the FPL and is consistent with the flood planning objectives of the LEP. Future residential development will drain via a pipe and pit drainage system, supported by an easement, to existing stormwater drainage infrastructure provided in the drainage reserve located on the southern section of the site and trunk drainage network. Sediment and erosion control to be implemented during the construction phase of the development will be assist protect the quality of water in the local and broader catchment.

C4 LAND MANAGEMENT	
B. General Objectives **a) To promote sustainable land use practices for all land use types;** **b) To minimise land degradation in the Penrith LGA and promote restoration of degraded lands;** **c) To control erosion, sedimentation and dust to maintain soil and water quality and protect amenity;** **d) To minimise land contamination through inappropriate landfill or pollution of land and maximise remediation of contaminated land; and** **e) To reduce the likelihood of salinity and its impact on land and development.**	The development proposes very limited earthworks including regrading small parts of proposed lots 1 and 2. Standard construction measures shall be implemented to ensure the site is protected from erosion and sedimentation during that stage of development. Detailed site investigation has identified the need for remediation of asbestos and accordingly a ARAP has been prepared and accompanies the DA.
C5.WASTE MANAGEMENT	
B. General Objectives **a) To facilitate sustainable waste management within the City of Penrith in accordance with the principles of Ecologically Sustainable Development;** **b) To manage waste in accordance with the 'Waste Hierarchy' to:** **i) Avoid producing waste in the first place;** **ii) Minimise the amount of waste produced;** **iii) Re-use items as many times as possible to minimise waste;** **iv) Recycle once re-use options have been exhausted; and** **v) Dispose of what is left, as a last resort, in a responsible way to appropriate waste disposal facilities;** **c) To assist in achieving Federal and State Government waste minimisation targets as set out in the Waste Avoidance and Resource Recovery Act 2001 and NSW Waste Avoidance and Resource Recovery Strategy 2007;** **d) To minimise the overall environmental impacts of waste by:** **i) Encouraging development that facilitates ongoing waste avoidance and complements waste**	The development will not generate any wastes other than those created from tree removal. That tree waste will be mulched on site and used as part of landscaping management on nearby parks and reserves.

services offered by both Council and/or private contractors; **ii) Requiring on-site source separation and other design and siting standards which assist waste collection and management services offered by Council and/or the private sector;** **iii) Encouraging building designs and construction techniques that minimise waste generation;** **iv) Maximising opportunities to reuse and recycle building and construction materials as well as other wastes in the ongoing use of a premise; and** **v) Reducing the demand for waste disposal.**	
C6. LANDSCAPE DESIGN	
B. Objectives **a) To promote landscape design and planning as part of a fully integrated approach to site development;** **b) To ensure landscape design takes into account the site's context, landscape and visual character, existing landscape features and amenity, both at the local and regional scale;** **c) To encourage the development of quality landscape design associated with new development that is consistent with industry best-practice;** **d) To encourage the retention of existing trees and vegetation to enhance landscape character;** **e) To ensure landscape design adequately complements the proposed built form and minimises the impacts of scale, mass and bulk of the development in its context;** **f) To encourage landscape design that can be effectively maintained to a high standard for the life of that development; and** **g) To establish a framework for allowing "Controlled Private Certification" of the landscape design components of new developments.**	The development does not propose any new landscaping works. However, the development forms a component of the broader Penrith Councils Erskine Park Open Space Masterplan Report.
C7. CULTURE AND HERITAGE	
NA	The site does not accommodate any identified heritage values.

C8 PUBLIC DOMAIN	
B. General Objectives **a) To enhance the quality of the public domain;** **b) To enhance the natural setting and landscape character of Penrith;** **c) To ensure that the public domain is attractive, safe, interesting, connected, comfortable, readily understood and easily accessed;** **d) To ensure that the public domain is enhanced by the built form adjoining it; and** **e) To ensure that the principles of Universal Design are considered when designing the public domain.**	The development forms part of broader scope of public domain works that will see significant enhancements of parks and open spaces across Erskine Park and St Clair. These planned improvements have already occurred on the nearby Phoenix Reserve (via forward funding) and the development and sale of lots 1 and 2 will fund further public domain improvements across the suburb.
C9 ADVERTISING AND SIGNAGE	
C. General Objectives **a) To permit the appropriate display of information concerning the identification of premises, name of the occupier and the activity conducted on the land; and** **b) To ensure that all advertising achieves a very high level of design quality in terms of graphic design, its relationship to the architectural design of buildings and the character of streetscapes, landscapes and vistas.** **c) To permit the appropriate display of information concerning the identification of premises, name of the occupier and the activity conducted on the land;** **d) To provide a consistent approach to the control, location and design of advertisements;** **e) To promote and encourage an integrated design approach to all signage which is in character with the locality, together with its architectural and landscape features and results in a high quality advertising sign and structure;** **f) To ensure that all signage to be displayed on a buildings façade complements the architectural features, colour scheme and external finish of the building;** **g) To prevent the proliferation of signage;** **h) To ensure that signage does not constitute a traffic hazard to motorists and pedestrians; and** **i) To foster a consistent approach to the design and assessment of advertising signs and structures within the City.**	The development does not propose any advertising signs or signage.

C10. TRANSPORT ACCESS AND PARKING	
A. General Objectives **a) To integrate transport planning and land use to promote sustainable development and greater use of public transport systems;** **b) To minimise the impacts of traffic generating developments and manage road safety issues;** **c) To ensure that access paths and driveways are integrated in the design of developments and minimise impacts on road systems;** **d) To provide appropriate parking for all development whilst promoting more sustainable transport use;** **e) To facilitate connections and accessibility for those using non vehicle transport by providing appropriate facilities to improve amenity and safety;** **f) To facilitate bicycle connections and provide appropriate bicycle facilities to improve amenity and safety; and** **g) To ensure that access is provided for all people with diverse abilities.**	The development provides a maximum of 2 additional dwelling opportunities. The RTA document, Guide to Traffic Generating Developments (2002), states that a single dwelling house is likely to generate an average of 9 vehicle trips per day. The development is therefore likely to generate approximately additional 18 vehicle trips per day. This additional traffic volume is well within the design capacity of Dilga Cres and the adjacent road network. A more detailed cumulative traffic and parking assessment of all 6 sites that form part of the broader OSPR strategy was undertaken as part of the rezoning. This report concludes that an assessment of traffic activity has established that the proposed subdivision will have no notable impact upon the operation of the surrounding road network. According the intersections within the vicinity of the site will continue to operate similarly to the existing operation and therefore, will not require any upgrades.
C11. SUBDIVISION	
11.3 Residential Subdivision **B. Objectives** **a) To provide greater diversity of housing choice;** **b) To enhance and protect the amenity of new and existing residential areas by:** **i) Providing design controls for a variety of forms of residential subdivision;** **ii) Setting reasonable environmental standards for solar access, road network, vehicular access, parking, landscaping, servicing and drainage; and**	A more detailed assessment against this section of the DCP is undertaken in the following section of this report.

iii) Providing adequate environmental controls to protect the natural environment and systems in the construction/establishment of subdivisions.	
C12. NOISE AND VIBRATION	
B. General Objectives **The objective of this section is to ensure that future development that generates noise or vibration does not adversely affect the amenity of surrounding land uses.**	The site is located within close proximity to Erskine Park Rd which is high traffic volume road within the local network. However, the subject site provides building opportunities that are sufficiently well removed from that road corridor and it is expected that noise attenuation can be addressed as part of subsequent DA's for residential development of lots 1 and 2. Further, the development is not expected to generate any new noise sources that would exceed existing background noise levels.
C13. INFRASTRUCTURE AND SERVICES	
B. General Objectives **a) To ensure existing infrastructure and services, including easements, are taken into account in siting and designing any proposed development;** **b) To ensure there is adequate provision of utilities and services to allotments to support any proposed development without significant additional burden on Council and utility providers;** **c) To ensure on-site sewage management systems in the City's unsewered areas are sited, designed, constructed, operated and maintained to prevent risks to public health and the environment;** **d) To achieve set engineering and construction standards for infrastructure, which is provided either by Council or a private developer; and** **e) To ensure social facilities are provided in a manner appropriate to the proposed development.**	The site is located in an established suburban area and as such enjoys access to full suite of urban infrastructure and services including, water, energy utilities, telecommunication**.**

C11 SUBDIVISION

11.1. General Subdivision Requirements

C Controls

2. Site Planning

Good subdivision design goes beyond the application of the controls outlined below. Careful appraisal and systematic analysis of the site with consideration of all the natural and man-made constraints is required to ensure that its best qualities are used most effectively to suit the proposed development.

a) Any proposed subdivision must demonstrate how the proposed subdivision design has taken into account the principles set out in Chapter C1 - Site Planning and Design Principles of this DCP. This includes, but is not limited to:

i) Site analysis and response to site context;

A site analysis is provided both as part of Section 2 this report. This report demonstrates that the site has limited site or environmental characteristics that would require consideration as part of the subdivision design process.

Easements are provided as part of the subdivision plan to assist with the retention of important trees on this site and adjacent lands.

ii) Social impact of proposed subdivision;
iii) Economic assessment of the proposed subdivision;
iv) Environmental assessment of the proposed subdivision;
v) Urban design assessment of the proposed subdivision;

These matters are addressed at relevant sections of this report.

vi) Compliance with the provisions of this DCP relating to specific land uses. The allotment size, shape and orientation;

These matters are addressed at relevant sections of this report.

vii) The alignment of roads with the natural topography;

Not relevant as no new roads proposed or required as part of the development.

viii) Potential energy and water savings from subdivision design and allotment orientation;

The development provides lots with a generously sized northern aspect to the rear. This creates an excellent opportunity to design future dwellings with direct northern aspect to their living areas as well as the potential for installation of solar hot water systems etc on roofs.

There is also ample opportunity for any future dwelling to provide rain-water tanks.

ix) The ability of proposed allotments to operate efficiently for the proposed use and potential future development.

The lots are large relatively unconstrained lands parcels with ample opportunity to provide dwellings on the newly created lots.

b) As part of any site analysis, the proposed subdivision must demonstrate its integration with the natural and physical features of the site including, but not limited to:
i) Slope and orientation of land

The site has limited relief or slope. The limited slope presents no constraint to the proposed subdivision or future development of subdivided lands.

ii) Opportunities for solar and daylight access to dwellings (if applicable)

The development provides lots with generous northern aspects to their rear. This creates an excellent opportunity to design future dwellings with direct northern aspect to their living areas.

iii) Design of roads and access ways (individual site access)

The new lots will all enjoy direct vehicular access to Dilga Cres.

iv) Retention of special qualities or features such as trees or views

Matters relating to trees and vegetation have been addressed previously in this report.

The site does not sit within any significant viewsheds, but the park does provide a space of relatively good visual amenity within the surrounding suburban environment.

Adjoining dwelling will lose the amenity of undeveloped or vacant land but will not lose any significant views to the adjacent open spaces.

v) Availability of utilities

The site enjoys access to *Sydney Waters* reticulated water supply and sewer network as well as full suite of power and telecommunication services in addition to the local road network.

The lots will connect to all these utilities as part of the development and the it is not of a scale that would exceed the carrying capacities of that infrastructure.

vi) Provision of adequate site drainage

The development can easily drain, under gravity, to the existing stormwater network in the drainage reserve located to the south of the site.

vii) Possible need to retain existing subdivision character

The local area provides a predominance of standard lots sizes and configuration and the proposed development provides lots of scale and size that matches that prevailing character.

viii) Heritage and archaeological conservation

The site does not accommodate or adjoin any heritage items.

ix) Adequacy of each allotment considering relevant development standards for the proposed future land use

The proposed subdivision provides lots of a size that achieve the minimum allowed under the LEP and therefore provides ample opportunity for the siting of dwellings that would comply with all relevant standards.

x) Relationship to adjacent subdivision patterns

The local area provides a predominance of standard lots sizes and configuration and the proposed development provides lots of scale and size that matches that prevailing character.

xi) Potential land use conflicts with adjacent lands

The site is not located in close proximity of any development that is likely to cause a land use conflict between the proposed subdivision or existing development.

The insertion of new residential development on vacant residential land adjoining existing residential development is not considered to represent a land use conflict.

c) Existing vegetation and natural drainage lines should be retained and enhanced wherever possible.

This has been previously addressed in this report.

d) Existing dams should be retained where possible.

The site does not possess any dams.

e) Long and narrow allotments should be avoided. Allotments should have a maximum of 4:1 depth to width ratio.

Proposed lot 2 is the narrowest of the proposed lots and has a length to width ratio of 2.3:1 and therefore complies with the control.

f) 'Battle-axe lots' are discouraged by Council. No more than two allotments shall be served by a shared access corridor. Where a corridor is shared, reciprocal rights of way and easements for drainage shall be granted over the access corridor for the benefit of both allotments.

No battle-axe lots are proposed as part of the subdivision.

g) Applications for subdivision need to demonstrate that each of the proposed allotments can support the proposed development/buildings by providing a Potential Development Area Plan. This Plan (based on a survey diagram) shall show the potential development area of each allotment (after taking into account setbacks that may be required to meet built form or environmental controls in this DCP).

The development provides lots of size and scale that matches that of adjacent development and can therefore readily accommodate future residential development.

h) Applications should be accompanied by landscape plans indicating proposed landscaping and parking arrangements.

It is considered that landscape plans are more appropriately provided as part of any Development Applications for future dwellings or development.

i) New lots should be located so as to protect, enhance or conserve areas of high scenic or recreational value. Council may consider subdivisions/buildings in these higher value areas where ridgelines, vistas and other geographic features are not interrupted or where building materials that blend with the environment are to be used.

The site is not located within an area of identified scenic landscape values.

3. Subdivision of Environmentally Sensitive Areas

a) Applicants are required to address the environmental impacts of any proposed subdivision of land where the proposed allotment(s) are within or adjacent to land shown on the Environmentally Sensitive Land Map attached to the LEP.
b) Council will not support the subdivision of land within or adjacent to the land noted on the Environmentally Sensitive Land Map where the subdivision will result in fragmentation that will make control of environmental outcomes difficult to achieve.
c) Council may require dedication of conservation easements where necessary over land adjacent to land shown on the Environmentally Sensitive Land Map to protect areas identified to be of significance.

The site is not located within an area of identified Environmentally Sensitive Area.

4. Vegetation Management

a) Any subdivision proposal is required to address the objectives and controls set out in Chapter C2 - Vegetation Management and C6 - Landscape Design with particular focus on the protection of existing vegetation.

b) Not more than 10% of the vegetation on any site shall be cleared (or required to be cleared) as a result of any subdivision proposal.
c) The design of any subdivision layout must ensure that the potential development pattern supported by the proposed subdivision design will preserve the existing landscape character of the site.
d) A subdivision application on land adjacent to or noted as being Bushfire Prone Land will need to address the controls set out in C2 – Vegetation Management relating to bushfire protection and provision of asset protection zones, minimising the removal of significant areas of existing vegetation.

This matter is addressed previously in this report and accompanying F&FA and Arborist Report.

5. Water Management

a) Any subdivision proposal is required to address the objectives and controls set out in Chapter C3 - Water Management with particular focus on ensuring that the proposed subdivision is appropriate considering the likelihood of, amongst other issues of:

i) The potential impacts of any future development on water catchments and surface water quality;
ii) The potential impacts of any future development on watercourses, riparian corridors and wetlands or other environmentally sensitive areas;
iii) The potential for flood risk and damage to life and property and the need to provide safe emergency access/egress from the site;
iv) Issues arising from stormwater and drainage requirements;
v) The potential for the site design to incorporate features of Water Sensitive Urban Design.

The site forms part of an established suburban areas that is serviced by a trunk drainage network that has been designed and sized to accommodate significant urban development.

The site also provides a drainage reserve in its southern sections and the development can drain, under gravity, to that drainage reserve and stormwater network.

b) Council will not approve any subdivision of lots where it is evident that a flood free building envelope and safe internal access from/to the public road cannot be provided. The building envelope for any dwelling should be flood free in a 1 in 100 year flood. Evidence of this must be provided as part of any application.

The site is not exposed to main-stream flooding but is potentially impacted by local overland flood flows from the local catchment. Information currently held by Council indicates that the 1% AEP flood level affecting the site is estimated to be RL 67.7m AHD.

The development proposal includes filling of the land to bring the lots up to the 1% AEP flood level.

Subsequent built development of the site will then be required to provide habitable spaces at a further 0.5m above that finished ground level to achieve the Flood Planning Level (FPL).
The development proposal therefore allows for an opportunity to minimise flood risk to life and property and to allow development that is compatible with the flood risk of the land.

As such the development is considered to be consistent with the relevant flood planning objectives.

6. Land Management

a) Any subdivision proposal is required to address the objectives and controls set out in Chapter C4 - Land Management with particular focus on ensuring that the proposed subdivision is appropriate considering the likelihood of, amongst other issues of:

i) Site instability due to geology, slope or landfill;

The site does not possess any topographical or geological characteristics that would create any conceivable type of site instability.

ii) The need for excavation and fill to create developable allotments;

The site possesses limited slope however limited regrading and filling is proposed to facilitate future drainage of the site and to raise the site and future built form development above the flood level.

iii) The potential for erosion and sedimentation; and

All erosion and sedimentation potential through future construction phases can be mitigated through implementation of standard management measures.

iv) The potential for salinity.

The site is not identified as being in an area of high potential for salinity. In any event, the development will not cause any exacerbation of any existing salinity problem either on site or within the broader area.

b) Any subdivision application must address whether the proposed site has any potential for contamination (in accordance with the Contaminated Land Management Act 1997), other than by normal grazing activities and, if required by Council, remediate the land in accordance with the legislative requirements before subdivision can be permitted.

A Detailed Site Investigation has been undertaken and an Asbestos Remediation Plan prepared which recommends actions required to make the site suitable for future residential use.

7. Culture and Heritage

Subdivision of a known heritage item or in the vicinity of a known heritage item or where there is the likelihood of an Aboriginal Archaeological heritage item must address the objectives and controls set out in Chapter C7 – Culture and Heritage. The proposed subdivision must minimise:

a) Impact on Aboriginal or European Archaeology on the site;
b) Impact on Aboriginal Culture or significant sites.

A search of Council and NSW databases has confirmed that neither the subject site nor lands within the immediate vicinity of the site are identified as containing any identified items of Aboriginal heritage. Written confirmation of the absence of Aboriginal heritage is provided at Annexure A.

8. Access and Traffic

a) Any subdivision proposal is required to address the objectives and controls set out in Chapter C10 - Transport, Access and Parking with particular focus on ensuring that the proposed subdivision is appropriate considering:

i) Appropriate location of land uses to minimise transport requirements;

The development responds to the broader strategic initiative of providing smaller residential lots within the established urban area which enjoys good excellent to established transport networks.

ii) Likely traffic generation;

This matter has been addressed previously in this report.

iii) Safe access and egress to the site;

Dilga Cres provides a formed road and wide carriageway that runs a on a near straight alignment with limited topographical variation. This therefore allows for safe vehicle ingress and egress to the site.

iv) Appropriate lots sizes to provide facilities for cars, pedestrians and bicycles.

The lots are all provided at scale of in excess of 550m^2 and therefore are of a suitable scale to readily provide vehicle accommodation.

b) Council will not approve any subdivision of new lots in situations where each lot cannot be provided with a safe access point to an existing public road.

The proposed subdivision plan clearly shows that each lot will be able to provide vehicular access to Dilga Cres. Indicative driveway entries are shown on the civil plan for each lot.

c) Council may not approve subdivision of allotment/s where access is to be a Crown Road only (see Council's Policy, Access from Crown Roads).

Not relevant to the subject development.

d) Site frontage must be sufficient to permit vehicular and pedestrian access to the site.
e) A minimum allotment frontage of 25 metres must be provided when the allotment has a vehicle access point to a collector or major road.
f) Council and the Roads and Traffic Authority require that access points are grouped at existing or limited access points whenever feasible to minimise the traffic impact and risk on additional access points to road networks.

Not relevant as Dilga Cres is not a major road within the regional road hierarchy.

g) Where an internal road system is proposed to a new subdivision, the application must demonstrate a distinctive and hierarchical network of roads with clear physical distinctions between each type of road, based on function, capacity, vehicle speeds and public transport.

h) Any proposed road systems must provide acceptable levels of access, safety and convenience for all road users, while ensuring acceptable levels of amenity and protection from the impact of traffic.

Not relevant to the subject development has no new internal road system is proposed.

i) Council may levy a road contribution or require road upgrading for all proposed lots whether the lots are accessed by sealed or unsealed roads. The amount of the contribution will depend on the current standard of the road and the increased levels of traffic to be generated.

Not relevant to the subject site or its development.

9. Noise and Vibration

Any subdivision proposal is required to address the objectives and controls set out in Chapter C12 - Noise and Vibration with particular focus on designing lots so sensitive buildings (especially dwellings) will have sufficient setbacks or noise mitigation measures to minimise noise and vibration impacts.

The site is located within close proximity to Erskine Park Rd which is high traffic volume road within the local network. However, the subject site provides building opportunities that are sufficiently removed from that road corridor and it is expected that noise attenuation can be addressed as part of subsequent DA's for residential development of lots 1 and 2.

10. Infrastructure and Services

a) Council will not approve of any subdivision of new lots where requirements for effluent/waste water disposal cannot be adequately met on each individual lot.

The site enjoys access to the *Sydney Water* reticulated sewer network and as such all future dwellings on all sites will be able to connect to that system.

b) Council will not approve of any subdivision of new lots where the provision of services such as electricity, telephone and other centralised services would result in additional costs not paid for by the applicant.

Satisfactory arrangements will be required to be made with Sydney Water in conjunction with submission of the subdivision application. Documentary evidence will be required of the consultation which has been undertaken.

All such services are available. It is expected that any Development Consent Notice will ensure, by conditions, that the relevant DCP provision is satisfied.

D. LIFTING THE BAR

The following represent some ways in which Applicants can demonstrate additional commitment to the principles expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development standards under Clause 4.6 of Penrith LEP 2010.

a) Consolidation of Allotments: Where an Applicant is proposing substantial works that require a development application on rural or industrial properties across a number of allotments with a single use, an Applicant should review the potential to consolidate those allotments as part of the development application.

b) Environmentally Sensitive Lands: Where a proposed subdivision is either within or immediately adjacent to land on the Environmentally Sensitive Land Map in the LEP, an Applicant should discuss with Council the potential to dedicate part of the subdivision as a buffer to that environmentally sensitive land.

c) Water Sensitive Urban Design: Where a subdivision involves more than 10 allotments or an area greater than 5 hectares, an Applicant should demonstrate to Council how the proposed subdivision layout will incorporate Water Sensitive Urban Design mechanisms both at the entire subdivision level and for each site.

None of the above criteria are relevant to the subject site.

5.4 ANY PLANNING AGREEMENT

The development does not propose or rely upon any planning agreement entered into under section 7.4 of the EP& A Act.

5.5 IMPACTS OF DEVELOPMENT

5.5.1 NATURAL ENVIRONMENT

The proposed subdivision seeks only to create two (2) additional residential lots and will result in the removal of ten (10) located in the central and rear section of proposed lots 1 and 2.

This includes four (4) trees of high retention value and six (6) trees of low retention value.

A F&FA has been undertaken and concludes that:

- A test of significance for Cumberland Plain Woodland concluded that the local occurrence will not become extinct following the removal of 0.09 ha of woodland from the subject site and a significant impact will not result from the proposed development.
- As no significant impacts are likely to result from the proposed development, the NSW Biodiversity Offset Scheme is not triggered and a referral to the Commonwealth under the EPBC Act, is not required

The subdivision plan also includes the creation of a Tree Protection Zone easement at the rear of proposed lot 1 to assist retain trees at that location and on the adjacent public reserve. Further, the accompanying Arboricultural Impact Assessment and Tree Management Plan identifies a range of measures to assist in the retention of those trees.

All necessary services and infrastructure are currently available to the broader area, including sewer services and stormwater drainage that will ensure that no adverse impact is caused to local or regional water quality.

The development will also result in remediation of the site.

The development is therefore considered to cause no significant adverse impact to the natural environment.

5.5.2 BUILT ENVIRONMENT

The local character of the area is represented by medium scaled lots with free-standing dwellings.

The proposed subdivision is a small and logical infill development that will facilitate new built forms of a similar scale and therefore will maintain the prevailing built character of the local area.

The insertion of new residential development on vacant residential land adjoining existing residential development is not considered to represent a land use conflict.

The development will therefore will have no adverse impact upon the built environment.

5.5.3 SOCIAL IMPACT

The development forms part of a broader Open Space Strategy for the Erskine Park and St Clair suburbs that has been developed as part of extensive community consultation with that local community.

Community engagement has included:

- Use of pre-engagement focus groups to establish project acceptance
- Consultation with key stakeholder groups including local schools, interest groups, government agencies and surrounding residents and businesses
- Extensive research to determine what sites the community valued
- A series of community and online forums to help shape the open space improvements in the suburb
- A public comment period for the open space draft master plan report
- Statutory consultation during the rezoning phase.

This broader Open Strategy has and will continue to deliver significant improvements to the public domain and open space areas that will provide greater utility and safety to the local area.

Accordingly, the development is considered to represent a significant positive social impact.

5.5.4 ECONOMIC IMPACT

The proposed subdivision will cause no economic impacts to the local or broader area.

5.6 SUITABILITY OF THE SITE

The site suitability for conversion from open space to residential land use was extensively examined as part of the previous rezoning process and was found to be an appropriate zoning and use of the site.

The subject site is now appropriately zoned and serviced to accommodate the proposed development and will cause no significantly adverse impacts to the built or natural environment.

The subject site is therefore ideally suited to the proposed development.

5.7 THE PUBLIC INTEREST

The public interest is best served when the outcomes from development represents positive benefits as distinct from negative benefits.

The proposed subdivision has no significantly negative outcomes and will provide the following positive outcomes:

- Small and logical infill development consistent with planned and consulted outcomes for the site
- Facilitates improved open space and public domain outcomes across the site
- New dwelling opportunities for the local community
- Site responsive design
- Retention of key existing trees
- Remediation of asbestos from site

- Contributions payable for improvement to local infrastructure and facilities

The benefits provided by the proposed development outweigh any potential negative impacts and is therefore in the public interest.

6.0 CONCLUSION

This SEE has been prepared as part of a development application which seeks to create three (two additional) Torrens Title allotments.

The SEE has assessed undertaken an environmental assessment of the proposal against all relevant environmental planning instruments including Penrith LEP 2010 and its associated DCP.

In summary this assessment demonstrates that the proposal is considered to:

- Provide a small and logical infill type subdivision that is entirely consistent with extensively planned and consulted outcomes for the local area.
- Represents an appropriate response to the context, setting, planning instruments, controls and guidelines and other considerations outlined in Section 4.15(1) of the *Environmental Planning & Assessment Act, 1979.*
- Provide a lot layout that is consistent with the prevailing and desired future character of the site and its surrounds.
- Provide suitable vegetation conservation and stormwater management responses.
- Have no significantly adverse impacts upon the natural or built environment

The benefits provided by the development outweigh any potential impacts and it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development that is worthy of approval.

ANNEXURE A: AHIMS SEARCH

AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : dilga
Client Service ID : 619013

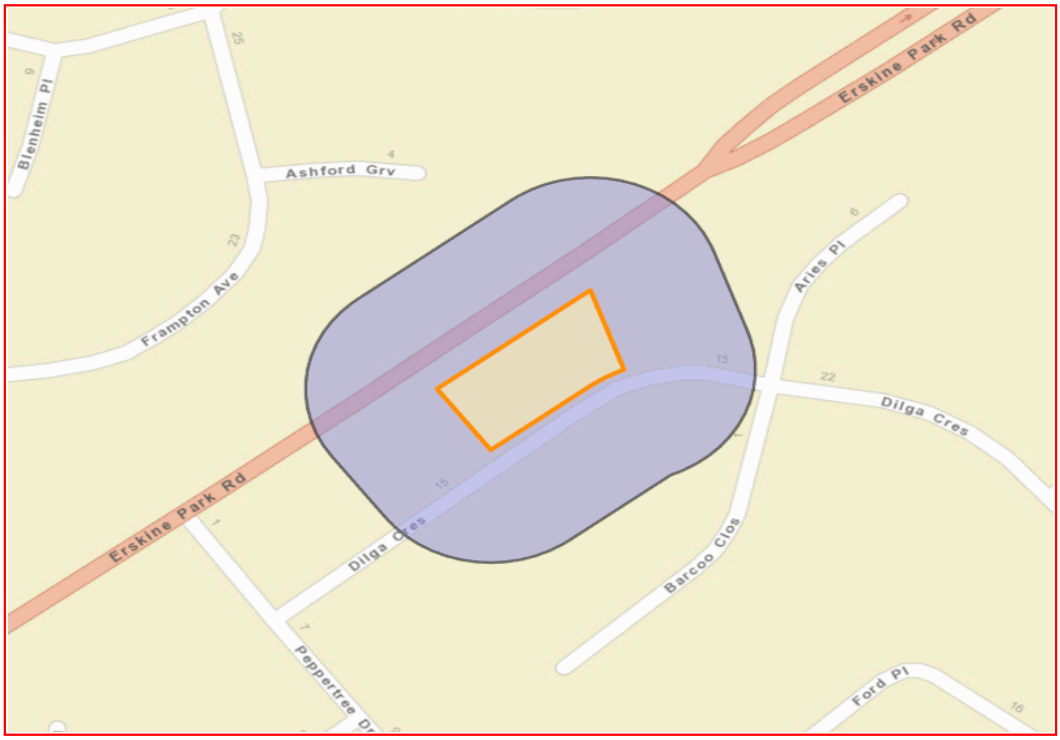
Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 02 September 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 148, DP:DP703879, Section : - with a Buffer of 50 meters, conducted by Vince Hardy on 02 September 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	**Aboriginal sites are recorded in or near the above location.**
0	**Aboriginal places have been declared in or near the above location. ***