

Department of Planning, Housing and Infrastructure



Our ref: DA24/8535 (PAN-445876)

Dylan Gay
Level 1, 2 Barrack Street
SYDNEY NSW 2000

15 October 2024

Subject: Request for Information

Dear Dylan,

The Department refers to the Development Application, DA24/8535 (the Application), for vegetation removal and earthworks at 14-28, 30-68 and 70-98 Old Castlereagh Road, Penrith.

The exhibition period for this Development Application has concluded. During the exhibition period, the Department received one (1) submission from Penrith City Council objecting to the development.

The Department requests that you address the points raised in **Appendix A** as well as the points raised in the Council submission.

Please note that the Department is awaiting a response from the Department of Climate Change, Energy, Environment and Water (DCCEEW) - Biodiversity Conservation and Science Division. A copy of their advice will be forwarded once received.

A response to the issues is requested to be provided by **4 November 2024**. If you cannot meet this deadline or do not intend to provide the additional information, please advise the Department via the NSW planning portal.

At the date of this letter, **24 days** have elapsed in the assessment period. Note that the time between the date of this letter and the date the Department receives your response is not included in the 'assessment period' under section 94(2) of the Environmental Planning and Assessment Regulation 2021.

If you have any questions, please contact Chris Eldred, on (02) 8289 6855 or via email at christopher.eldred@planning.nsw.gov.au or Meg D'souza on (02) 6650 7197 or via email at meg.dsouza@planning.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Louise Densmore'.

Louise Densmore
A/Director, Regional Assessments
as delegate for the Planning Secretary

APPENDIX A

1. Permissibility

The application has been defined as Environmental Protection Works within the Statement of Environmental Effects (SoEE). However, the works are primarily earthworks to establish a new landform to assist with stormwater, involving significant vegetation removal and some replacement landscaping.

The Department requires further information to demonstrate that the proposed works are appropriately characterised and form a land use permissible within the Environment Zone. Alternatively, the application should be withdrawn.

2. Environment Zone Objectives

The proposal is predominantly within the Environment Zone under the State Environmental Planning Policy (Precincts -Western Parkland City) 2021. The objectives of the Environment Zone are to:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic value.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.*
- *To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.*

The Department requires a detailed explanation addressing how the earthwork and vegetation removal (456 out of 458 trees) are consistent with the objectives of the zone.

3. Tree Removal

The arborist report submitted with the application recommends the removal of 35% of the trees within the Old Castlereagh Road frontage, yet the proposal seeks to remove all but 2 of the trees, including a number of medium to high value trees (which the arborist report does not support).

The Department recommends that the proposed tree removal be reconsidered and increased tree retention be explored.

4. Landscaping

The application proposes to remove 456 trees and replace them with landscaping, comprising 282 plants including trees and shrubs. The vegetation replacement is not supported by technical documentation. The Department requests further justification for the proposal and recommends that revegetation comprises a 1:1 or greater ratio.

5. Council Submission

The Department requests a response to the issues raised in the Council's submission dated 10 October 2024.