



# Planning Proposal

## Orchard Hills North

December 2022

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## Appendices and Supporting Technical Documents

Appendix	Report	Prepared by/author	Date
A	Project Land	N/A	N/A
B	OHN Place Vision	Hoyne	March 2018
C	Indicative Master Plan for Rezoning Area (Area A)	Design and Planning	November 2022
D	Indicative Structure Plan 2022	Design and Planning	November 2022
E	Proposed Penrith Local Environmental Plan 2010 Maps	Elton/WSP Australia and Noble Planning	N/A
F	Community Consultation Outcomes Report 2018	Elton Consulting	2018
G	Supporting Technical Documents		
G1	Urban Design Report	Design and Planning	December 2021
G2	Open Space Strategy	Place Design Group	October 2021
G3	Ecological Services	Cumberland Ecology	March 2018
G4	Future Biodiversity Assessment Requirements for the Orchard Hills Development	Cumberland Ecology	September 2020
G5	Heritage Constraints and Opportunities	NBRS Architecture Heritage	March 2018
G6	Aboriginal Heritage Study	Kelleher Nightingale Consulting Pty Ltd	March 2018
G7	Agricultural Assessment	Aspire Agri Agricultural and Tremain Ivey Advisory	December 2021
G8	Preliminary Geotechnical Investigation Report	Geotechnique Pty Ltd	December 2021
G9	Bushfire Constraints Report	Australian Bushfire Protection Planners Pty Ltd	December 2021
G10	Orchard Hills North Rezoning Services Infrastructure Assessment	J. Wyndham Prince	December 2021
G11	Social Infrastructure Assessment	Elton Consulting	March 2018
G12	Transport Management and Accessibility Plan (TMAP)	SCT Consulting	April 2021

Appendix	Report	Prepared by/author	Date
G13	Stormwater and Flood Management Strategy	J. Wyndham Prince	March 2022
G14	Orchard Hills North Retail Market Demand and Impact Assessment	Urbis	March 2018
G15	Orchard Hills North Affordable Housing Assessment	Urbis	December 2019
G16	Road and Traffic Noise Impact Statement	Noise and Sound Services	December 2019
G17	Orchard Hills North Market Potential Assessment	Location IQ	October 2020
G18	Translation of the proposed B2 zone to the new Employment Zone reforms project	Penrith City Council	2022
G19	Road Traffic Noise & Vibration Impact Assessment	Noise & Sound Services	October 2022
G20	Consistency Assessment of Orchard Hills North	Cumberland Ecology	October 2022
G21	Urban Design Study Orchard Hills North Neighbourhood Centre	Allan Jack + Cottier	October 2022
G22	Heritage Impact Statement, 3 Frogmore Road, Orchard Hills	Allan Jack + Cottier	November 2022
G23	Urban design study: response to Council comments	Allan Jack + Cottier	November 2022
G24	EHG comments on the consistency assessment of Orchard Hills North Planning Proposal and the Cumberland Plain Conservation Plan	Cumberland Ecology	November 2022

It is noted that several of the Appendices to the Planning Proposal have not been updated and contemporised since their initial preparation around 2018 to reflect changes made to the Planning Proposal between 2018 and 2022 in response to issues identified during the assessment of the application and to changes to the anticipated development. It is anticipated that these Appendices will be updated and contemporised following completion of the public exhibition process to reflect the content of the Planning Proposal.

# Executive Summary

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The Planning Proposal (PP) seeks to rezone a 151.9 hectare (ha) parcel of land located at Caddens Road, Kingswood Road and Castle Road, Orchard Hills, within the Penrith Local Government Area (LGA), controlled in part by Legacy Property (Legacy). The land subject to the proposed rezoning is known as Orchard Hills North (the rezoning area, or Area A).

Orchard Hills North has the potential to contribute to the long-term housing targets of Penrith and the broader Western City area, specifically contributing to increased housing supply in the short to medium term which is a key priority of the Premier and NSW Government. Legacy is responding to this priority to provide much needed housing to support future employment within the Western City, tapping into the new opportunities that will emerge through the delivery of the Western Sydney Aerotropolis, Australia's next global gateway.

In October 2017 Legacy submitted a site nomination in response to Penrith City Council's (Council) Accelerated Housing Delivery Program (AHDP) due to the opportunity to provide short-term housing at Orchard Hills North. The site is well placed to provide 'infill' land release, given its adjacency to the existing residential development of Caddens, the availability of trunk utility services and the immediate proximity of existing transport, educational, health and community services.

In November 2017 Penrith City Council endorsed two sites as short-term rezoning opportunities under the AHDP and one of these sites was Orchard Hills North. Penrith Council determined that the site has a demonstrated ability to deliver housing quickly. In June 2018 Penrith Council supported the Planning Proposal and delegated the General Manager to make two amendments prior to being sent to the Department of Planning, Environment and Industry for Gateway Determination. These amendments were made, and Gateway Determination was issued on 22 February 2019.

At its Ordinary Meeting of 27 June 2022, Council resolved that the Orchard Hills North Planning Proposal, as well as a draft Section 7.11 Contributions Plan, draft Development Control Plan, and a proposed VPA Letter of Offer, prepared for the site, be publicly exhibited concurrently, as soon as practical. The Council report identified several financial risks associated with the project, acknowledging that Legacy and Council officers would need to address and mitigate these risks prior to any future reporting back to Council post-exhibition for a decision in respect to support for the Planning Proposal. Any acceptance of proposed mitigation measures may result in changes being made to the Planning Proposal and other supporting documentation. The public exhibition would enable the community and government agencies to provide comment on the proposal, which may also result in the need to amend the Planning Proposal and supporting documents in response to issues raised in submissions. A Fact Sheet is to form part of the public exhibition material to explain the changes which may be required to the relevant documentation in response to these matters.

The rezoning area consists of 54 land parcels, under multiple land holdings, approximately 34% of which is controlled by Legacy under a combination of purchase and development management arrangements.

## The Proposal

At present the rezoning area is zoned RU4 Primary Production Small Lots under Penrith Local Environmental Plan (PLEP) 2010 and is utilised predominantly for rural residential lifestyle properties. This application proposes to rezone the site from **RU4** Primary Production small lots to part **R1** General Residential, **B2** Local Centre, **RE1** Public Recreation, **C2** Environmental Conservation and **C3** Environmental Management, as well as include delineation of a Transport Investigation Area. The application also proposes controls relating to minimum lot size, height of buildings, scenic and landscape values, maximum lot yield, additional permitted uses, urban release area nomination, provide for flexible boundaries between certain zones, local provisions, and land reservation acquisitions.

The rezoning of Orchard Hills North will provide around 1,729 new lots. It is expected that the site will provide a broad mix of housing types ranging from larger environmental living lots (min of 2,000m<sup>2</sup>) to traditional detached residential lots (primarily 300-600m<sup>2</sup>) and smaller compact and attached housing lots (min of 220m<sup>2</sup>) that will be designated for integrated housing. The proposed village centre will provide around 6,000-8,000m<sup>2</sup> of retail space supported by cycle and pedestrian links with approximately 8.51 ha of passive local open space and 7.26ha of active local open space, which includes playing fields, bushland and riparian corridors.

The location of parks and open space areas have been carefully selected to enhance the existing value of the natural landscape, such as hill tops and creek lines, and to retain the significant bushland areas, in order to provide the highest level of amenity for future residents. Legacy is also committed to providing a diverse range of housing choices including affordable housing in response to Penrith City Council's target of 3% affordable housing.

## **Strategic Context**

In recent years Penrith has benefited from proximity to a growing number of world-class amenities including the Nepean Health Precinct, Western Sydney University, and in the near future will benefit from the Western Sydney International (Nancy-Bird Walton) Airport, situated at Badgerys Creek, as well as substantial increases in enterprise, residential and mixed-use development.

Consequently, the number of jobs in Greater Penrith is likely to increase from 33,400 (2016) to between 44,000-45,000 in 2036, as anticipated by the Western City District Plan. This substantial economic boom will entice a substantial volume of people to the area, all of which will require residential accommodation.

Penrith's Local Strategic Planning Statement (LSPS) indicates that there will be demand for around 6,000 new homes within the 2021-2026 period. Of these, approximately 2,200 will be single dwellings, 2,700 medium density dwellings and 1,100 high density dwellings. Housing demand for 2026-2036 is estimated to be about 11,000 new homes with approximately 4,000 single dwellings, 5,000 medium density dwellings and 2,000 high density dwellings.

The LSPS indicates that Penrith is on track to meet the 0-5 year housing supply target of 6,600 homes. Housing for the next 20 years will be delivered in new release areas and urban investigation areas. The location of the site at Orchard Hills North, adjacent to the existing Caddens urban release area, which will consist of 1,200 dwellings, along with the immediate availability of trunk utility services and the proximity of existing and future transport, educational, health and community services, make the site an ideal location for future urban development.

It is considered that the site is strategically suited for urban development, noting that:

- » It is a discrete area bounded by an existing urban area and major road infrastructure.
- » It adjoins an existing residential area, and is in close proximity to the Nepean hospital, Western Sydney University and the Penrith CBD.
- » There are limited environmental or physical constraints that would prevent redevelopment of the rezoning site.
- » It is within the identified Greater Penrith to Eastern Creek Growth Area but due to its location north of the M4 is better placed to be rezoned through a developer led planning proposal.
- » The rezoning of the land will support the Government's investment in infrastructure and will result in better utilisation of the land.
- » The site has proximity to an extensive regional road network and is well located in terms of the future Western Sydney Airport and employment lands of Eastern Creek and the Western Sydney Employment Area (WSEA).

- » It is able to capitalise on the availability of new and existing infrastructure, such as the recently completed Werrington Arterial Road and new M4 on and off-ramps, The Northern Road upgrade, and four train stations within 4.5km of the site (Penrith, Kingswood, Werrington, St Marys) as well as the recently announced new metro station at Orchard Hills.

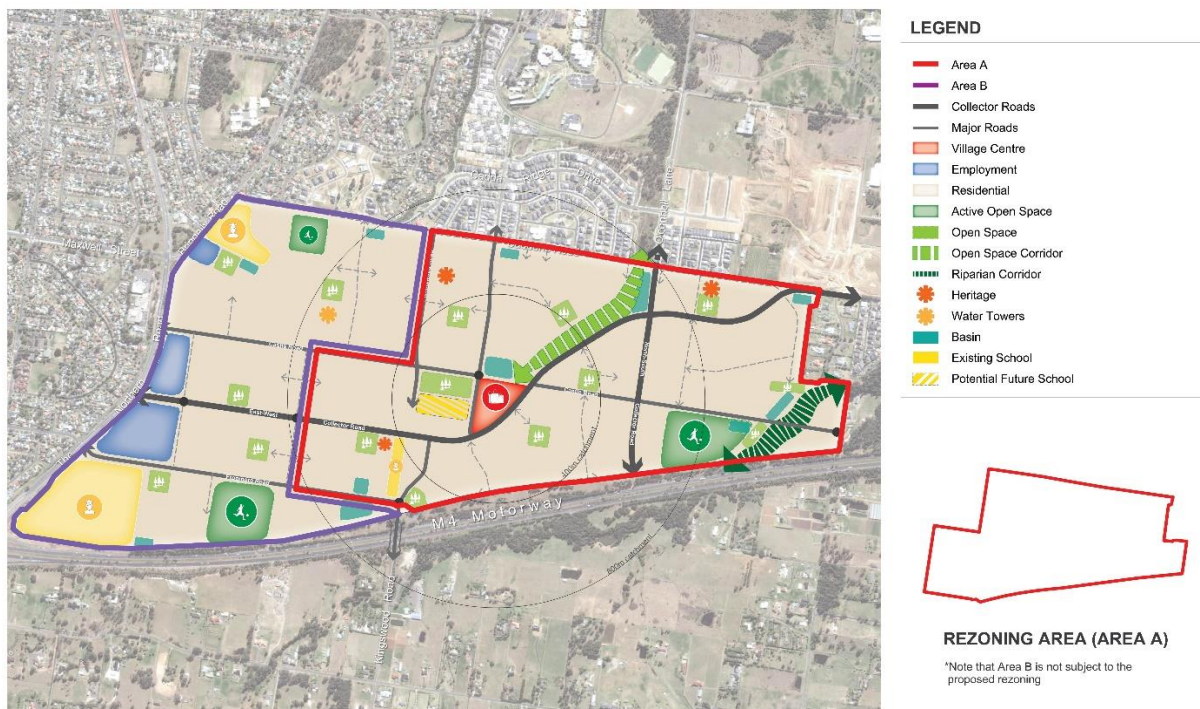
## Site Specific Context

A site analysis, supported by extensive technical studies, has identified the site as being suitable for development due to the following site-specific opportunities:

- » Retention of key creek lines to capitalise on the opportunity to create a central green link
- » Retention of existing significant vegetation as natural bushland
- » Management and retention of views into and out of the site
- » Creation of a new village centre combined with a community focal point
- » Responding to the topography with a diverse mix of housing types, with medium density housing located around the village centre and major open space amenity
- » Retain and respect heritage buildings and the character of the area
- » Integration via road, pedestrian/cycle link and green links with the communities to the north, west and east
- » Minimal contamination or geotechnical issues
- » Linking O'Connell Lane, Caddens Road, Frogmore Road and The Northern Road into a meaningful urban road network
- » Providing opportunities to connect, with a major road connector, through the site with the potential growth area of Orchard Hills south of the M4
- » Improvement of water quality, water flow and stormwater management
- » Utilisation of landscaping and topography on the southern boundary in order to manage noise

Due to the potential future development of the rezoning area, as well as land to the west of the rezoning area (toward The Northern Road), there is a need to consider a Structure Plan for the broader precinct, in context with the rezoning area as part of this PP. The broader Orchard Hills North Precinct Structure Plan is to ensure that future land uses and connections for the entire Orchard Hills North rezoning area, is planned in a holistic manner. The indicative Structure Plan map for Orchard Hills North, which includes the rezoning area (Area A) and the lands adjacent to The Northern Road (Area B) is identified in **Figure 1** below.

**Figure 1 Orchard Hills North Indicative Structure Plan**



Source: Design and Planning

The above 'Orchard Hills North Precinct indicative structure plan', as well as the detailed master plan for the rezoning area, and supporting studies, have informed the proposed rezoning of the subject site (Area A).

## Conclusion

This PP justifies the strategic framework for the rezoning of the site which will support the delivery of the broader objectives in the Penrith Local Government Area (LGA), being focused on providing new housing and employment opportunities in close proximity to the Western Sydney Aerotropolis. The rezoning achieves the objectives of the Sydney Regional Plan, the Western Sydney District Plan, as well as Penrith Councils local planning strategies.

This PP report achieves and addresses all the requirements of the Gateway Determination, as well as responding to extensive consultation with the Department of Planning, Environment and Industry and Transport for NSW over the past three years.

The structure plan for Orchard Hills North Precinct, as well as the detailed master plan for the rezoning area, subject of this planning proposal, responds to both the built and natural environment and provides a sufficient degree of certainty to enable consideration for a change in land use.

The outcome from the review of the site's strategic context as well as the site-specific analysis and merit, provides confidence that the site has the capacity and suitability to be supported for a rezoning.



# Introduction

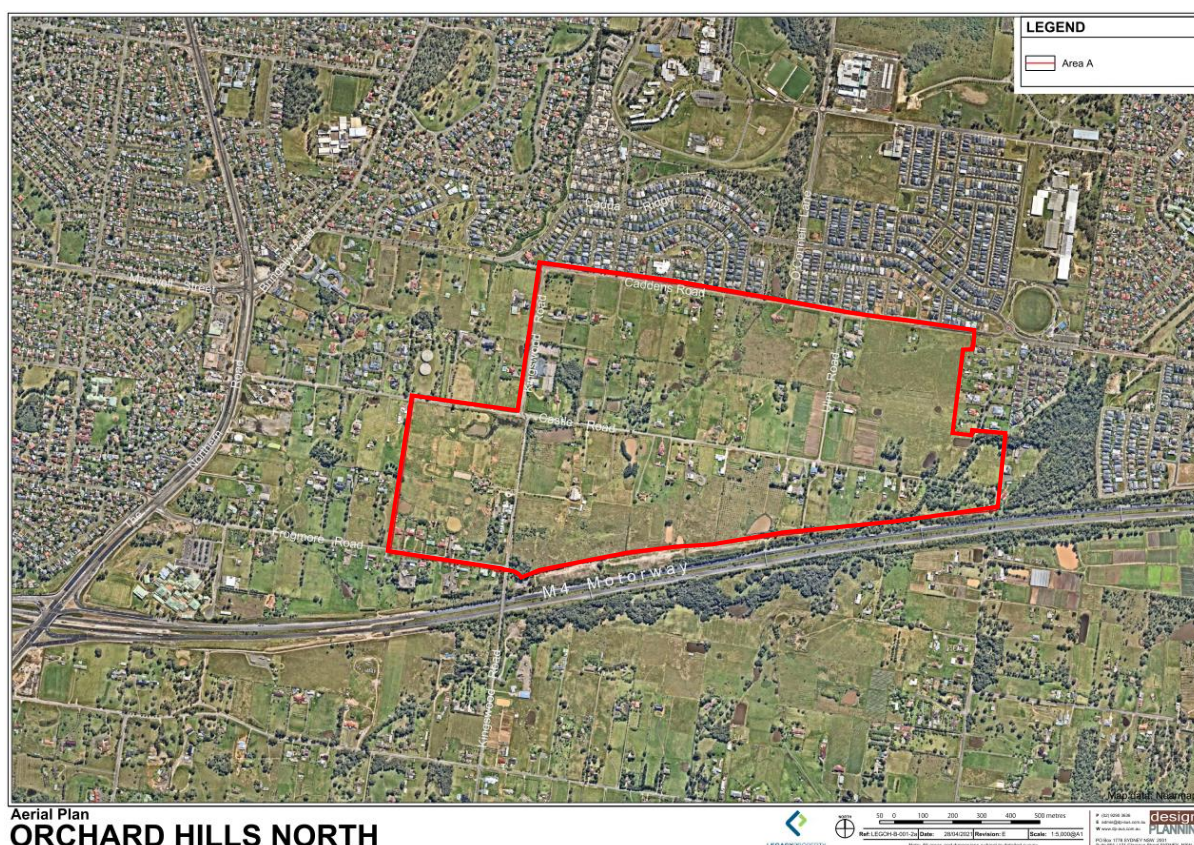
## 1 Purpose of Planning Proposal

The Planning Proposal (PP) is in response to a rezoning of the 151.9 hectare (ha) parcel of land located at Caddens Road, Kingswood Road and Castle Road, Orchard Hills, within the Penrith Local Government Area (LGA) by Legacy Property (Legacy). The PP seeks to amend the Penrith Local Environmental Plan (PLEP) 2010 to rezone the site, known as Orchard Hills North and has frontages to Caddens Road to the north, Kingswood Road to the east, the Western Motorway to the south and Claremont Meadows residential lots to the west.

Orchard Hills North, is well located, being north of the M4 Motorway, in close proximity to the University of Western Sydney to the north, Nepean Hospital to the north and to the Penrith City Centre to the northwest. Land to the south of the Motorway is currently mostly Orchard Hills rural lands, Defence Lands and to the southwest is Glenmore Park. Further south of the Defence lands and Orchard Hills south will be the new. Western Sydney International (Nancy-Bird Walton) Airport.

The site, in its regional context, is identified in **Figure 2** below.

**Figure 2** Aerial view of the rezoning area (outlined in red)



Source: Design and Planning

An amendment to PLEP 2010 is proposed in order to rezone a total of 54 existing lots, the 'subject site' (See **Appendix A**), known as Area A, located at the following addresses:

- » 80-154 Caddens Road, Orchard Hills
- » 26-48 Kingswood Road, Orchard Hills

- » 117-149 Castle Road, Orchard Hills
- » 53-105 Castle Road, Orchard Hills
- » 182-226 Caddens Road, Orchard Hills
- » 2-164 Castle Road, Orchard Hills
- » 1-5 Castle Road, Claremont Meadows
- » 7 Castle Road, Claremont Meadows
- » 5, 9,13,19,23,29,33 and 35 Frogmore Road

In June 2018 Penrith Council supported this Planning Proposal, for submission to the then Department of Planning, Industry and Environment (DPE) for Gateway Determination. DPE provided Gateway Determination on 22 February 2019. DPE has since been renamed to the Department of Planning and Environment (DPE).

This PP report therefore addresses the Gateway Determination, as well as Penrith Council's strategic frameworks and the outcomes of the extensive consultation undertaken with DPE, Council and Transport for NSW (TfNSW).

At its Ordinary Meeting of 27 June 2022, Council resolved that the Orchard Hills North Planning Proposal, as well as a draft Section 7.11 Contributions Plan, draft Development Control Plan, and a proposed VPA Letter of Offer, prepared for the site, be publicly exhibited concurrently, as soon as practical. The Council report identified several financial risks associated with the project, acknowledging that Legacy and Council officers would need to address and mitigate these risks prior to any future reporting back to Council post-exhibition for a decision in respect to support for the Planning Proposal. Any acceptance of proposed mitigation measures may result in changes being made to the Planning Proposal and other supporting documentation. The public exhibition would enable the community and government agencies to provide comment on the proposal, which may also result in the need to amend the Planning Proposal and supporting documents in response to issues raised in submissions. A Fact Sheet is to form part of the public exhibition material to explain the changes which may be required to the relevant documentation in response to these matters.

## **2 Background**

The cultural landscape of the Orchard Hills North site has developed as a rural landscape over the past 100 years, with constantly evolving pastoral practices and declining Cumberland Plain Woodland (CPW). Within the last 50 years Orchard Hills North has typically been associated with orchard food production and grazing farming practices with some specialisation in agricultural farming and rural residential communities.

Although genuine food production practices have steadily declined over recent years, with only two lots within the site currently used for any form of agricultural production, the site remains zoned as RU4 Primary Production Small lots under PLEP 2010, the objectives of which are:

- » *To enable sustainable primary industry and other compatible land uses.*
- » *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- » *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- » *To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.*
- » *To preserve and improve natural resources through appropriate land management practices.*
- » *To maintain the rural landscape character of the land.*

» *To ensure that development does not unreasonably increase the demand for public services or facilities.*

Given that today, the majority of the site has been substantially cleared and is utilised predominantly for rural and large lot residential purposes with very little agricultural production, the allocated land zoning, appears misaligned with current land uses and is limiting to any future development of the land.

Historically, fragmented ownership of the site has acted as a barrier to coordinated planning or development, however Legacy has now secured agreements covering the majority of the proposed rezoning area.

### **3 Structure Plan and Rezoning Area**

In November 2017 Penrith City Council endorsed Orchard Hills North as being suitable as a site that can provide housing as part of the Penrith City Council's (Council) Accelerated Housing Delivery Program (AHDP). The site is well placed to provide 'infill' land release and short-term housing supply, given its adjacency to the existing residential development of Caddens, the availability of trunk utility services and the immediate proximity of existing transport, educational, health and community services.

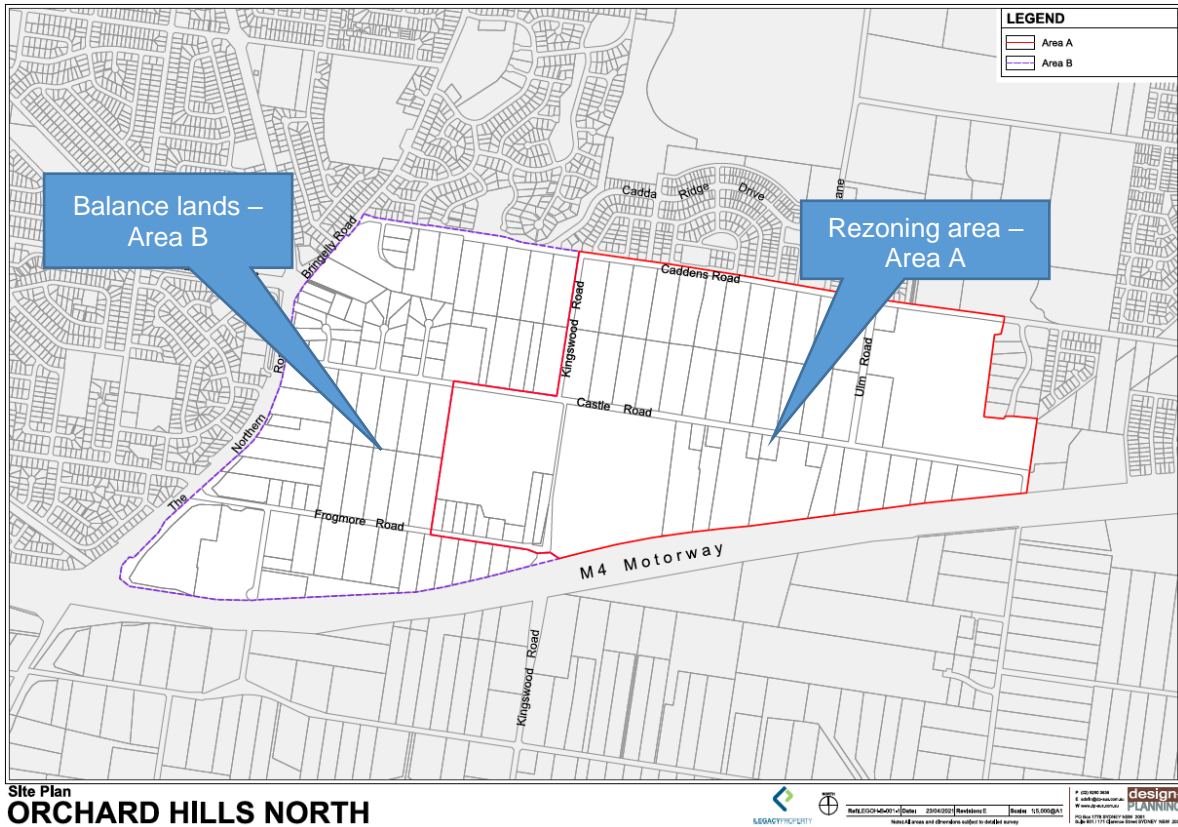
In June 2018 Penrith Council supported the Planning Proposal and Gateway Determination was provided on 22 February 2019.

As part of this PP, consultation has been undertaken with the DPE and Council. These discussions have highlighted the need to consider the logical extension of the rezoning, that being, the area to the west of the rezoning area, towards The Northern Road, in order to ensure that future land uses and connections for the entire Orchard Hills North precinct are planned in a holistic manner. This area to the west is known as Area B, being the lands adjacent to The Northern Road.

To ensure future development of the Rezoning area (Area A) and the balance lands (Area B) is appropriately integrated, a high-level Structure Plan has been prepared for the precinct (Area A and Area B) as a whole, covering an area of approximately 268ha. The Orchard Hills North Precinct Structure Plan considers how the rezoning area (151.9ha) integrates with the balance of the precinct (116.14 ha) and identifies potential future land uses as well as key road connections to provide a framework for the future rezoning of Area B, either through a Council Local Environmental Plan (LEP) amendment or a developer/owner led PP. To confirm, Area B is not proposed to be rezoned as part of this Planning Proposal.

The proposed Rezoning area (Area A) and balance lands (Area B) are identified in **Figure 3** below.

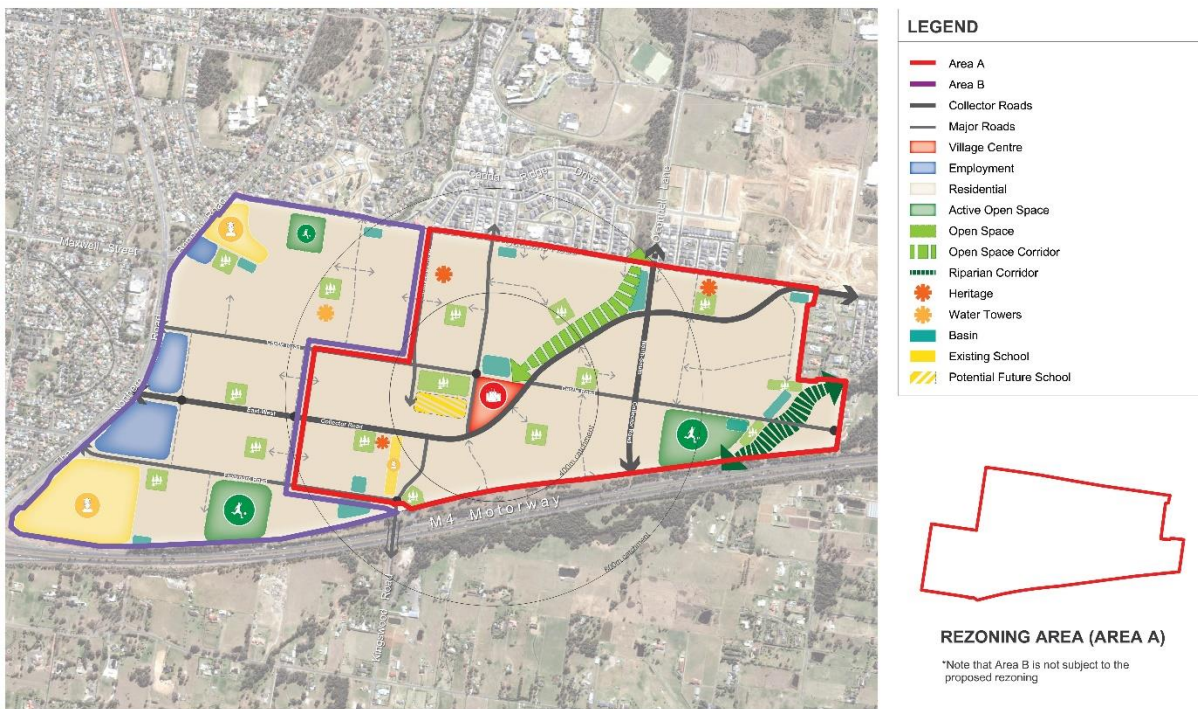
**Figure 3 Proposed rezoning area (Area A) and balance lands (Area B)**



Source: Design and Planning

The Indicative Structure Plan for the “Orchard Hills North Precinct” (Area A and Area B) is identified in Figure 4.

**Figure 4 Orchard Hills North Precinct - Indicative Structure Plan (Area A and Area B)**



Source: Design and Planning

Council has endorsed initiating the rezoning area to meet the objectives of its AHDP. A significant factor in this proposal is that Legacy has secured agreements covering a majority of the rezoning area, and is therefore in a position to progress with the PP and provide greater certainty for a coordinated future development.

As a result, the same level of technical investigations undertaken for the rezoning area (Area A) has been undertaken for the balance lands (Area B) on several critical issues, such as flooding and stormwater, open space and traffic management. Area B, west of the rezoning area, has been considered as part of the strategic investigations for this PP, although not at a detailed level to support rezoning.

## 4 Summary of the Proposal

A summary table identifying the proposed outcomes of this PP are identified in **Table 1** below.

**Table 1 Summary of the proposal**

<b>Property Details</b>	<p>The total site (Area A) comprises 54 existing lots (see <b>Appendix A</b>) within the proposed rezoning area, located at the following addresses:</p> <ul style="list-style-type: none"> <li>» 80-154 Caddens Road, Orchard Hills</li> <li>» 26-48 Kingswood Road, Orchard Hills</li> <li>» 117-149 Castle Road, Orchard Hills</li> <li>» 53-105 Castle Road, Orchard Hills</li> <li>» 182-226 Caddens Road, Orchard Hills</li> <li>» 2-164 Castle Road, Orchard Hills</li> <li>» 1-5 Castle Road, Claremont Meadows</li> <li>» 7 Castle Road, Claremont Meadows</li> <li>» 5, 9,13,19,23,29,33 and 35 Frogmore Road</li> </ul>
<b>Area</b>	151.9ha
<b>Proposal to amend PLEP as follows</b>	<ul style="list-style-type: none"> <li>» <b>Land Zoning Map 013</b> - remove the RU4 Primary Production Small Lots from the site and replace with: <ul style="list-style-type: none"> <li>&gt; R1 General Residential</li> <li>&gt; B2 Local Centre</li> <li>&gt; RE1 Public Recreation</li> <li>&gt; C2 Environmental Conservation</li> <li>&gt; C3 Environmental Management</li> <li>&gt; Transport Investigation Area (TIA) mapped hatching on lands to be preserved for a potential future North-South roadway</li> </ul> </li> <li>» <b>Height of Buildings Map 013</b> – no height control currently exists on the site. This will be amended as follows: <ul style="list-style-type: none"> <li>&gt; 16m at the proposed B2 Local Centre</li> <li>&gt; 9m for proposed higher density integrated housing development areas</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>&gt; 8.5m across the remainder of the site</li> </ul>
	<ul style="list-style-type: none"> <li>» <b>Lot Size Map 013</b> – the existing minimum lot sizes of 2ha and 1,000ha+ will be removed from the site. This will be amended as follows: <ul style="list-style-type: none"> <li>&gt; Most areas of the proposed R1 zoned area will have a minimum lot size of 300m<sup>2</sup>.</li> <li>&gt; For smaller, attached “compact housing” lots a 220m<sup>2</sup> will apply and be designated for integrated housing</li> <li>&gt; The proposed C3 Environmental Living lots will have minimum lot sizes of 2,000m<sup>2</sup></li> <li>&gt; Define boundaries for six separate Precincts within the rezoning area (Area A), to which a maximum lot yield cap will apply to each individual Precinct</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>» <b>Scenic and Landscape Values Map 013</b> – the classification of the site as an area of Visual Landscape will be removed</li> </ul>
	<ul style="list-style-type: none"> <li>» <b>Clause Application Map 002</b> – define boundaries on the map for the rezoning area (Area A), titled ‘Orchard Hills North”, to which a maximum lot yield cap will apply</li> </ul>
	<ul style="list-style-type: none"> <li>» <b>Additional permitted uses Schedule 1 Clause 19 and Map 013</b> – Amend Clause 19 in Schedule 1 Additional permitted uses by removing Site ‘18’ map, and add Clause 37 for a new Site “37” to address the existing Rural Fire Brigade facility.</li> </ul>
	<ul style="list-style-type: none"> <li>» <b>Urban Release Areas Map</b> – Add rezoning area to the map</li> </ul>
	<ul style="list-style-type: none"> <li>» <b>Development near zone boundaries</b> – Include a new Clause 6.20 in Part 6 (Urban release areas) that provides for a flexible boundary between any 2 zones of 50m. Include new Clause 6.21 requiring the provision of local infrastructure.</li> </ul>
	<ul style="list-style-type: none"> <li>» <b>Local Provisions</b> <ul style="list-style-type: none"> <li>&gt; Include a new Clause 7.31 within Part 7 of PLEP, which relates to Orchard Hills North. The objective of the clause is to restrict dwelling yield at the rezoning area (Area A). The land identified as ‘Orchard Hills North’ on the Clause Application Map must not be developed for more than 1,729 lots. The rezoning area is divided into six separate Precincts, where further requirements around delivery of lot size diversity and maximum lot yield are prescribed for each individual Precinct.</li> <li>&gt; Include a new Clause 7.32 within Part 7 of PLEP, which relates to the Transport Investigation Area. The provision is to require that development cannot be carried out on land where the Transport Investigation Area overlay mapped hatching applies, unless the NSW Department of Planning and Environment, or an appropriate concurrence authority determined by the NSW Department of Planning and Environment, provides concurrence (or agreement)</li> </ul> </li> </ul>

	<p>&gt; Include a new Clause 7.33 within Part 7 of PLEP, which relates to a proposed School Site at Orchard Hills North. This provision is to apply to Lot 1 DP 239091, being 126-164 Castle Road, Orchard Hills. Despite Clause 4.3 Height of buildings, this provision enables a proposed development on this land to be up to a height of 15 metres, but only if the proposed development is for the purposes of an educational establishment.</p>
	<p>» <b>Land Reservation Acquisition Map</b> – Add to map the central riparian corridor at Werrington Creek, and proposed playing fields, as well as land required for the classified roads through the site</p>

These outcomes are explained in further detail in **Part 2** of this report.

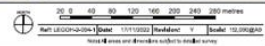
A detailed indicative master plan has been developed for the rezoning area (Area A), to identify future potential land uses (refer to **Figure 5** below). The design principles of the detailed master plan for the rezoning area include:

- » Retain key creek lines and capitalise on the opportunity to create a central green link.
- » Retain existing significant vegetation as natural bushland.
- » Manage and retain views into and out of the site.
- » Create a new village centre combined with a community focal point.
- » Respond to the topography with a diverse mix of housing types, with medium density housing located around the village centre and major open space amenity
- » Link O’Connell Lane, Caddens Road, Frogmore Road and The Northern Road into a meaningful urban road network.
- » Improve water quality and water flow.
- » Utilise landscaping and topography on the southern boundary to manage noise.
- » Promote pedestrian and cycle linkages within the site to connect spaces and places
- » Retain and respect heritage buildings and the character of the area
- » Integrate with the community via road, pedestrian/cycle link and green links to the north, west and east
- » Provide opportunities to connect, via a major road connector, through the site with the potential growth area of Orchard Hills, south of the M4.

Figure 5 Detailed Indicative Master Plan for the rezoning area



**Detailed Structure Plan  
ORCHARD HILLS NORTH**



**LEGEND**

- |   |                                     |
|---|-------------------------------------|
| Subject Site                                | Open Space (Passive)                |
| Compact Lots                                | Open Space (Active)                 |
| E3 Environmental Living Lots                | Werrington Creek Corridor Extension |
| Potential Public/Private Education Facility | Bush / Open Space                   |
| Heritage                                    | Basin Playing Fields                |
| Village Centre                              | Indicative Basin                    |
| Road Closure                                | Riparian                            |

Source: Design and Planning



The total overall land use area is 151.9ha. The allocation of land use is identified in **Table 2** below:

**Table 2 Land Use Area**

Land use	Hectares (ha)
Parks (active and passive)	11.55
Bushland Park	2.93
Drainage	8.22 (includes 1.29ha dual use B4 basin/playing field)
Residential	64.82
Lots to be retained	6.47
Heritage lots	0.97
Large lots (environmental)	2.64
Community	0
Potential School Site	1.5
Local Centre	2.45 (includes half road on western boundary)
Riparian	4.54
Existing Roads	10.02
Local Roads	26.56
Other Roads	0.70
Strategic Road	8.55 (E-W + N-S)
<b>Total Area</b>	<b>151.9ha</b>

Source: Design and Planning

## 5 Objective of this report

This PP has been prepared to support the amendment to PLEP 2010 for the subject site (Area A) at Orchard Hills North. The proposed amendment to the PLEP 2010 for the rezoning of the site will facilitate redevelopment to accommodate additional residential land uses, intended to assist in meeting the housing targets for Penrith and the Western City.

The PP is consistent with the requirements of Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), in particular, the guidelines issued under Section 3.33(3) of the EP&A Act and has been prepared having regard to the DPEs 'A guide to preparing planning proposals' (2016) and 'A guide to preparing local environmental plans'.

The PP provides:

- » comprehensive details on the subject site and its surrounds;
- » identification of the Environmental Planning Instruments (EPIs), non-statutory planning documents (such as Development Control Plan (DCPs)) and other strategies (planning or otherwise) applying to the subject site and/or the PP, as well as identification of the relevant controls and requirements contained within those EPIs, non-statutory planning documents and strategies;
- » a statement of the objectives and intended outcomes of the PP;

- » explanation of the provisions that are to be included in the proposed instrument;
- » thorough justification of the PP against the questions set out in the above-mentioned guidelines, demonstrating that the proposal is in the public interest, and is worthy of approval;
- » identification of the PLEP 2010 maps which would be amended under the PP;
- » details of the community consultation that has been/will be undertaken on the PP;
- » a project timeline detailing the anticipated timeframe for the plan-making process.

The preparation of this report and supporting technical studies has involved the collaboration of a multi-disciplinary team to ensure all relevant issues have been addressed at this stage. The documentation submitted in support of the PP is identified in **Table 3** below, noting that the required supporting studies address the Gateway determination as agreed with Penrith City Council. This PP should be read in conjunction with these technical reports.

**Table 3 Supporting documentation**

Appendix	Report	Prepared by/author	Date
A	Project Land	N/A	N/A
B	OHN Place Vision	Hoyne	March 2018
C	Indicative Master Plan for Rezoning Area (Area A)	Design and Planning	November 2022
D	Indicative Structure Plan 2022	Design and Planning	November 2022
E	Proposed Penrith Local Environmental Plan 2010 Maps	Elton/WSP Australia	N/A
F	Community Consultation Outcomes Report 2018	Elton Consulting	2018
G	Supporting Technical Documents		
G1	Urban Design Report	Design and Planning	December 2021
G2	Open Space Strategy	Place Design Group	October 2021
G3	Ecological Services	Cumberland Ecology	March 2018
G4	Future Biodiversity Assessment Requirements for the Orchard Hills Development	Cumberland Ecology	September 2020
G5	Heritage Constraints and Opportunities	NBRS Architecture Heritage	March 2018
G6	Aboriginal Heritage Study	Kelleher Nightingale Consulting Pty Ltd	March 2018
G7	Agricultural Assessment	Aspire Agri Agricultural and Tremain Ivey Advisory	December 2021

Appendix	Report	Prepared by/author	Date
G8	Preliminary Geotechnical Investigation Report	Geotechnique Pty Ltd	December 2021
G9	Bushfire Constraints Report	Australian Bushfire Protection Planners Pty Ltd	December 2021
G10	Orchard Hills North Rezoning Services Infrastructure Assessment	J. Wyndham Prince	December 2021
G11	Social Infrastructure Assessment	Elton Consulting	March 2018
G12	Transport Management and Accessibility Plan (TMAP)	SCT Consulting	April 2021
G13	Stormwater and Flood Management Strategy	J. Wyndham Prince	March 2022
G14	Orchard Hills North Retail Market Demand and Impact Assessment	Urbis	March 2018
G15	Orchard Hills North Affordable Housing Assessment	Urbis	December 2019
G16	Road and Traffic Noise Impact Statement	Noise and Sound Services	December 2019
G17	Orchard Hills North Market Potential Assessment	Location IQ	October 2020
G18	Translation of the proposed B2 zone to the new Employment Zone reforms project	Penrith City Council	2022
G19	Road Traffic Noise & Vibration Impact Assessment	Noise & Sound Services	October 2022
G20	Consistency Assessment of Orchard Hills North	Cumberland Ecology	October 2022
G21	Urban Design Study Orchard Hills North Neighbourhood Centre	Allan Jack + Cottier	October 2022
G22	Heritage Impact Statement, 3 Frogmore Road, Orchard Hills	Allan Jack + Cottier	November 2022
G23	Urban design study: response to Council comments	Allan Jack + Cottier	November 2022
G24	EHG comments on the consistency assessment of Orchard Hills North Planning Proposal and the Cumberland Plain Conservation Plan	Cumberland Ecology	November 2022

## 6 Gateway Determination

Gateway approval was received on 22<sup>nd</sup> February 2019 by the DPE. The approval was granted subject to conditions. These conditions, along with Legacy's responses, are identified in the table below.

**Table 4 Response to DPE's conditions**

Condition	Response
<p>1. Prior to public exhibition, Council is to amend the planning proposal in the following manner:</p> <ul style="list-style-type: none"> <li>a) under Part 1 - Objectives or intended outcomes, include the intention to introduce a flexibility boundary clause to apply to the subject land and other specified release areas;</li> <li>b) under Part 2 - Explanation of provisions Council is to: <ul style="list-style-type: none"> <li>• remove draft clause 6.20 from the planning proposal and amend the text under the heading: 2 Amendments to Part 6 - Additional clause, to indicate the intent of introducing an additional clause to increase the flexible boundary to land that is subject to Part 6 of the LEP, providing details including advice that the clause will not apply to the following: <ul style="list-style-type: none"> <li>○ land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or</li> <li>○ land within the coastal zone, or</li> <li>○ land proposed to be developed for the purpose of sex services or restricted premises, or</li> <li>○ land in Zone B4 Mixed Use;</li> </ul> </li> <li>• include maps of the land release areas subject to the above proposed amendment in the planning proposal; and</li> <li>• under the heading: 1.2 minimum lot size, specify the minimum allotment sizes proposed to be included in the development control plan;</li> </ul> </li> <li>c) under Part 3 - Justification, provide the current situation with the release of the Implementation Plan for the Western Sydney City Deal;</li> <li>d) under Part 4 - Mapping, include: <ul style="list-style-type: none"> <li>• the relevant current maps in Attachment F;</li> <li>• highlight the subject land on the current and existing maps by thin red outline or other appropriate identification means;</li> <li>• identify the existing and proposed maps by an appropriate label denoting 'current' and 'proposed'; and</li> </ul> </li> </ul>	<p>The Planning Proposal has been amended in accordance with DPE's requirements.</p> <p>All relevant supporting technical reports have been updated to incorporate requirements of the Gateway.</p> <p>In terms of the Agricultural Assessment, the report has been updated to address Direction 1.2.</p> <p>Direction 1.2 states that the objective of the direction is to protect the agricultural protection value of rural land.</p> <p>The direction applies as follows:</p> <ul style="list-style-type: none"> <li>a. Clause 4(a) of the direction applies to all relevant planning authorities</li> </ul> <p>Clause 4(a) states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>However, the agricultural land use currently on the Rezoning Area is estimated to be approximately 36.8 hectares (approximately 25% of the total Rezoning Area). As only a limited proportion of the potential agricultural land is currently being used for agricultural enterprises, the proposal will not result in any impacts to the overall agricultural production of the surrounding area.</p> <p>For this reason, the inconsistency to the Direction is of minor significance and should be supported.</p>

Condition	Response
<ul style="list-style-type: none"> <li>• amend the text within that Part to indicate that both current and proposed maps are included in Appendix F;</li> <li>e) Under Section C- Environmental Social and Economic Impacts, clarify the inconsistencies between the vegetation clearance rates specified in the planning proposal and in the supporting ecological study;</li> <li>f) replace the words 'Section 117 Direction(s)' with the words 'Section 9.1 Direction(s)', where appearing in the planning proposal; and</li> <li>g) address the justifiable inconsistency with section 9.1 Direction 1.1 Business and Industrial Zones in Table 19 of the proposal,</li> <li>h) amend the supporting agriculture assessment on page 52 to indicate that section 9.1 Direction 1.2 - Rural Zones applies and that direction 1.5 Rural lands, does not apply, and make necessary corresponding amendments to the commentary on that page.</li> </ul>	
<p>2. As part of the supporting exhibition material, Council is to include a site-specific development control plan; a stage 2 transport assessment to support the rezoning, identifying intersection and network traffic modelling to understand the implications of the development on surrounding networks and critical intersections; and a draft local contributions plan for the proposal.</p>	<p>A site specific DCP is submitted with the updated Planning Proposal.</p> <p>A Traffic Assessment and draft local contributions plan has also been prepared.</p>
<p>3. In preparing the development control plan, Council is to include proposed development standards that are not proposed to be included in the LEP.</p>	<p>The site specific DCP will include all relevant planning controls that are not included in the LEP.</p>
<p>4. To satisfy section 9.1 Direction 4.2 Mine Subsidence and Unstable Land, Council is to consider detailed geotechnical investigations to identify the geotechnical limitations of different areas of the site and to include specific design and construction guidelines for the development within the development control plan, prior to the finalisation of the LEP.</p>	<p>Specific design and construction guidelines have been included in the site specific DCP as required.</p>
<p>5. Prior to exhibition consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act to comply with the requirement of the relevant Section 9.1 Direction. The NSW Rural Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.</p>	<p>Noted. A copy of the Planning Proposal has been provided to NSW Rural Fire Service (RFS).</p>
<p>6. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:</p> <ul style="list-style-type: none"> <li>a) the planning proposal must be made publicly available for a minimum of 28 days; and</li> <li>b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the</li> </ul>	<p>The Planning Proposal will be exhibited in accordance with these requirements.</p>

Condition	Response
<p>specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016);</p>	
<p>7. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:</p> <ul style="list-style-type: none"> <li>• NSW Rural Fire Service;</li> <li>• Roads and Maritime Services;</li> <li>• Transport for NSW;</li> <li>• Department of Planning and Environment;</li> <li>• Office of Environment and Heritage;</li> <li>• Deerubbin Local Aboriginal Land Council;</li> <li>• Department of Education;</li> <li>• Department of Primary Industries -Agriculture;</li> <li>• NSW Office of Water;</li> <li>• NSW Environment Protection Authority</li> <li>• NSW State Emergency Service;</li> <li>• NSW Police Service;</li> <li>• Fire and Rescue NSW;</li> <li>• NSW Health - Western Sydney Local Health District; and</li> <li>• Sydney Water and other relevant authorities for the supply of electricity, gas, and telecommunications.</li> </ul> <p>Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.</p>	<p>Consultation with the specified authorities/organisations will be carried out in accordance with the DPE's requirements.</p>
<p>8. In consulting with authorities, Council is to consult with the relevant authorities over the need for state infrastructure contributions to support the proposal.</p>	<p>Noted.</p>
<p>9. Following agency consultation, should an agency(s) require a state contribution(s), Council is to prepare a state infrastructure schedule detailing requested contributions (costs and apportionment) and provide the schedule to the Department at the earliest opportunity and prior to finalisation of the LEP amendment.</p>	<p>Noted.</p>
<p>10. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).</p>	<p>Noted.</p>

Condition	Response
11. The time frame for completing the LEP is to be 24 months following the date of the Gateway determination.	Noted.

# Site Analysis

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Legacy has undertaken extensive research and assessment to inform the suitability and capacity of the subject site for development. This section contains a summary of the site analysis related to the rezoning area, including ecology, flooding and hydrology, land contamination, traffic and transport, infrastructure utilities and services, and aboriginal archaeology.

This section of the report also provides an overview of the social infrastructure in the area, an analysis of the demographics as well as housing need. Further details of the analysis can be found in the supporting documentation accompanying this rezoning, outlined in **Table 3**.

## 1 Topography

The site is located in an undulating terrain with overall regional topography falling generally towards the north, east, south-east and south. The site elevation generally ranges between 41-85m Australian Height Datum (AHD). The maximum elevation of around 85m AHD is near the western boundary of the site, and the lowest elevation of around RL 35m is along Claremont Creek in the eastern corner of the site.

The dominant hill tops provide district views to the Blue Mountains, South Creek riparian corridor and the surrounding suburbs of Penrith, St Marys and Mt Druitt. The undulating nature of the site creates a distinct valley bowl.

The most significant topographic feature of the site is a series of small but low-level ridge lines, the most dramatic of which is located within the southern portion of the site below Castle Road and runs in a generally east west alignment across 50% of the site. Prominent and generally smaller ridge lines are situated to the northwest and north east corners of the site and are separated by the Werrington Creek water course and low-lying land.

On top of the ridges, at the base of the valley between the ridges, and adjacent to Claremont Creek, the ground is flat to gently sloping. On the sides of the ridges the ground typically slopes at about 6-9 degrees from horizontal, but in some areas the slopes increase to 14-15 degrees. As most of the native vegetation has been cleared from the subject site, the main features of these ridge lines are the sporadic rural residential dwellings dotted along the top of the ridges.

The Geotechnical Assessment prepared by Douglas Partners Pty Ltd, concludes that the proposed rezoning should be able to proceed without any serious impact on slope stability or soil erodibility.

## 2 Soil

The site comprises the Luddenham Soil Landscape and the South Creek Soil Landscape. The Luddenham Soil Landscape is an erosional soil landscape formed on undulating to rolling low hills underlain by the Wianamatta Group shales. These soils are typically shallow on crests and moderately deep on slopes and drainage lines. The soils are fairly erodible, have a high erosion hazard and are moderately reactive.

The South Creek Soil Landscape is a fluvial soil landscape formed in the floodplains, valley flats and drainage depressions of the creek channels on the Cumberland Plain. These soils have a high erodibility and a very high erosion hazard. The soils are also common in areas which are prone to flooding and so they may be waterlogged.

The whole Penrith area is shown as having a moderate salinity potential, with high salinity potential along the lower slopes and creek lines where water accumulation is high. No acid sulphate soils have been mapped in the area.



### 3 Geology

The majority of the site is comprised of Bringelly Shale of the Wianamatta Group of Triassic age, described as carbonaceous claystone, claystone, laminate, fine to medium-grained lithic sandstone, rare coal and tough, which weather to form clays of high plasticity. The south-eastern extent of the site, in proximity to Claremont Creek, comprises more recent alluvial sediments such as fine-grained sand, silt and clay.

A series of igneous dykes which trend in a north-easterly direction have been mapped to the southwest of the site. These dykes are aligned parallel to the ridges. It is considered likely that one or more dyke will pass through the site. The mapped dykes were typically vertical features with widths ranging from 2.4m to 3.7m. In addition, there are some major structural lineaments orientated north and north-east, along which the major creeks in the area flow.

### 4 Geotechnical

Geotechnique Pty Ltd carried out a Geotechnical investigation of the rezoning area and concluded that it is generally suitable for residential development. The site was found to have a low risk of slope instability.

Testing for soil erodibility, salinity and aggressivity indicated the following:

- » Soils across the site are dispersive and susceptible to excessive erosion. Although most of the site is assessed to be non-saline to slightly saline, moderately to very saline soils are expected near the low-lying creek areas. Therefore, Geotechnique recommended that the soil management plan is followed to minimise the impacts of soil salinity and erosion.
- » Soils across the site are assessed to be non-aggressive towards steel but mildly aggressive to concrete. Therefore, Geotechnique recommend the use of construction materials, such as concrete and steel that are appropriate to assessed aggressivity.
- » Subsidence Advisory NSW has confirmed the site does not fall within a Mine Subsidence District.

Detailed recommendations are included in the Geotechnical Report.

### 5 Hydrology

The majority of the site is predominately unsealed and therefore precipitation falling onto the site is expected to penetrate the ground surface. In the event of heavy rain, surface water would be collected by local dams on numerous properties or flow to one of two creeks traversing the broader site area.

There are two creeks crossing the site, Werrington Creek and Claremont Creek. Werrington Creek runs in a northerly direction between the two ridges in the central section of the site and Claremont Creek crosses the eastern corner of the site and flows in a north-easterly direction.

There is visible evidence of springs on the upper slopes of the sites, with several small farm dams constructed in these areas. However, the hydrology of the site will not limit its redevelopment potential, as identified in **Section 15.3** below.

### 6 Hydrogeology

On the higher parts of the site, there is visible evidence of seepage occurring on some of the upper slopes. This suggests that the flow of natural seepage through the soils above the weathered rock has met a barrier of lower permeability which causes the water to flow out of the ground surface rather than continuing through the soils.

On the lower parts of the site, along the drainage lines, it is expected that groundwater will be present at relatively shallow depths within the soils. The groundwater on the site is expected to be moderately saline due to the mineral salts contained within the Bringelly Shales.

There are 2 registered water bores located within the site and 7 registered groundwater wells situated within a 1.5km radius of the site.

The results of a hydrology analysis demonstrated that by providing 9 detention basins at strategic locations within the rezoning area, peak post development flows will be restricted to peak pre-development flows at all discharge locations. By doing so, there will be no adverse flood impacts on surrounding properties or areas.

## **7 Contamination**

JBS&G Australia Pty Ltd was engaged to compete a Phase 1 Environmental Site Assessment (ESA) of the site. Historically the site and surrounds have largely been used for rural residential and agricultural purposes. There is existing evidence of market gardens, orchards, grazing paddocks, dams, filling of dams, structure removal, land reshaping, stockpiles and stored materials.

JBS&G identified the following potential Areas of Environmental Concern (AEC):

- » Historic and current use of the properties for orchards and market gardens, as well as grazing animals;
- » Hazardous building materials including the presence of Asbestos Containing Material (ACM) in some building structures, fragments and surface soils of some properties and a stockpile in the corner of Lot 1 DP 863335;
- » Presence of above ground fuel tanks and limited agricultural chemical storage;
- » Stockpiled soils and some scattered stockpiled rubbish/debris;
- » Dam embankments and infilling of farm dams with materials of unknown origin;
- » Fill materials used to create former/existing site levels;
- » Chicken/duck coup located on Lot 1 DP 239091; and
- » Small fire pits

On similar rural residential properties north of Caddens Road, intrusive investigations have indicated that the vast majority of soil samples have chemicals lower than detection limits or adopted assessment criteria for residential development. The consistency of the results indicated that there was low probability of undetected contaminants being present.

It is noted that while there is the potential for contamination to be present in some areas proposed for rezoning, there is no significant constraint to rezoning associated with land contamination issues. JBS&G recommend that when detailed development applications are submitted, investigations be undertaken in accordance with the relevant NSW Environment Protection authority (EPA) endorsed guidelines.

## **8 Mining**

Review of available mine subsidence maps indicates that the site is not located in a mine subsidence. To date there have not been any underground mining operations in the area.

## **9 Bushfire**

Australian Bushfire Protection Planners Pty Ltd was engaged to undertake a study to determine the potential bushfire constraints to future development. It was found that the site consists predominantly

of cleared land, with the remaining vegetation on the site being identified on the Penrith Bushfire Prone Land Map as Category 2 Bushfire Prone Vegetation with Category 1 Bushfire located to the east of the site.

However, the site inspection confirmed that the vegetation located on the site is generally managed grassland and therefore not deemed to be bushfire prone. Despite this, it is considered that adequate future Asset Protection Zones (APZs) of 14m and 29m will be required in selected areas of the site. This has been taken into account as part of the development of the Concept Master Plan, with 14m APZs contained within the road reserves and 29m APZs east of Claremont Creek.

## **10 Ecological**

Cumberland Ecology Pty Ltd was engaged, and a peer review undertaken by Ecological Australia, relating to the flora and fauna assessment of the rezoning area. The findings of both reports are outlined below.

Cumberland Ecology also provided an addendum to the original report addressing future biodiversity assessment requirements.

### **10.1 Flora**

#### **Remnant Vegetation**

The site sits on Cumberland Plain, historically supporting extensive eucalypt woodland with a grassy understorey. Given its agricultural past, the site currently presents with little remnant ecology and vegetation, with most of the original vegetation removed over a period of 150 years to make way for orchards and vineyards. Small stands of trees within the site include both native and exotic trees.

#### **Plant species**

A total of 150 plant species were recorded on the site, the majority of which were either exotic (92) or a native species (9) not naturally occurring in the area. The remaining species are species native to the region (49).

Threatened flora species were not detected within the subject site, however *Grevillea juniperina* subsp. *juniperina* (Juniper Leaved Grevillea), listed as Vulnerable under the Biodiversity Conservation (BC) Act 2016 is considered to have the potential to occur. An assessment of significance has determined that the proposed development is unlikely to have a significant impact on this species.

Overall, threatened flora species are considered to have limited potential to occur within the development footprint, due its highly modified nature.

#### **Vegetation communities**

A total of 6 vegetation communities were recognised and mapped in the subject site by Cumberland Ecology. Two native vegetation communities occur, Cumberland Plain Woodland (CPW) and River-flat Eucalypt Forest (RFEF), both of which are listed under the BC Act 2016 as Threatened Ecological Communities (TECs).

The patches of CPW within the subject site do not meet Environmental Protection and Biodiversity Conservation (EPBC) listing criteria for a TEC as they do not meet minimum patch size requirements, nor do they meet native perennial understorey vegetation cover requirements. Nonetheless, all areas of CPW within the subject site will be retained as part of the proposed rezoning. Any indirect impacts, which may occur as a result of redevelopment are not considered to result in a significant impact to this community.

A majority of the RFEF within the subject site occurs within the riparian zone of Claremont Creek as a continuous stand of vegetation, connecting to contiguous habitat extending well beyond the study area. RFEF occurs in smaller, isolated patches along Werrington Creek and throughout smaller

drainage lines within the broader floodplain area, separated by areas of exotic vegetation, exotic dominated grassland and cleared areas. Within the subject site, this community is considered to be in relatively poor condition.

Small, isolated patches of RFEF are anticipated to be cleared as a result of the proposed project, totalling an area of 0.85ha. All areas of RFEF to be cleared are highly modified, consisting of monospecific stands of Swamp She-oak (*Casuarina glauca*) surrounded by exotic groundcover species. It is not considered that this community will be significantly impacted by the proposed rezoning.

Overall, assessments of significance have determined that the proposed development is unlikely to have a significant impact on these communities.

## **10.2 Fauna**

A total of 65 fauna species were recorded within the subject site. The fauna group with the highest number of individual species observed was birds (36), followed by mammals (18), amphibians (5), reptiles (4) and fish (2).

Five threatened fauna species were detected within the subject site:

- » Large-eared Pied Bat (*Chalinolobus dwyeri*) – listed as vulnerable under the BC Act 2016 and the EPBC Act 1999
- » Eastern False Pipistrelle (*Falsistrellus tasmaniensis*) – listed as vulnerable under the BC Act 2016
- » Southern Myotis (*Myotis macropus*) – listed as vulnerable under the BC Act 2016
- » Eastern Bentwing-bat (*Miniopterus schreibersii oceanensis*) – listed as vulnerable under the BC Act 2016
- » Eastern Freetail-bat (*Mormopterus norfolkensis*) – listed as vulnerable under the BC Act 2016

Although not recorded from the subject site, the following species have also been recorded in the surrounding locality and may have potential to occur in the subject site due to the presence of suitable foraging habitat:

- » Powerful Owl (*Ninox strenua*);
- » Cumberland Plain Land Snail (*Meridolum corneovirens*);
- » Grey-headed Flying-fox (*Pteropus poliocephalus*); and
- » Greater Broad-nosed Bat (*Scoteanax rueppellii*).

The wooded habitats relevant to threatened species within the subject site are highly fragmented, isolated and small in area. The threatened fauna species known to occur within the subject site and those with the potential to occur are highly mobile and are expected to move between areas of remaining habitat within the immediate vicinity of the subject land and wider area.

Foraging habitat for threatened fauna species will be removed as part of the proposed development, however none of the known and potentially occurring threatened fauna species are likely to be dependent on habitat within the subject site for their survival. All species are highly mobile species that access resources from a wide area.

Assessments of significance have determined that the proposed rezoning is unlikely to have a significant impact on these threatened fauna species.

## **10.3 Riparian landscape**

Located within the site are two small watercourses that begin at the east west ridge line initially forming indistinct creek lines. As the water courses flow from the ridgeline they form Claremont Creek

which flows to the north east and Werrington Creek which flows to the north into the Caddens development. To the north, and further downstream of the onsite water courses, Werrington Creek has undergone significant rehabilitation within the new Caddens development. Located in the south east of the site, Claremont Creek is significantly degraded and weed infested.

It is recommended that future rehabilitation and revegetation works are undertaken at Claremont Creek. The upper reaches of these tributaries have been regularly punctuated with a variety of farm dams that store the water that would normally be located within the creek lines. As a consequence, both water courses only discharge into their respective creek lines during large storm events.

## **10.4 Watercourses**

The overall site is bisected by a network of existing watercourses, many of which will require set riparian corridor widths based on their watercourse classification, as part of the proposed redevelopment of the site. In accordance with the Guidelines for Riparian Corridors on Waterfront Land, these watercourses have been identified to range between 1st to 4th order riparian corridors based on the Strahler classification system.

The 2nd order watercourse located in the centre of the Orchard Hills North site is Werrington Creek. Site investigations by J Wyndham Prince have confirmed that Werrington Creek discharges across Caddens Road (which has recently been cut off) and drains into the recently realigned watercourse through Caddens Road (to the north). The 4th order watercourse which bisects the eastern portion of the site is Claremont Creek and receives flows from the southern side of the M4 highway.

Generally, all watercourses found within the site have been modified to some degree with discontinuous patches of native vegetation remaining along the eroded banks. The overall site includes numerous discharge locations which will need to be managed to ensure there are no adverse impacts on surrounding areas.

Given the degradation and modification that has occurred to the existing riparian lands and water courses, it is considered that the proposed rezoning would rehabilitate these areas and result in an overall improvement in riparian values and amenity.

## **10.5 Biodiversity Assessment Method**

Cumberland Ecology prepared a letter to respond to Penrith City Council's request for a biodiversity assessment in accordance with the Biodiversity Assessment Method (BAM). The letter states that the preparation of an assessment in accordance with the BAM is not required until the Development Application (DA) stage. Assessments in accordance with the BAM will need to be prepared in the future for all DAs for the project that trigger entry into the Biodiversity Offsets Scheme.

In addition to the above, Cumberland Ecology also prepared a 'Consistency Assessment' to assess the consistency of the Planning Proposal with the Cumberland Plain Conservation Plan (CPCP), should Legacy Property opt out of development under the biodiversity offsetting provisions of the CPCP, and instead assess biodiversity impacts and required offsets under the BC Act using the BAM.

The assessment concluded that substantially less area of Threatened Ecological Communities (TEC) would be cleared under the Planning Proposal, and would result in the retention of an extra 1.61 ha of Cumberland Plain Woodland and 1.47 ha of River-flat Eucalypt Forest, in comparison to clearing all urban capable land under the CPCP. Under the Planning Proposal a very small area of River-flat Eucalypt Forest which equates to the outer edge of the canopy of a single tree would be removed within an area mapped as avoided land in the CPCP. However, the stem of this tree is well within an area mapped as urban capable under the CPCP and as such it is likely the removal of this tree would be permissible under the CPCP.

For these reasons it is evident that there is a better outcome to biodiversity values in the locality under the Planning Proposal, than by clearing all urban capable land under the CPCP. In addition to the

offsetting provided already under the CPCP, assessing the Planning Proposal under the BAM would result in additional areas of TECs being conserved through purchase and retirement of biodiversity credits. As such it is expected the Planning Proposal would be considered consistent with the CPCP.

## 11 Views

The character of the site is predominantly defined by the broad sweeping views to the western ranges of the Blue Mountains and district views eastward towards the South Creek riparian corridor, and suburbs of St Marys & Mt Druitt. The mountains to the west can be seen from most elevated locations of the site as well as from some key locations within the site.

A landscape and visual analysis were prepared for the site by Place Design Group, together with a landscape strategy for the ridgelines, riparian areas and streetscapes and vegetation to be retained.

When determining the visual sensitivity of a view point the following factors were considered:

- » Existing conditions
- » Regional context
- » Visually significant locations
- » Visibility from other locations
- » Perception of the viewer; and
- » Potential impact of future change.

A Viewpoint Analysis has been provided for each of the 26 view locations. The visual analysis outlined views to or from an area, together with the necessary appropriate development and planning controls to mitigate visual impacts.

Overall, the report determined that the majority of the site has either low to medium visual sensitivity. Consequently, the prevailing characteristics and views of the site can be managed through an appropriate DCP (**a draft DCP accompanies the Planning Proposal**).

## 12 Heritage

### 12.1 European heritage

A Heritage Assessment was undertaken by NBRS Architecture Heritage for the site as part of the rezoning. Three items of local heritage significance are located within the boundary of the subject site. These items are listed as local heritage items under PLEP 2010 as shown in **Table 5** below.

**Table 5 Heritage items on the site**

Item	Item Description	Heritage Significance	NSW OEH Statement of Significance
Item 155: 80-88 Caddens Road, Orchard Hills	Brick Farmhouse	Local	It is one of the few relatively intact farmhouses remaining with this area
Item 156: 3 Frogmore Road, Orchard Hills	Orchard Hills Uniting Church	Local	Local significance as a symbol of the development of this rural community in the early 20 <sup>th</sup> century

Item	Item Description	Heritage Significance	NSW OEH Statement of Significance
Item 845: 182-188 Caddens Road, Orchard Hills	Lindfield	Local	N/A

There is one item of heritage significance located in the vicinity of the subject site, as identified in **Table 6** below.

**Table 6 Heritage items in the vicinity of the site**

Item	Item Description	Heritage Significance	NSW OEH Statement of Significance
Item 657: 197-207 Caste Road, Orchard Hills	Water Reservoir	Local	Orchard Hills Reservoir (WS 83). One of a small group of cylindrical concrete reservoirs, serving the needs of local communities.  The listing includes the reservoir and all associated pipework, valves and valve houses to the property boundary.

Due to the undulating topography of the site and the surrounding context, the heritage items are generally elevated and feature as prominent elements in the landscape. Whilst these heritage items are set back from the road boundaries, they are still visible from the streetscape and have therefore been considered and included within the detailed indicative master plan for the site. The visual curtilage around the heritage items will be retained, with the potential of creating a wider curtilage around some of the items to take in the views of the rural setting.

There are some views to the heritage items from Frogmore Road, Castle Road, Caddens Road and Kingswood Road. As the heritage items are generally set back from the road boundaries with views obscured due to the undulating topography, trees and distances from the road, there would be no significant impacts to the view of these heritage items as a result of the proposed rezoning.

NBRS conclude that any future proposals for development of the site should:

- » aim to conserve the heritage significance of the heritage items (identified as Items 155, 845, 156 and 657 on the PLEP 2010 heritage map), through careful consideration of the building form, setbacks and scale. The development of a proposal should respond sensitively to the heritage items and their visual curtilage;
- » aim to conserve the heritage significance of heritage items in the vicinity of the site.
- » Aim to conserve the heritage significance of the heritage items through an appropriate visual curtilage, created by landscaping elements and parks;
- » Investigate opportunities to actively re-use the heritage items due to their location and general setting, ensuring a continued understanding of the heritage item in their altered context;
- » Consider the interpretation of road names and the heritage items throughout the parks and community centres to ensure a continued understanding and appreciation of the development history of the site.

## 12.2 Aboriginal heritage

Kelleher Nightingale Consulting Pty Ltd completed an Aboriginal heritage study of the subject site. The Aboriginal heritage study was undertaken in consultation with Deerubbin Local Aboriginal Land Council (DLALC) whose boundaries cover the study area. No Aboriginal objects or Aboriginal archaeological sites were identified within the study area.

Seven areas of Potential Archaeological Deposit (PADs) displaying moderate Aboriginal potential were identified. The remainder of the study area displayed low archaeological potential due to a combination of natural and contemporary disturbance as a result of erosional processes and modern land use practices. Therefore, aboriginal heritage is not considered to be a limitation to the rezoning of the site.

## 13 Agricultural land

The cultural landscape of Orchard Hills North has developed as a rural landscape over the past 100 years with constantly evolving pastoral practices and declining CPW. Within the last 50 years the predominant land use has been orchard food production, grazing farming practices with some specialisation in agricultural farming and rural residential communities. Although genuine food production practices have steadily declined over recent years the site is still zoned as RU4 and as such the dominant landscape character remains rural residential.

Although the proposed rezoning will result in the loss of agricultural land, in practice, only a limited proportion of the potential agricultural land is currently being used for agricultural enterprises. In order to determine the quality of the agricultural land on the site an Agricultural Assessment was undertaken by Aspire Agricultural and Management Services. They found that the agricultural land use within the rezoning area consists of soil Classes 1-5 as discussed below.

- » Class 1 agricultural lands comprise only 4.8% of the total site area and are located in the eastern portion of the site. The Class 1 lands on the site have some constraints (soil and slope) and are not of the highest quality Class 1 land in a NSW context. However, the lands have sustained intensive horticultural production, with continuous cultivation of crops and soil tillage for an extended period, without degradation of the soil.
- » Class 2 agricultural lands comprise 5.9% of the total site area. Class 2 lands are also confined to the eastern side of the site. While the Class 2 lands are not currently utilised for crop production, they are suitable for regular cultivation of crops, but not continuous cropping.
- » Class 3 lands comprise 56.6% of the total site area. The primary constraint on Class 3 lands is steep slope. While some of the areas assessed as Class 3, share similar topographic character to areas assessed as Class 2, the steeper slope and some soil constraints result in a lower class.
- » Class 4 lands comprise 21.8% of the total site area. The primary constraint on Class 4 lands is steep slope, flooding and soil fertility. There are also areas in the Class 4 lands with poor drainage, due to both natural and man-made aspects of the topography that restrict surface water flows and hence agricultural land use.

The proposed rezoning and development would result in the loss of 110ha of land with the potential for agricultural use (77% of the rezoning area). Nearly 90% of the potential agricultural land that would be lost (approximately 97ha) will be Agricultural Land Class 3 or 4.

- » Class 5 lands comprise 10.9% of the total site area. The primary constraint on Class 5 lands is flooding, hence these areas are located along the major water courses within the site.

The agricultural assessment considers that the loss of this agricultural land is of minor significance in the regional context, as the agricultural potential of the rezoning area is limited by the following factors:



- » Current minimum lot size of lots in the rezoning area
- » Assessed agricultural suitability of the majority of the rezoning area (89.6% of the rezoning area is Class 3-5)
- » Class 1 and 2 areas are relatively small (15.38ha; 10.4% of the rezoning area) and fragmented (dissected by public roads and spread across 10 separate lots)

With regards to the rezoning area, the proposal is not considered to contribute significantly to the:

- » Fragmentation of agricultural land
- » Potential land use conflicts with adjoining rural lands

## **14 Traffic**

SCT Consulting were engaged to undertake a Traffic Management and Accessibility Plan (TMAP) to assess traffic, parking and access plans for the rezoning area (Area A) based on the design of the proposed Orchard Hills North Precinct Structure Plan (for Area A and Area B) and detailed master plan (for Area A), including:

- » Undertake a background information and documentation review;
- » Collate existing traffic and travel pattern data;
- » Review of existing traffic and transport conditions;
- » Understand the status of any planned and committed infrastructure upgrades;
- » Understand trip generation and trip distribution to understand likely implications of the proposed development;
- » Determine likely infrastructure upgrades required to cater for the proposed development; and
- » Identify public and active transport measures and sustainable travel initiatives for the development, as well as the likely required parking provision.

### **14.1 Strategic Road Network Principles**

The strategic road network principles identified by Council and TfNSW for the detailed master plan are as follows:

#### **North-South road corridor:**

- » Forms a connection between O'Connell Street and terminates at the M4 Motorway. This may be continued south in the future, subject to further planning, investigations and funding decisions, to link Orchard Hills North via a bridge across the M4 Motorway and to the southern expansion area / Orchard Hills South / Greater Penrith to Eastern Creek Corridor (GPEC);
- » Long term road reservation for 4 lanes, median and cycleway (e.g. Werrington Arterial Stage 1);
- » No driveway access in short or long term;
- » Can be built in the interim with 2 lanes and reservation to provide ultimate 4 lanes;
- » Serve as a major collector / distributor road;
- » Corridor would likely have an intersection with Cadda Ridge Drive, the east-west road corridor, and Castle Road (subject to topography); and
- » Existing bridge at Kingswood Road over M4 to remain as a local link, and potential for this to be a shared path over the M4 explored at a later stage (closed to vehicular traffic).

- » The North-South corridor is planned to be extended beyond the Orchard Hills North Precinct Structure Plan, but this investigation will be conducted in the future by others.

#### **East-West road corridor:**

- » Connects a new signalised intersection at The Northern Road (mid-location intersection between M4 and Bringelly Road) with Caddens Road to the east, that generally follows an appropriate alignment in response to topography;
- » Intersections at The Northern Road with Castle Road and Frogmore Road restricted to left-in, left-out ultimately;
- » Road to provide 4 lanes and serves as a local collector road, while retaining Cadda Ridge Drive as a 2-lane road with parking on both sides; and
- » Access restrictions applied near the new intersection with The Northern Road in anticipation of surrounding business/commercial uses and capacity associated with the new intersection. Could be partially access restricted in the rezoning area.

## **14.2 Traffic modelling**

Traffic modelling was undertaken in line with Scoping Note: Orchard Hills TMAP Methodology Report – Post Gateway – Final, version 4.4 (dated 19 June 2020) and outlined in the Orchard Hills North Rezoning TMAP10.2 dated 1 April 2021. The major traffic impact is created from background growth (including the Orchard Hills South proposal). The modelling shows that a total of 11 intersections require upgrade. With these upgrades, the road network will continue to operate at Level of Service D or better. Traffic modelling indicates that further expansion of the Orchard Hills North area to the west defined as Area B is also feasible. The findings of the TMAP are discussed below.

## **14.3 Access**

Vehicle access to the site is expected to be the dominant mode given the distances to high frequency public transport. Vehicular accesses to the site are proposed via Kingswood Road to the south, The Northern Road to the west and Caddens Road to the north.

1. Multiple accesses are proposed to Caddens Road:
  - a. Leveraging existing built intersections at Braeburn Street (to access Cadda Ridge Drive) and O'Connell Lane / Street (to access the Great Western Highway).
  - b. Proposing two new accesses: one at the eastern end near Hermitage Court and the other one at the western end near Cadda Ridge Drive (to access existing Gipps Street and Bringelly Road / The Northern Road respectively).
2. Consolidated accesses are proposed to The Northern Road via:
  - a. Castle Road (left in / left out to minimise conflicts with traffic on a State arterial road).
  - b. Frogmore Road (via traffic signals as part of The Northern Road upgrade initially, which will allow for all movements for access on to The Northern Road). This access will be converted to a left-in left-out intersection eventually once the east-west corridor extends to meet The Northern Road.
  - c. East-west corridor (via traffic signals).
3. Access to areas south of Orchard Hill North via Kingswood Road.

Traffic modelling has indicated that this level of access is acceptable.

Other vehicular access to the site must be considerate of the following:

- » Access arrangements must be discussed early with TfNSW regarding The Northern Road.

- » Consideration of a service Road parallel to The Northern Road.
- » A road shall be provided linking Castle Road to Frogmore Road.
- » The location of new intersections connecting to the new east/west connector must be located to ensure all intersections are functional.

## 14.4 Conclusion

The TMAP concludes that the rezoning is feasible within the study area and further, that expansion to the west is also feasible. Several road upgrades are proposed to mitigate the impacts of development within the combined rezoning area (Area A) and balance lands adjacent to The Northern Road (Area B). These are identified in **Table 7** below.

**Table 7 Road Infrastructure Upgrade Summary**

Item	Nexus
Caddens Road/Gipps Street/Kent Road	» Background growth » Rezoning (Area A) » Area B
Great Western Highway/Gipps Street	
Resurfacing of Frogmore Road	
The Northern Road/Frogmore Road	Area B
The Northern Road/New East-West Corridor (new)	
East-west corridor west of the rezoning area (to The Northern Road)	
New East-West corridor/village Centre Access (new)	» Background growth » Rezoning (Area A) » Area B
New East West Corridor/O'Connell Lane (North-South corridor) (new)	
Great Western Highway / O'Connell Street / French Street	
O'Connell Lane / O'Connell Street / Western Sydney University entrance	
O'Connell Street / Cadda Ridge Drive	
M4 Motorway Ramps / Kent Road	
The Northern Road / Bringelly Road	
O'Connell Street northbound and southbound from Great Western Highway and O'Connell Street	
Caddens Road eastbound, which should be widened to two lanes eastbound from Cadda Ridge Drive to Gipps Road	
The east-west corridor needs to be two lanes westbound from the North-South road to the village centre.	

Item	Nexus
Land dedication for two lanes in each direction for remainder of east-west and north-south corridor	Development beyond Orchard Hills North
Construction of two lanes in remainder of east-west and north-south corridor	

## 15 Traffic Noise

Noise and Sound Services undertook a Road Traffic Noise Impact Assessment in December 2019. The report states that the target outdoor noise levels impacting existing residences, for existing freeways, arterial and sub arterial roads as given in the NSW Government's Road Noise Policy (2011) are: day time (7:00am to 10:00pm) LAeq, (15 hour) 60 dBA and night time (10:00pm to 7:00am) LAeq, (9 hour) 55 dBA.

Any future development at Orchard Hills North must meet internal noise goals in the Infrastructure SEPP (DPE 2007) for sensitive developments near busy roads. For active recreation use of open space the target outdoor noise level for existing freeways, arterial and sub arterial roads as given in the NSW Government's Road Noise Policy (2011) is daytime (7:00am to 10:00pm) LAeq, (15 hour) 60 dBA when the outdoor space is in use.

The results from road traffic noise measurement identified that proposed dwellings at distances up to 62m from the M4 motorway could be highly noise affected (i.e. over 60 dBA). The results also show that proposed dwellings at distances from 62 to 300m from the M4 motorway could be noise affected (i.e. over 50 dBA).

The prediction for the residences at distances over 62m from the motorway allows for the noise reduction due to acoustic shielding from any proposed dwellings closer to the M4 motorway. Hence there is a need for a noise barrier as close to the M4 motorway as reasonably practicable to shield those residences within 62m from the motorway. Alternative to building a noise barrier would be to have large open spaces (i.e. 62m) between the motorway and the nearest residences.

Noise barriers should be located as close to the motorway as reasonably practicable but not further than 15m. The exact distances will depend on the topography of the specific locations. The barriers can be earth mounds, concrete walls or timber fences.

**Table 8 Recommended materials for construction of noise barriers**

Material	Typical thickness (mm)	Surface Density (kg/m <sup>2</sup> )
Polycarbonate	8 to 12	10 - 14
Acrylic	15	18
Timber	15 to 30	22
Aerated Concrete	100	161

In addition to the above, a further Road Traffic Noise and Vibration Impact Assessment was undertaken by Noise and Sound Services in October 2022. This assessment made a number of recommendations regarding the potential noise impacts on future residential allotments / properties within 100m from the proposed East-West Road, North-South Road and the existing M4 Western Motorway. The recommendations included a series of detailed requirements which should be addressed at the subdivision application stage. These recommendations are included in the site-specific DCP for Orchard Hills North Area A.

## 16 Infrastructure

A Services Infrastructure Assessment and Stormwater Management Strategy have been prepared by J. Wyndham Prince. The reports found that the immediate availability of essential services supports the rezoning and development of the land, and particularly the ability to achieve short to medium term housing supply to meet the objectives of Council's AHDP. These are discussed below.

### 16.1 Water Supply

Water supply is readily available to the rezoning area. A Sydney Water reservoir is located to the west in Castle Road and the following water supply services are currently within and immediately surrounding the area:

- » Within Kingswood Road there are both a 1350mm and a 1050 diameter watermain;
- » Within Caddens Road there are three mains, a 900mm, a 500 and a 300mm diameter watermain.
- » Within the site there is also a 150mm diameter main that services the current rural properties.

The existing watermain infrastructure is very likely to have sufficient capacity to supply the proposed development via connection to one of the surrounding mains.

### 16.2 Stormwater and flooding

JWP finalised the Orchard Hills North Rezoning Precinct Stormwater and Flood Management Strategy (SWMS) report in March 2022. The SWMS report presented background and detail on the planning proposal for Orchard Hills North rezoning, hydrologic analysis, water quality analysis, Riparian Corridor assessment and ecological assessment.

The JWP strategy provides an update to the revised Gateway Stormwater Management Strategy along with flood impact assessment which will ensure both water quantity and water quality is appropriately managed prior to discharge to the neighbouring environment with no adverse impact.

Results demonstrate that the proposed six (6) detention basins located throughout the site with a total storage of approximately 71,550 m<sup>3</sup> will ensure that peak post-development discharges are restricted to less than the pre-development levels at all key comparison locations. This includes two (2) online basins with open water bodies within the relocated Werrington Corridor and four (4) traditional detention basins.

Water quality will be managed by on-lot rainwater tanks, gross pollutant trap, ponds and rain gardens in order to deliver the required water quality outcomes. The one (1) bio-retention raingarden co-located within basin B6 is located 1m above the bed level of the detention basins with the other four (4) bio-retention raingardens located outside the detention basins footprint. Total bio-retention raingarden area required to deliver PCC objectives is 11,150 m<sup>2</sup>.

The proposed stormwater management devices (basins and water quality treatment devices) are sized considering the external catchment to the west of the precinct in its developed condition which will ultimately drain into the precinct.

The Flood and Stormwater Management Strategy also provides flood impact assessment of the Orchard Hills North precinct. The assessment defined the flood behaviour within the precinct providing information on flood depths, levels, and hazards for 0.5EY, 1% AEP and PMF events. The flood impact map shows that in 1% AEP event the development will improve flooding conditions on the north, south and eastern side of the precinct and reduce flood depths. There are some small increases in flood levels along the southern boundary. These are within the relevant corridor.

The Stormwater Management Strategy proposed for Orchard Hills North is therefore functional; delivers the required technical performance; mitigates environmental degradation and pressure on

downstream ecosystems and infrastructure and can provide for a 'soft' sustainable solution for stormwater management within the precinct.

### **16.3 System failure event and potential risk for inundation of downstream properties**

An Addendum letter was provided by JW Prince in response to Council's concerns regarding potential flood impacts on the downstream development during a 'system failure' of Basin B2 and Basin B6.

The extreme event (Probable Maximum Flood (PMF)) flood modelling was submitted with the strategy and demonstrates that the Orchard Hills North rezoning area will result in an improved flood impact during this event and suggests that the level of assessment completed is suitable to support the rezoning application.

However, in order to provide Council with an increased level of comfort that the flood impacts will be managed as part of the further redevelopment of Orchard Hills North, JWP recommend that the controls be included in the site-specific Development Control Plan (DCP). This control will ensure that additional assessments are submitted and approved by Council prior to subdivision of the land and ensure that all required management of flood impacts will be undertaken within the rezoning area and will not require any additional land from within the Caddens Hills Stage 2 release area, in order to deliver the necessary flood management outcomes for this locality.

The proposed DCP control is as follows, and has been included in the Site Specific DCP:

#### ***Additional Flood Impacts assessments***

*Given the location of the proposed Basin B2 and Basin B6 upstream of Caddens Road, additional flood impacts assessment will be required to ensure that no detrimental impact occurs downstream of the Orchard Hills North (OHN) rezoning area in the design event (i.e. the peak 1% AEP Event) therefore any application to subdivide land within the Basin B2 or Basin B6 catchments must include the following:*

- » *Updated Hydraulic modelling (TUFLOW) that demonstrates that in the 1% AEP event no detrimental impact as a result of this development occurs in the existing downstream areas.*
- » *A "System Failure" assessment, i.e. all outlet structures for Basin B2 and Basin B6 are 100% blocked and that flood impacts downstream are not unsafe, consistent with the latest industry practice during the peak 1% AEP event.*
- » *The "System Failure" model shall also be tested for a "rare flood event," i.e. 0.2% AEP event to assess how a system failure can be managed in the downstream development.*
- » *If the design and/or land required to deliver either of Basin B2 or Basin B6 need to be amended or if as part of the management approach for this area, a drainage system upgrade downstream of OHN is required, this will be the responsibility of the applicant to undertake the necessary amendments to ensure compliance with Council's existing flood-related controls listed in the relevant guideline/DCP or as an outcome of the above assessments prior to the release of the development consent.*

### **16.4 Riparian corridor**

A riparian corridor assessment (including field investigations) has been undertaken to identify the significance of each mapped watercourse and provides additional information to support the proposed removal and/or realignment of the mapped watercourse within the indicative masterplan. It is noted that the riparian Corridor assessment did not include any stream order assessment or classification. The Natural Resources Access Regulator (then DPI Water) has been presented with the results of the riparian corridor assessment to enable an opportunity to review our documentation and provide some preliminary feedback prior to submitting the rezoning submission. The Natural Resources Access

Regulator (NRAR) has reviewed the information presented and have provided response on 22 August 2019. Response from NRAR states:

- » NRAR is in agreement with the Orchard Hills North - Assessment of Riparian Corridors prepared by JWP and agrees to the proposed watercourses marked for removal.
- » The remaining watercourses on the site are to be managed in accordance with the requirements of the NRAR Controlled Activity Guidelines for riparian corridors on waterfront land.
- » Werrington Creek and tributaries
  - > within the site are considered 1st order streams with a corresponding 10m wide Vegetated Riparian Zone (VRZ);
  - > the watercourse/s can be realigned;
  - > offsetting is allowable;
  - > is to be maintained as a natural open channel including the establishment of riparian corridor; and
  - > a low flow pipe design is not compliant with the Guidelines and will not be supported.
- » Claremont Creek
  - > within the site is considered a 4th order stream with a corresponding 40m wide Vegetated Riparian Zone (VRZ);
  - > offsetting is allowable within the site; and
  - > is to be maintained as a natural open channel including the establishment of riparian corridor

## **16.5 Sewerage services**

The Sydney Water Growth Servicing Plan July 2014-June 2019 does not propose any new works within the Orchard Hills North rezoning area. The strategy does confirm that the adjoining Claremont Meadows Stage 2 can be serviced by connection to existing infrastructure, and it is known that Caddens Road Precinct to the north has been serviced by developer lead in works.

There are two existing trunk sewer services surrounding the rezoning area that are expected to be utilised to ensure that the entire site can be serviced. The southern part of the rezoning area adjoining the M4 does not drain to this existing infrastructure. An additional lead in main will be required to service this portion of the site. This main is expected to roughly follow the alignment of Claremont Creek and connect to the existing sewer infrastructure to the north west in the existing residential area.

The main services that the rezoning area will utilise are as follows:

- » An existing 300mm PVC main that is located at the corner of Caddens Road and O'Connell Lane. Advice from a Water Service Coordinator that is currently working in the area confirms that this main will be expected to have sufficient capacity to service over two thirds of the proposed development (approximately 1,200 lots).
- » An existing 675mm diameter main that currently follows the alignment of Claremont Creek. This will need to be extended along the creek into the development.

## **16.6 Electricity Supply**

The Claremont Meadows electricity zone substation is built and operational. The planning and designation of this substation was to cater for the bulk electricity supply for future development within the precinct.

The proposed development site will require approximately 3 High Voltage feeders run in from the Zone Substation. Advice has suggested that the zone substation has existing capacity to service a development of this size, although this will need to be confirmed closer to the time of development commencing.

## 16.7 Telecommunications

Underground telecommunications cables are present within Caddens Road to the north of the site. Currently there are NBN Co. assets fronting the site in this section of Caddens Road. NBN Co. also has infrastructure in Castle Road, Frogmore Road and Kingswood Road. Connection to telephone and optic fibre services is not expected to present a limitation to development.

## 16.8 Gas

Gas services are not currently present within the site. The existing Caddens development immediately to the north has been fully serviced by Jemena by means of a lead in main in Caddens Road extending from Bringelly Road to the west. It is expected that gas services can be extended into the site from Caddens Road.

## 17 Population

### 17.1 Current Population

The following **Table 9** illustrates the population breakdown of Orchard Hills and surrounding suburbs at present, based in ABS data from 2016.

**Table 9** Current population profiles

	Orchard Hills	Caddens	Jordan Springs	Penrith LGA
Population Number (2016)	1,949	1,068	5,111	201,400
<b>Service age groups</b>	%	%	%	%
Babies and pre-schoolers (0 – 4 years)	3.4	10.3	12.9	7.4
Primary Schoolers (5 – 11 years)	7.5	12.2	10.3	9.8
Secondary Schoolers (12 – 17 years)	9.6	6.3	6.5	7.8
Tertiary education and independence (18-24 years)	12.4	12.6	9.3	9.9
Young workforce (25 to 34 years)	10.1	28.1	26.9	15.5
Parents and homebuilders (35 to 49 years)	19.8	20.6	21.5	20.5
Old workers and pre-retirees (50 to 59)	15.7	5.5	6.2	12.3
Empty nesters and retirees	10.6	4.4	4.3	9.7



	Orchard Hills	Caddens	Jordan Springs	Penrith LGA
(60 to 69 years)				
Seniors (70 to 84 years)	10.1	0.0	1.8	6.0
Elderly aged (85 years and over)	0.8	0.0	0.2	1.2

Source: Population.id, December 2017

At present, observations relating to the new development areas of Caddens, Jordan Springs and the Penrith LGA include:

- » The young workforce is particularly evident in both Caddens and Jordan Springs, indicating that recently graduated or young professionals are gravitating toward new developments.
- » Penrith LGA has higher percentages of residents aged 50 to over 85 than both Caddens and Jordan Springs.
- » Notably, parents and home builders (35 to 49) are similarly represented across all three areas.
- » In all three LGAs, 'Couples with Children' is the largest percentage while in Caddens and Jordan Springs they represent nearly half of the estimated population.
- » 'Group Households' and 'Other Households' are the lowest percentage in each area.
- » 'Separate House' is the most popular dwelling type in both Jordan Springs (95%) and Penrith LGA (80%) while '3 or more bedrooms' is the most popular home size (91.2% and 81.2% respectively) which implies large houses on relatively large blocks resulting in urban sprawl.
- » Jordan Springs and Penrith LGA have Indigenous populations of 3.2% and 3.9% respectively.
- » Jordan Springs has 25.1% one new arrival immigrants (overseas arrivals 2011-2016) while the Penrith LGA has a lower percentage of 12.2%.
- » Jordan Springs has 4.1% of the community who speaks another language, and English not well or not at all while The Penrith LGA had a lower portion of 1.9%.
- » Penrith LGA has a higher percentage of Australian born residents than Jordan Springs.

The current population and household size provided the context and input in the PP, in particular the social infrastructure assessment.

## 17.2 Forecast Population

The following information provides an understanding of the likely characteristics of the projected population for the Rezoning Area based on the adjoining suburb of Caddens.

Based on an estimated household size of between 2.8 (Penrith LGA) and 3.2 (Caddens), along with a total proposed lot count of 1,729, a total population of around 4,841 has been estimated for Orchard Hills North. The mid-range occupancy rate is 3.0, which, along with an allotment count of 1729 results in a proposed total population of around 5,187 people.

Based on the projected age profile for the existing Caddens population, the forecast age characteristics for the Orchard Hills site are shown in **Table 10**.

**Table 10 Preliminary projected age profile for Orchard Hills by 2036**

Service age groups	Estimated proportion of population (%)	Estimated number of people
Babies and pre-schoolers (0 – 4 years)	8.7	470
Primary Schoolers (5 – 11 years)	11.4	616
Secondary Schoolers (12 – 17 years)	9.1	492
Tertiary education and independence (18-24 years)	10.1	545
Young workforce (25 to 34 years)	14.8	799
Parents and homebuilders (35 to 49 years)	21.3	1,150
Old workers and pre-retirees (50 to 59)	12.1	653
Empty nesters and retirees (60 to 69 years)	7.7	416
Seniors (70 to 84 years)	4.6	248
Elderly aged (85 years and over)	0.2	11
<b>Total</b>	<b>100.0</b>	<b>5,400</b>

Source: Forecast.id, December 2017

The Nepean Blue Mountains Local Health District (NBMLHD) Health Care Services Plan proposes a population increase of 28% for the NBMLHD with Penrith as the second largest growth area within the NBMLHD. It is expected the future population of the NBMLHD will have high proportions of older people and children and young people. This trend may only be partially present in Orchard Hills as preliminary projects indicate a high proportion of children and young people compared to 2016 proportions while there is an overall decline in older service age groups for the area.

Based on the preliminary projection for Orchard Hills and the NBMLD Health Services Plan, the future population of Orchard Hills North will likely be characterised by:

- » A generally younger population with a higher proportion of young children
- » High proportions of young families with working parents and young married professionals without children
- » A diverse community comprising of people born in England, India, The Philippines and China.
- » An ageing population with a high proportion of people over the age of 65.

## 18 Social Infrastructure

There are several existing community facilities distributed throughout the residential areas to the north and east of the Orchard Hills North site. Due to the rural nature of much of the existing site, no community facilities are located in the greenfield areas south of the M4 and west of Glenmore Park.

The Nepean Men's Shed is the closest community facility to the site, noting it is not designed to be accessible to the entire community. The Penrith City Library, St Marys Library and St Clair Library are all located within five to six kilometres to the site.

Existing social infrastructure located on the Orchard Hills North site and within a 2km and 5km radius to the site was analysed. The table below details key observations in relation to the existing social infrastructure.

**Table 11 Summary of existing social infrastructure**

Social infrastructure	Details
Education facilities	The distribution of education facilities is moderately even north of the M4. Within the 2km radius of the site there are two primary schools, one secondary school, and one private K-12 school. To the northeast of the site there is a cluster of tertiary education facilities including the Western Sydney University Penrith Campus and the Nepean TAFE campuses. Orchard Hills Public School is located in the Rezoning Area. This school is rural in nature, at capacity with around 113 enrolments and unlikely to be suitable for expansion. Montgrove College is non-government run and located in Area B, as is Penrith Christian School.
Healthcare facilities	With the 5km radius of the site there is a total of 23 healthcare facilities however, only one is within the 2km radius of the site. The most notable healthcare facility is the Nepean Hospital 4.4 kms away from Orchard Hills North. There is expected to be a significant upgrade to the Nepean Hospital that will benefit the future community.  The distribution of these facilities is uneven with clusters to the northwest near Penrith and Kingswood and centres scattered around Werrington, Werrington County, and Glenmore Park. From the northeast to the southeast, moving clockwise, there are no healthcare facilities within the 5km radius. The area bound by the M4 and The Northern Road south of the site is mostly still greenfield which provides some reasons for the lack of facilities in this area.
Childcare	A total of 73 childcare facilities were identified within the 5km buffer zone. Of these 73 facilities 11 were within the 2km radius of the project site. The location of childcare services is evenly spread across all the urban sprawl areas. Many of these facilities are run from residential address while some are after hours care provided by schools.

At present, the social infrastructure surrounding the site is adequate for the existing population. However, the forecast future higher proportions of children, young families and young professionals suggest will increase the demand for educational facilities (primary schools, secondary schools, TAFE and Universities) as well as childcare facilities and organised recreational activities and appropriate spaces. The area will also require spaces for community activities, gatherings and support networks and aging related services and health care and services.

## 19 Open Space and recreation

The public open spaces available near the site are a mixture of active and passive spaces. Glenmore Park has the most public spaces (five), while Penrith, Cambridge park, and Kingswood have a moderately even distribution of facilities. All public open spaces are identified in **Table 12** below.

**Table 12 Existing open space**

Facility Name	Description	Notes
Allsop Oval & Paterson Oval	2 full size fields	Flood lights
Blue Hills Oval	Cricket pitch plus 2 full size fields	No flood lights
Blue Hills Wetland	Large wetland connected to long riparian corridor with walking path	
Eileen Cammack Reserve	2 full size fields, 1 half size field, and 2 mini fields	Flood lights
Glenmore Park	1 full size field, running track, batting cage, 2 baseball/softball areas	
Jamison Park	9 full size fields, 39 hard courts, cricket pitch, off lead dog area, batting cage.	Flood lights
Hickeys Lane Reserve	3 full size fields	Flood lights
Parker Street Reserve	4 full size fields, athletics track	Flood lights
Parke Avenue Sporting Complex	2 full size fields, 1 cricket pitch, 1 hardcourt, 4 tennis courts, 1 small field	Flood lights
Pioneer Park	Public open space	No facilities
Roger Nethercote Park	Public open space with playground, barbeques, and setting	
Rotary Park (i)	Public open space with outdoor exercise equipment	
Shaw Park	Cricket pitch backing onto nature reserve	
Spence Park	Public open space with playground	
Surveyors Creek Softball Facility	8 softball fields and a club house	Flood lights
The Kingsway	Numerous full size fields (10) and two half size fields	Flood lights
Werrington Lakes	Public open space with walking tracks and cricket pitch and adjoins Harold Corr Oval which has one full size field and an athletics track	
Windmill Park	Public space with playground and picnic areas	

The Elton Consulting Social Impact Assessment states that given the variety of elements including native bushland, riparian corridors and steep inclines within the rezoning Area, the following suggestions are made regarding the provision of passive open space:

- » Nine local parks covering between 0.5ha and 3.97ha collectively, including
  - > A major sports complex comprising three playing fields and one cricket oval plus amenities block and car parking.
  - > A centrally located active open space adjoining the village centre and possible public/private primary school.
  - > Two local parks adjoining heritage items.
  - > Four local parks adjoining riparian lands.
  - > All residential dwelling within 400m of a local park.
- » Three bushland parks covering the existing bushland
  - > Providing high natural conservation value attributed to the preservation of the Cumberland Plain Woodland
  - > Must be publicly accessible and give people the ability to walk through or sit quietly on a bench.

It is proposed to provide approximately 15.77ha of local open space in the rezoning area, consisting of 8.51ha passive local open space and 7.26ha of active local open space.

Council's adopted local open space provision rates of 1.64ha/1000 people for passive space and 1.4ha/1000 people for active space, when applied to the anticipated population for Orchard Hills North, would require 8.51ha of passive space and 7.26ha of active space. This Planning Proposal therefore satisfies the demand for both passive and active open space.

## 20 Housing affordability

Penrith City Council recently released the Penrith Local Housing Strategy (LHS) to guide housing change in Penrith over the next 20 years. The 'housing vision' for Penrith is to provide a diverse range of housing to cater for a changing and growing population. Some key objectives of this strategy are to provide housing diversity and housing affordability, with a focus on increasing the supply of affordable rental housing in the LGA.

The NSW Affordable Housing Ministerial Guidelines set out the policy framework for delivering affordable housing that has been developed with financial assistance from the NSW Government and is owned or managed by registered community housing providers. Affordable Housing is defined as:

*'housing that is appropriate for the needs of a range of very low to moderate income households and priced so that these households are also able to meet other basic living costs, such as food, clothing, transport, medical care and education. As a rule of thumb, housing is usually considered affordable if it costs less than 30% of gross household income.'* (NSW Affordable Housing Ministerial Guidelines)

As guided by the SEPP (Affordable Rental Housing) 2009, very low to moderate income households in Greater Sydney are defined as:

- » Very low-income household: Household that earns less than 50% of the median household income for the Greater Sydney
- » Low-income household: Household that earns between 50% and 80% of the median household income for the Greater Sydney
- » Moderate-income household: Household that earns between 80% and 120% of the median household income for the Greater Sydney.

The research undertaken by Urbis concluded that there is sufficient housing supply through the private rental market for households in the low and moderate income bands. For very low income households, there was an undersupply. Similarly, the mortgage affordability gap assessment identified an undersupply for very low income households, however, sufficient housing that is

affordable for households in the low and moderate income bands with purchase price points ranging from \$493,400 and \$740,500 respectively.

The proposal has the ability to deliver more than 8% of all dwellings as medium density allotments (townhouse/terrace homes). Market prices for townhouse/terrace homes in the Orchard Hills general area indicate that these dwellings can be affordable housing for low and moderate income households, that is, either as private rentals or purchase.

**Table 13 Household Income Levels by Income Band – Greater Sydney 2016 vs 2019**

	2016	2019-20
<b>Annual Median Household Income</b>	\$91,000	\$96,400
<b>Income bands</b>		
Very low-income household	<\$45,000	<\$48,2000
Low-income household	\$45,000 - \$72,800	\$48,200 - \$77,100
Moderate-income household	\$72,800 - \$109,200	\$77,100 - \$115,700

The Penrith LGA has a higher proportion of low (17.7%) and moderate (20.7%) income households compared to Greater Sydney, highlighting the importance of affordable housing provision in the LGA. This is reflected in median house prices and rents in the Penrith LGA being below the Metropolitan Sydney average, which supports affordability.

**Table 14 Housing Affordability – Penrith LGA 2019-20**

Income Band	Rent	Sales Prices
Very low-income household	<\$278 per week	<\$308,500
Low-income household	\$278 - \$445 per week	\$308,500 - \$493,400
Moderate-income household	\$445 - \$668 per week	\$493,400 - \$740,500

In 2016, it is estimated that there was significant housing stress in the Penrith LGA residential accommodation for very low income households with households facing stress comprised:

- » 51% of renters
- » 33% of purchasers

The gap assessment highlights that there is:

- » A significant undersupply in private rental accommodation that would be affordable for very low income households. A significant proportion of housing for these households is provided through social housing. This outcome indicates that households not receiving Government rental housing are likely to be experiencing housing stress. With around 6,250 households in the very low income band and 3,660 dwellings available for rent under \$278 a week, there is an undersupply of around 2,590 dwellings that would be affordable to these households. As outlined above, there are likely a significant number of households in this cohort receiving rental assistance that would effectively reduce this gap.
- » the rents for around 60% of the available private rental housing in the Penrith LGA are between \$278 and \$445 a week (affordable for the low income households). There are around 4,350 households in the low income band compared to 10,045 dwellings available for rent between \$278 - \$445 a week. This indicates there is sufficient rental accommodation in the market to meet the needs of low income households in the Penrith LGA.

- » The rents for around 30% of the available private rental housing in the Penrith LGA are between \$445 and \$668 a week (affordable for the moderate income households). There are around 4,200 households in the moderate income band compared to 5,240 dwellings available for rent between \$445 - \$668 a week. This indicates there is sufficient rental accommodation in the market to meet the needs of moderate income households in the Penrith LGA.
- » There are around 2,000 households in the very low income band compared to an estimated 1,570 homes with a value of under \$308,500. This indicates there is an undersupply of around 430 dwellings that would be affordable to these households.
- » There are around 3,440 households in the low income band compared to an estimated 4,800 homes with a value of between \$308,500 - \$493,400. This indicates there is sufficient housing in the market to meet the needs of low income households in the Penrith LGA.
- » The sales prices for around half of the housing in the Penrith LGA is between \$493,400 and \$740,500 in 2019 (affordable for the moderate income households). There are around 6,130 households in the moderate income band compared to 14,835 dwellings with a value of between \$493,400 and \$740,500. This indicates there is sufficient housing in the market to meet the needs of moderate income households in the Penrith LGA.

### **New housing developments**

The most affordable housing typology within Orchard Hills is anticipated to be medium density and townhouses/terraces. The Urbis report assessed the sales prices and rents for new apartment and townhouse projects in Orchard Hills and the surrounding area, which includes the suburbs of Kingswood, Werrington, Claremont Meadows, Caddens, Cambridge Park and St Marys.

### **Conclusion**

The Urbis study concluded that Penrith LGA has sufficient housing supply through the private rental market for households in the low and moderate income bands. For very low income households, there is an undersupply which is more commonly provided for through social housing.

Similarly, the mortgage affordability gap assessment identified an undersupply for very low income households, however, sufficient housing that is affordable for households in the low and moderate income bands with purchase price points of \$493,400 and \$740,500 respectively.

Legacy is however committing to 3% affordable housing by entering into a partnership agreement with a Community Housing Provider (CHP) to provide a suitable mix and appropriately located dwellings for their clients.

# Statutory Planning Context

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The Greater Sydney Regional Plan and Western City District Plan are strategic documents which are particularly relevant to this PP. Extensive consideration of these documents and how the PP responds to their aims and objectives is provided at **Part 3** of this report.

Other documents which provide the planning context for the PP include:

- » The Western Sydney City Deal
- » A Metropolis of Three Cities – the Greater Sydney Region Plan
- » Our Greater Sydney 2056 – Western City District Plan
- » Future Transport Strategy 2056
- » Penrith Local Strategic Planning Statement 2020
- » Accelerated Housing Delivery Program
- » Penrith Community Plan
- » Beat the Heat – Cooling the City Strategy
- » Draft Penrith Urban Strategy – Managing Growth to 2031
- » Draft Penrith Integrated Transport and Land Use Strategy
- » Penrith Employment Planning Strategy
- » Werrington Enterprise Living and Learning Precinct Strategy

This chapter solely focuses on the statutory context of the rezoning area. The broader strategic framework is addressed in **Part 3**.

The rezoning has been prepared having regard to the existing planning framework in the context of the PLEP 2010 as the applicable EPI for the subject site.

## **1 Penrith Local Environmental Plan**

The aims of the PLEP 2010, which guide the preparation of the PP for the site at Orchard Hills North, are as follows:

- (a) *to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,*
- (b) *to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,*
- (c) *to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
- (d) *to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,*
- (e) *to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,*



- (f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,
- (g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,
- (h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

The PP gives effect to these objectives as outlined in **Part 1**.

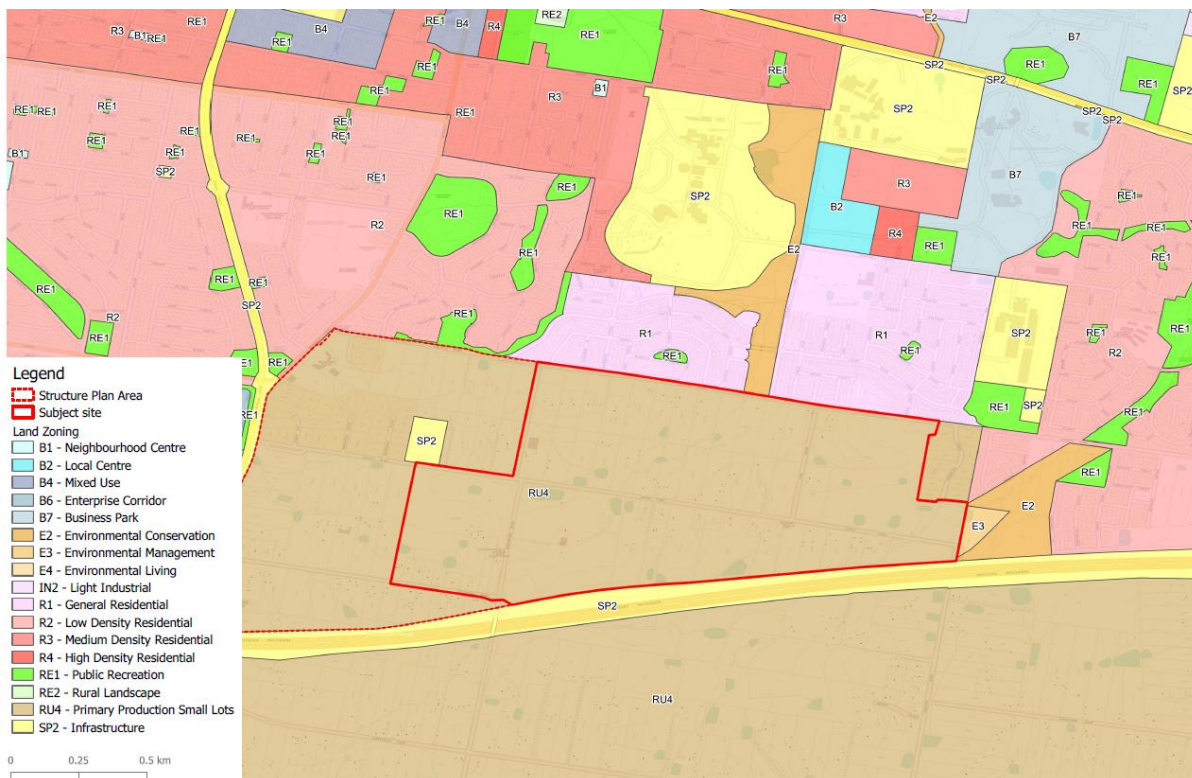
### 1.1 Zoning

Under the PLEP 2010 the subject site is zoned RU4 Primary Production Small Lots. The objectives of this zone are as follows:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.
- To maintain the rural landscape character of the land.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

The zoning of the site is identified in **Figure 6** below

**Figure 6 Current zoning Map - PLEP 2010**



Source: PLEP 2010 LZN Map 013

## 1.2 Building height

Clause 4.3 of the PLEP 2010 sets a maximum height limit for buildings, with heights shown on an associated Height of Buildings Map. The subject site has no height control.

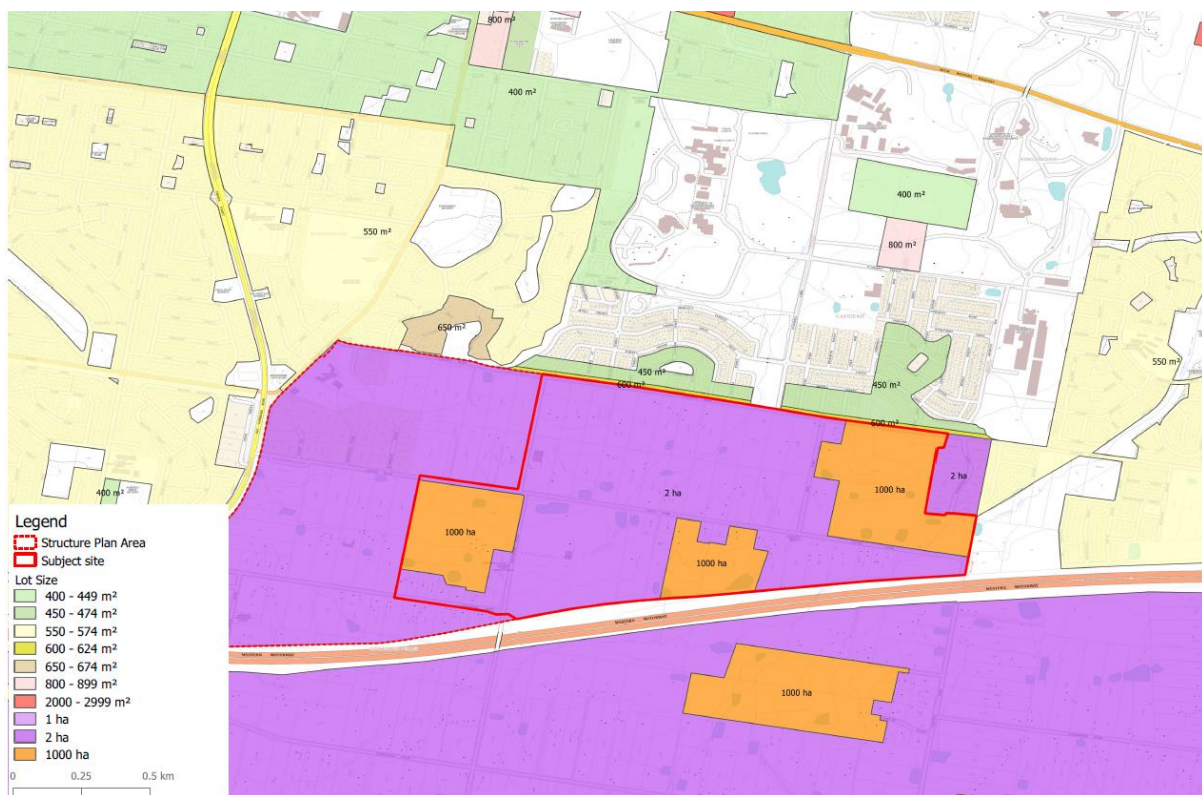
## 1.3 Floor Space Ratio

Clause 4.4 of the PLEP 2010 sets a maximum Floor Space Ratio (FSR), with FSRs shown on an associated FSR Map. The subject site has no FSR control.

## 1.4 Minimum lot size

Clause 4.4 of PLEP 2010 sets a minimum lot size, as indicated in the associated Minimum Lot Size Map. The majority of the site has a minimum lot size of 2ha. However, 3 areas of the site have a minimum lot size of 1,000ha plus, as identified in **Figure 7** below.

**Figure 7 Current Minimum Lot Size Map – PLEP 2010**



Source: PLEP 2010 LSZ Map 013

Clause 4.2 of the PLEP 2010 regarding rural subdivision applies to the areas of the site zoned RU4 Primary Production Small Lots. This clause states the following:

3. "Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
4. However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
5. A dwelling cannot be erected on such a lot."

Clause 4.2A of the PLEP 2010 prohibits residential development and subdivision in certain rural, residential and environmental protection zones. This clause applies to the areas of the site zoned RU4 Primary Production Small Lots. Specifically, this clause states the following provisions:

3. *Development consent must not be granted for the erection of a dwelling house on a lot resulting from the closure of part or all of a road, whether before or after the commencement of this Plan.*
4. *Subclause (3) does not apply to a lot created by the consolidation of a lot resulting from a road closure with an adjoining lot that did not result from the closure of a road.”*

As such the lot size could be reduced however, under the current controls, a dwelling would not be permitted to be constructed on the new lots.

### 1.5 Heritage

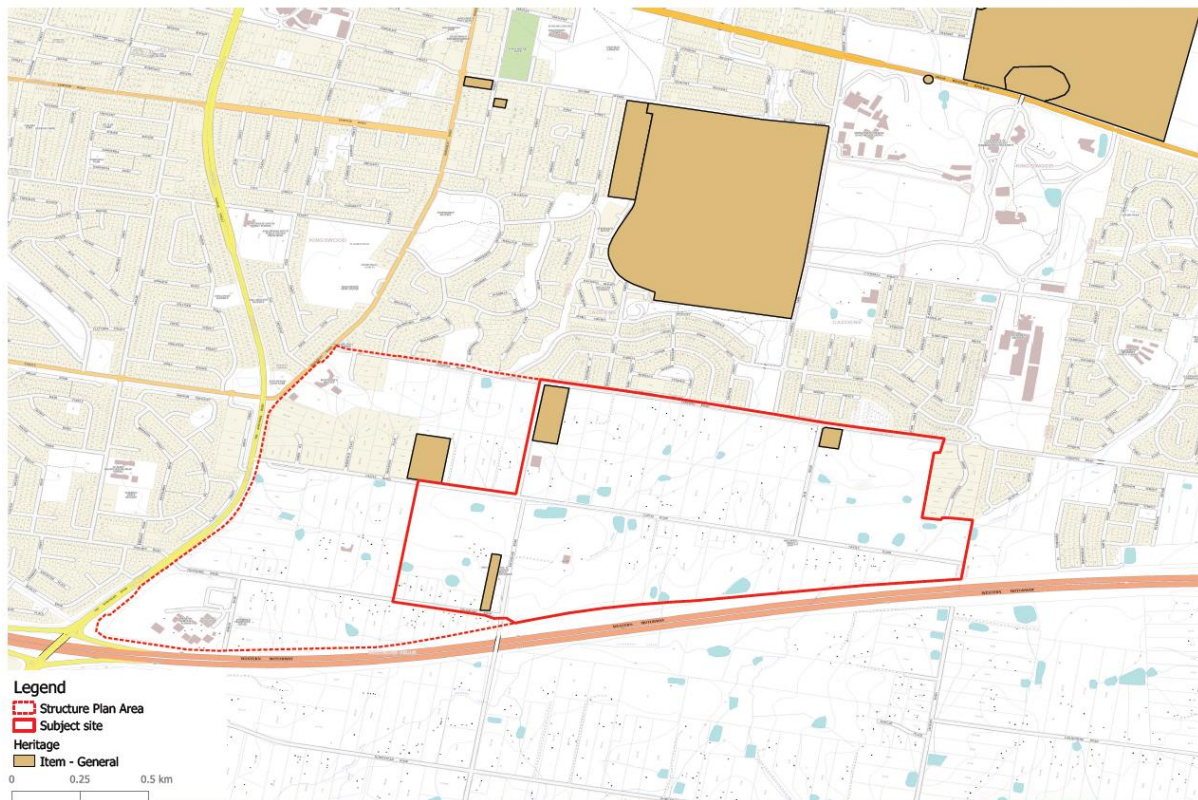
Clause 5.10 of the PLEP 2010 sets controls for heritage items, heritage conservation areas, archaeological sites and Aboriginal objects or places.

There are no items of Commonwealth or State heritage listing within the site. The following local heritage items, listed under PLEP 2010 are located on the site:

- » Item 155: Brick Farmhouse Lot 6 DP 1344
- » Item 845: 'Lindfield' Lot 1 DP 583439

These items are identified in **Figure 8** below.

**Figure 8 Current Heritage Map – PLEP 2010**



Source: PLEP 2010 HER Map 013

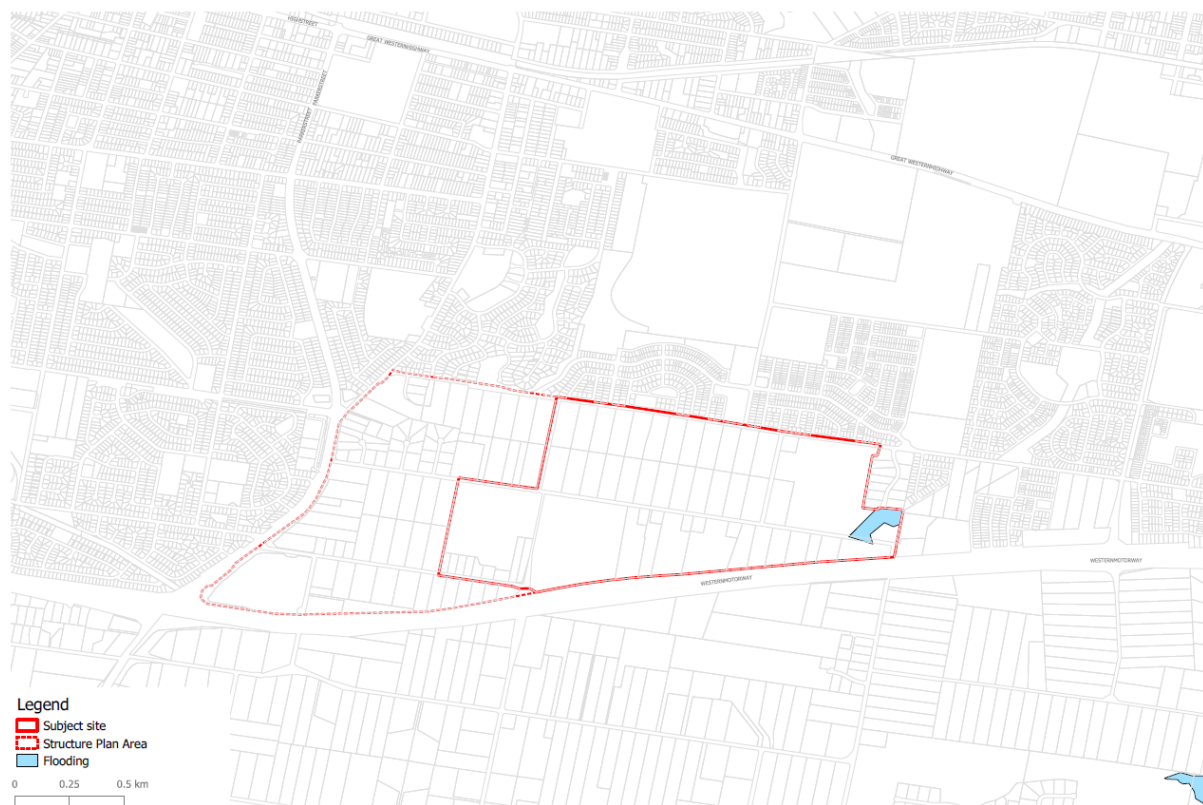
### 1.6 Flood Planning

A small area of the site is affected by the flood planning control. Under Clause 7.2 any development proposed within a flood planning area must demonstrate that it does not adversely affect the flow of flood waters or the safe and effective evacuation of the land and the surrounding area.

Additionally, consent should not be granted for development on land that is at or below the flood planning level unless the consent authority is satisfied that the development achieves the below outcomes:

- a. is compatible with the flood hazard of the land, and
- b. if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway, and
- c. is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- d. is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and
- e. is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area, and
- f. is not likely to significantly detrimentally affect the environment or cause avoidable erosion, destruction of riparian vegetation or affect the restoration and establishment of riparian vegetation, or a reduction in the stability of river banks or waterways, and
- g. is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and
- h. incorporates appropriate measures to manage risk to life from flood, and
- i. is consistent with any relevant floodplain risk management plan.

**Figure 9 Current Flood Planning Map – PLEP 2010 (no longer in effect)**



However, Clause 7.20 of PLEP 2010 is specific to Orchard Hills has the following objectives:

- (a) to ensure residential development incorporates features necessary to protect occupiers against adverse noise impacts arising from traffic noise,
- (b) to limit the potential risk to life and property from flood events.

Clause 7.20(4) (refer to **Section 1.8** below) states that:

Despite any other provision of this Plan, development consent must not be granted for the erection of a building on land identified as “Orchard Hills” on the Clause Application Map and subject to flooding or in a watercourse unless the consent authority is satisfied that:

- (a) no practical alternative location exists for the proposed building, and
- (b) the building is not likely to be threatened by flood flows, and
- (c) the erection or use of the building will not divert flood flows or adversely affect drainage flows, and
- (d) the erection or use of the building will not cause soil erosion.

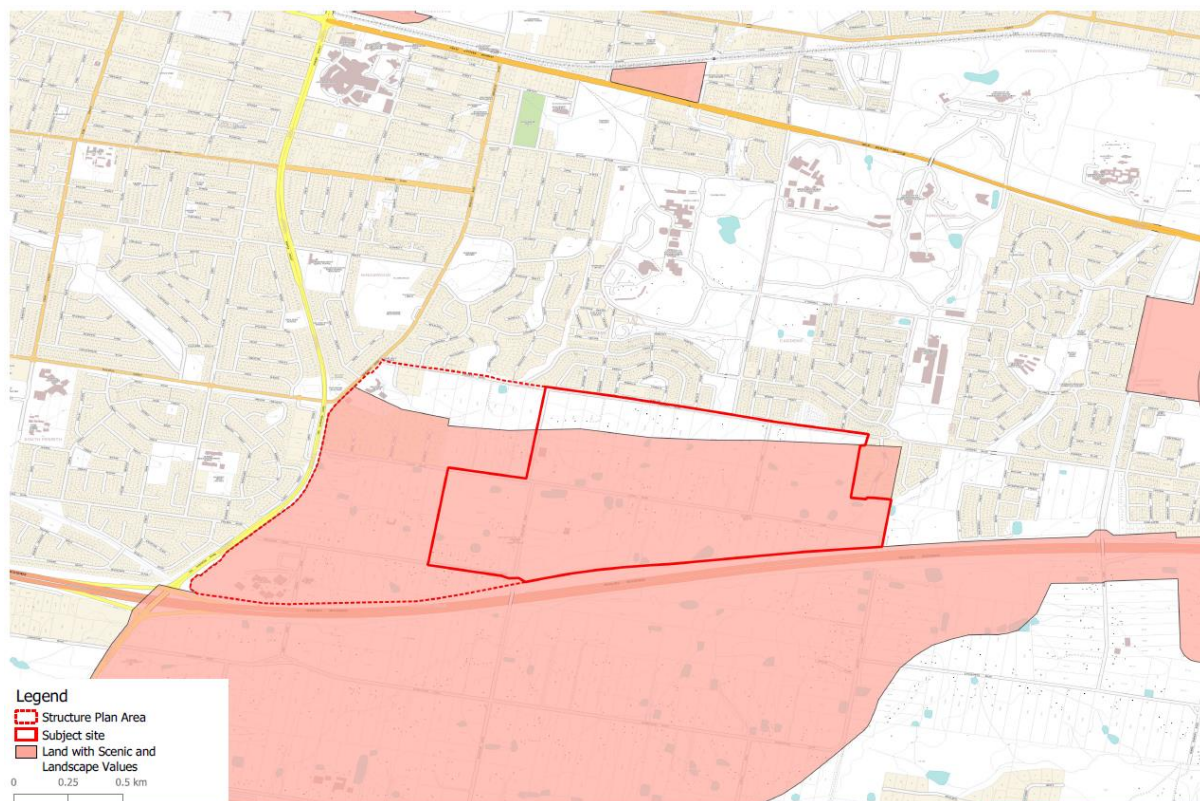
### 1.7 Scenic Landscape Value

A large part of the site is classified as Scenic and Landscape Value Land under the PLEP 2010. Clause 7.5.3 states:

*“Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.”*

As such any development must ensure measures are in place to minimise the visual impact of the development from major roads and other public places.

**Figure 10 Current Scenic and Landscape Values Map – PLEP 2010**

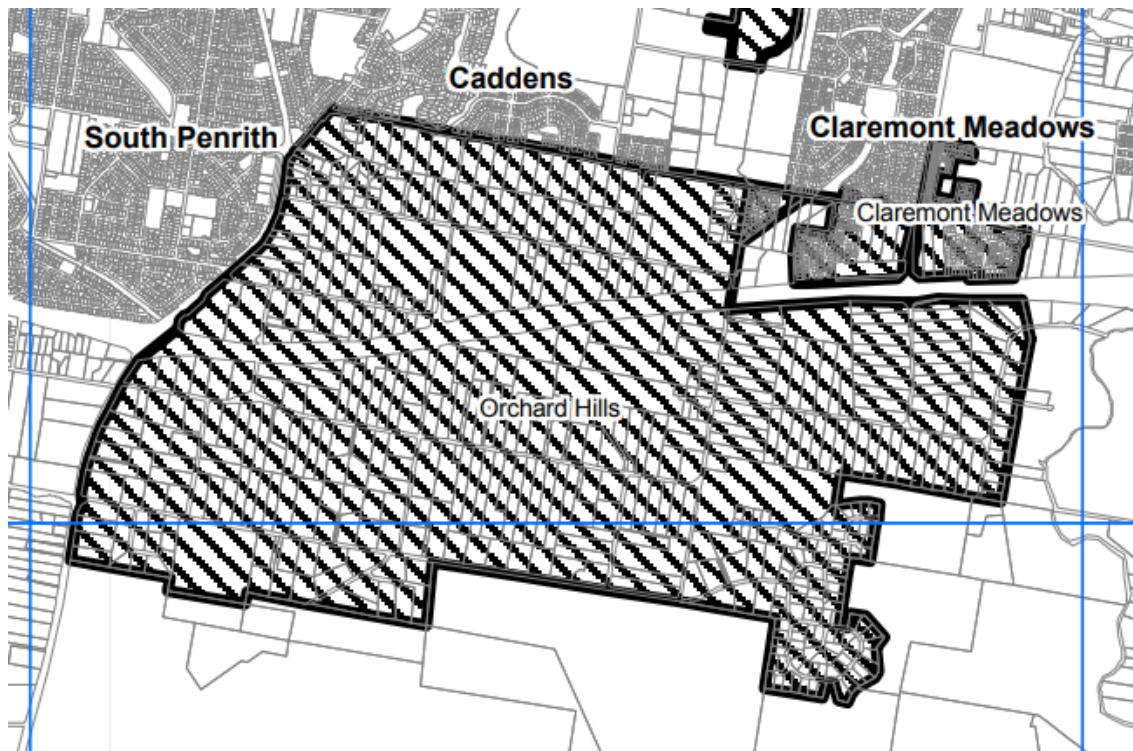


Source: PLEP 2010 SLV Map 013

### 1.8 Orchard Hills local provisions

Clause 7.20 of the PLEP 2010 outlines local and specific provisions for the Orchard Hills local area, including the site, as identified in **Figure 11** below.

Figure 11 Current Clause Application Map – PLEP 2010



Source: PLEP 2010 CAP Map 002

The objectives of the clause are:

- (a) to ensure residential development incorporates features necessary to protect occupiers against adverse noise impacts arising from traffic noise,
- (b) to limit the potential risk to life and property from flood events.

### 1.9 Additional permitted uses

Within the PLEP 2010 under Schedule 1 Additional permitted uses Clause 19 refers to land at 126-124 Castle Road, Orchard Hills as follows:

#### 19 Use of certain land at 126–164 Castle Road, Orchard Hills

- (1) This clause applies to land at 126–164 Castle Road, Orchard Hills, being Lot 1, DP 239091 that is identified as “18” on the Additional Permitted Uses Map.
- (2) Development for the purposes of subdivision is permitted with development consent, but only if:
  - (a) the land is subdivided in accordance with the approved 9 lot subdivision (DA 02/0230), creating 8 lots with areas ranging from 5,000 square metres to 1.26 hectares and one residue lot of 13.48 hectares, or
  - (b) the land is subdivided into lots with a minimum area of 2 hectares.

## 2 Penrith Development Control Plan 2010

The site is also subject to the Penrith Development Control Plan (PDCP) 2010. The PDCP 2010 applies to the entire Penrith LGA and includes general development guidelines. The main objective of the PDCP 2010 is to assist in the realisation of the aims of the PLEP 2010.

Details of the relevant provisions of the PDCP 2010 have not been undertaken as part of this PP due to the fact a site specific DCP has been prepared for the Orchard Hills North site and is submitted with this PP (a draft DCP accompanies the Planning Proposal).

# Proposed Rezoning Concept

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## 1 Proposal Description

The aim of this PP is to rezone that land identified in the concept masterplan (the subject site), being situated in Orchard Hills North for predominantly residential uses. The rezoning of Orchard Hills North will provide for approximately 1,729 lots. It is considered that the site is physically and strategically suited for urban development, noting that:

- » It is a discrete area formed by the boundary of an existing urban area and major road infrastructure.
- » It adjoins an existing residential subdivision, and is in close proximity to the Nepean hospital, Western Sydney University and the Penrith CBD.
- » There are limited environmental or physical constraints that would prevent redevelopment.
- » It is located within the Greater Penrith to Eastern Creek Growth Area, and outside of the Aerotropolis and Western Sydney Growth Area and is therefore better placed to be rezoned through a developer led planning proposal.
- » The rezoning of the land will support the Government's investment in infrastructure and will result in better utilisation of the land.
- » The subject site has proximity to an extensive regional road network and is well located in terms of the future Western Sydney International Airport and employment lands of Eastern Creek and the Western Sydney Employment Area (WSEA).
- » It is able to capitalise on the availability of new and existing infrastructure, such as the recently completed Werrington Arterial Road and new M4 on and off-ramps, The Northern Road upgrade, and four train stations within 4.5km of the site (Penrith, Kingswood, Werrington, St Marys) as well as the recently announced Orchard Hills metro.

### 1.1 Proposed vision

Orchard Hills North will be a residential community set amongst rolling hills in the rich natural landscape of Western Sydney, offering panoramic views to the Blue Mountains and surrounding areas. The development will incorporate a diverse mix of housing types across 1,729 lots, focused around a new village centre that forms the central point for the future community as well as offering a high level of convenience for residents.

The overarching vision of Orchard Hills North is to support a safe and connected community. This will be achieved through the provision of a wide variety of green spaces and links, connecting each of the future precincts with one another, as well as the wider regional community, thereby placing a focus on active transport such as walking and cycling. Refer to the accompanying brochure by Hoyne (**Appendix B**) for an outline of the key characteristics and visionary elements.

A site analysis, supported by extensive technical studies, has informed the following design principles for the rezoning area (Area A) and balance lands (Area B):

- » Retain key creek lines and capitalise on the opportunity to create a central green link
- » Retain existing significant vegetation as natural bushland.
- » Manage and retain views into and out of the site.
- » Provide opportunities for a diverse mix of housing types, with medium density housing located around the village centre and major open space
- » Create a new village centre combined with a community focal point

- » Respect heritage buildings and the character of the area
- » Integrate with the community to the north, west and east.
- » Link O'Connell Lane, Caddens Road, Frogmore Road and The Northern Road into a meaningful urban road network.
- » Improve water quality and water flow.
- » Utilise landscaping and topography on the southern boundary to manage noise.
- » Promote pedestrian and cycle linkages.
- » Generate employment opportunities along the Northern Road.

### **1.2 Balance lands (Area B)**

Although not part of the rezoning area (Area A), the balance lands (Area B) within the Structure Plan, which are located west of the rezoning area and predominantly along The Northern Road, are proposed to include education, health and employment uses and an adjoining residential area with local open space. The creation of future jobs and retail opportunities within Area B will be of significant benefit to the local community. It is considered that these uses preclude a substantial supporting structure to the rezoning area.

Area B also has a connection to the employment activities in the Western Sydney Employment Area via regional road connections. Key access to Area B from the rezoning area is via Frogmore Road, Castle Road and Kingswood Road.

### **1.3 Detailed Indicative Master Plan and Rezoning Description**

It is proposed to rezone the site (Area A) from **RU4** Primary Production Small Lots, under PLEP 2010, to part **R1** General Residential, **B2** Local Centre, **RE1** Public Recreation, **C2** Environmental Conservation and **C3** Environmental Management, as well as provide for appropriate controls relating to minimum lot size, height, heritage items, flooding, additional permitted uses and visual landscape.

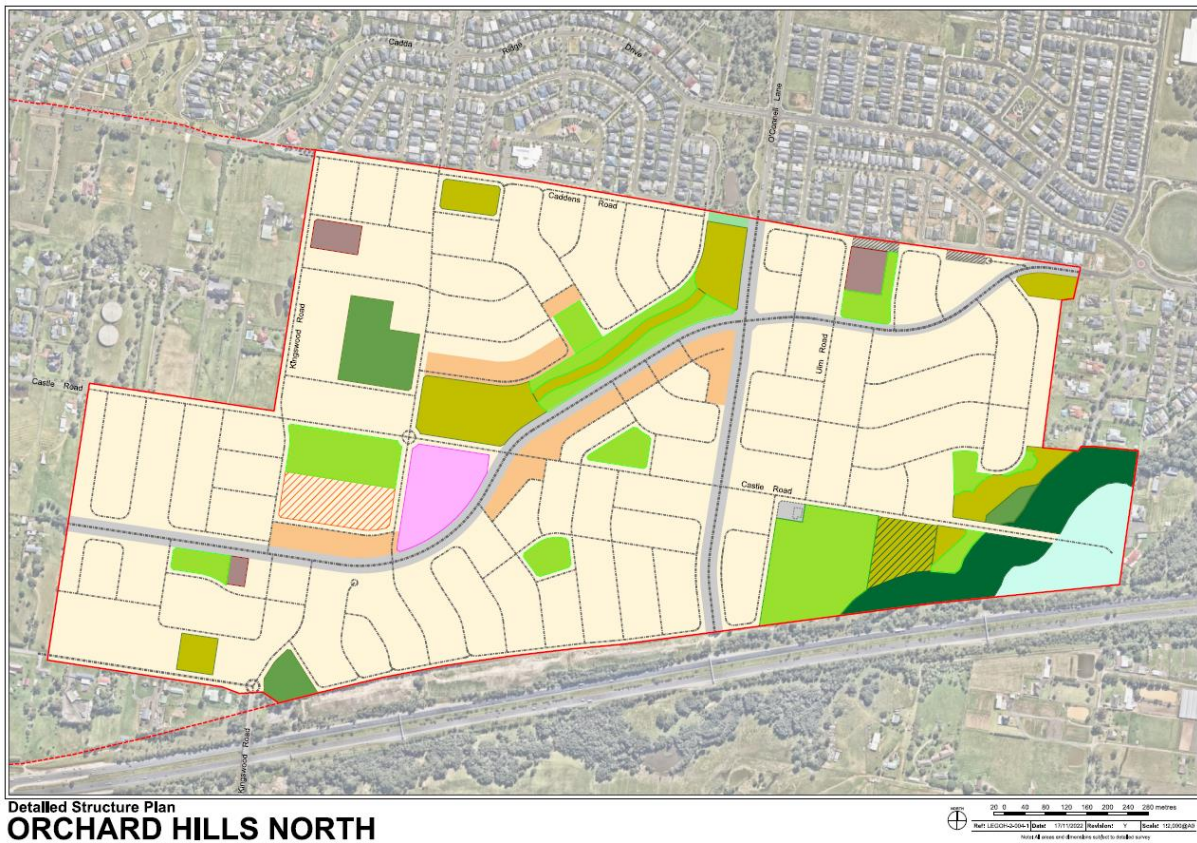
The rezoning of Orchard Hills North will provide approximately 1,729 lots. It is expected that the subject site will ultimately provide a broad mix of housing types ranging from larger environmental living lots (minimum of 2,000m<sup>2</sup>) to traditional detached residential lots (primarily 300-600m<sup>2</sup>) and smaller compact and attached housing lots (minimum of 220m<sup>2</sup>) that will be designated for integrated housing. The proposed local village centre will provide around 6,000-8,000m<sup>2</sup> of retail space supported by cycle and pedestrian links with approximately 8.51ha of passive open space and 7.26ha of active open space, which includes playing fields, bushland and riparian corridors.

The indicative structure plan map has made provision for the possibility of a public or private primary school adjacent to the village centre, supported by open space to facilitate shared usage. The location of parks and open space areas have been carefully selected to enhance the existing value of the natural landscape, such as hill top views and creek lines and to retain the significant bushland areas in order to provide the highest level of amenity for future residents.















The Indicative Master Plan for the Rezoning Area (the subject site, being Area A) is identified in **Figure 12** below and at **Appendix C**.



Figure 12 Detailed Indicative Master Plan for rezoning area (Area A)



**LEGEND**

 Subject Site	 Open Space (Passive)
 Compact Lots	 Open Space (Active)
 E3 Environmental Living Lots	 Werrington Creek Corridor Extension
 Potential Public/Private Education Facility	 Bush / Open Space
 Heritage	 Basin Playing Fields
 Village Centre	 Indicative Basin
 Road Closure	 Riparian

Source: Design and Planning

The total overall land use area is 151.9ha. The allocation of land use is identified in **Table 15** below:

Table 15 Land Use Area

Land use	Hectares (ha)
Parks (active and passive)	11.55
Bushland Park	2.93
Drainage	8.22 (includes 1.29ha dual use B4 basin/playing field)
Residential	64.82
Lots to be retained	6.47
Heritage lots	0.97
Large lots (environmental)	2.64
Community	0
Potential School Site	1.5
Local Centre	2.45 (includes half road on western boundary)
Riparian	4.54
Existing Roads	10.02
Local Roads	26.56
Other Roads	0.70
Strategic Road	8.55 (E-W + N-S)
<b>Total Area</b>	<b>151.9ha</b>

Source: Design and Planning

#### 1.4 Proposed Land Use Character

The detailed indicative master plan map for the rezoning area creates opportunities for a range of land uses supporting the new residential community. These include recreational zones for new parks, drainage, opportunities for retail and employment, community facilities and environmental conservation. The main elements are described as below:

- » Village Centre – local centre on a neighbourhood scale to provide everyday convenience to the community reinforced by compatible surrounding land uses including more compact housing forms to capitalise on the amenity created together with community and possible public/private education and a central riparian corridor which will provide pedestrian and cycleway connections through the centre of the development to the adjoining Caddens development.

Retail and commercial employment opportunities will be provided in the village centre for new residents and the surrounding communities, with additional employment resulting from the possible public/private primary school.

- » Residential precincts – creating safe residential areas of unique character within a neighbourhood containing a diverse range of housing types, focussed on creating quality living environments across a range of housing forms.

- » Conservation corridors – identified to protect identified riparian corridors and vegetation considered worthy of retention within bushland parks, offering opportunities for passive recreational pursuits.
- » Environmental living lifestyle - a sustainable residential community that is connected to the environment and has a cooling effect.

The land use allocation is a broad scale indication of the needs to the community based on market demand and identified needs of a new residential community. The land use allocation for the detailed indicative master plan for the rezoning area (Area A) is identified in **Table 15**.

### **1.5 Proposed Lot Mix**

The majority of the site is proposed to have a minimum subdivision lot size of 300m<sup>2</sup> in the PLEP 2010. Other residences are proposed to comprise traditional detached residential lots (primarily 300-600m<sup>2</sup>).

Part of the site in the southwest, will have lot sizes of a minimum 2,000m<sup>2</sup>, being situated within the proposed C3 Environmental Management zone.

A few select areas which have been identified as having the potential to accommodate smaller compact housing, such as townhouses and terrace homes are proposed to have a minimum lot size of 220m<sup>2</sup> and be designated for integrated housing.

There is no proposed minimum lot size for open space, the village centre or areas of environmental conservation land.

### **1.6 Proposed Village Centre**

The detailed master plan for the rezoning area (Area A) emphasises the establishment of a new local centre as a vibrant focal point of the new Orchard Hills North Community. The new local village centre is proposed within the centre of the site and is easily accessible from the proposed pathway network through the riparian corridor and connecting the community to the north. The central location will provide a community hub, which is walkable and accessible to surrounding communities.

Urban design of the new centre will be subject to a future detailed analysis and design exercise which embraces principles including the creation of a walkable village centre that creates a strong sense of place and a high level of amenity to residents. The inclusion of the new village centre in a central location creates equity of access and supports the co-location with a community facility and a possible private/public educational facility in close proximity.

The village centre will provide retail and commercial activities within the proposed rezoning area, generate jobs and create amenity for the community. The emphasis will be on walkability, cycling and access to an expanded public transport bus network that is expected to be generated in response to the increased demand created by the development.

The neighbourhood centre is an expression of the community and a place for the community to relax, reach out and connect.

### **1.7 Housing Delivery**

The new community will support approximately 1,729 lots in a self-contained residential neighbourhood that complements and integrates seamlessly with the surrounding area and development within the Penrith LGA. Rezoning of the subject land is of significant benefit to meeting the housing targets stated in Council's policy, by creating new housing in well located areas with access to infrastructure, public transport and services.

It is proposed to provide an upper limit of developed lots in the rezoning area to align with the proposed infrastructure desired for the area. To manage the density of the proposed development and ensure an appropriate mix of housing, the subject site has set targets for dwellings per precinct and across the site.

It is envisaged that the development will include predominately detached housing with the inclusion of large lots near Claremont Creek to manage environmental factors around the riparian corridor,

bushland and mitigate potential bushfire risk. The area around the village centre and opposite the Werrington Creek riparian corridor provides opportunities for compact housing in the form of townhouses and attached housing product (medium density) that realises the full potential and amenity offered by the local village centre, potential future bus route and revegetated riparian corridor with pedestrian and cycling connections. The average lot size across the rezoning area on R1 land is in the order of 390m<sup>2</sup>.

The development will have a strong interface with the Caddens development, situated to the north and it is expected that the road widths and typologies will be of a similar nature. Most of the rezoning area has been designed to support a variety of housing types and provide for existing and future housing needs of the community, creating a high quality urban environment that protects the unique features and character of the site including bushland parks and riparian corridors.

Where topography and slopes exceed 10%, it is proposed that the minimum lot size is 450m<sup>2</sup> with design controls provided in the site specific DCP to manage these lots.

The development has been designed to be a safe and welcoming place for the community with passive surveillance to areas of open space and the central riparian corridor in accordance with best practice for urban design and community development. The new community will generate new housing and job creation in accordance with the principles of sustainability, liveability and productivity.

### **1.8 Affordable Housing**

Council's current Affordable Housing Policy seeks the provision of 3% affordable housing.

Legacy is committed to ensuring that the site is rezoned and developed in order to provide housing diversity, based on the principle that housing affordability is underpinned by providing housing choice for different household income groups, including appropriate compact housing, noting that the present housing stock of Western Sydney is dominated by detached dwellings.

Compact housing and multi-unit dwellings, including group homes, can provide transitional housing for seniors, people with disabilities, homes for single persons and more affordable homes for young people and young families.

Legacy is committed to deliver 3% affordable housing in partnership with a community housing provider and expects that specific commitments will form part of a local VPA. Alternatively, Legacy may provide a monetary contribution to Council based on a future rate to be determined by Council in accordance with Chapter 2 of the State Environmental Planning Policy (Housing) 2021.

### **1.9 Proposed Road networks**

The transport network for the detailed master plan for the rezoning area (Area A) is defined by the need to create a north south and east west road corridor to the areas surrounding the site. The road network is also based on the current road pattern but also ensuring the development is designed to connect seamlessly to the Caddens development to the north, local centre and public/private primary school providing amenity to residents. The road connection to Caddens provides access for local convenience.

The development will benefit from significant road improvements and upgrades in the area including the current upgrades to The Northern Road by the RMS, the new Kent Road on and off ramps to the M4 Motorway and upgrades associated with the Caddens development including O'Connell Lane. The road network is a reflection of existing connections and the topography of the site.

### **1.10 Public transport**

Orchard Hills is serviced by the 781-bus route at Wentworth Road and Kingswood Road to St Marys with a more regular route 778 operating on weekdays, weekends and public holidays from nearby Caddens.

The redevelopment of the Orchard Hills North site would create a greater demand for public transport in the area and is likely to improve the bus services currently available, through additional bus services or an extension to the existing more regular services that operate through Caddens. This has occurred previously as part of the NSW Government's Growth Services Program with an extension to route 778 to the residential area of Caddens.

Roads within the proposed development are being designed to cater to the future potential of an extended bus network through the development to service the new community.

### **1.11 Pedestrian/Cycle Network**

The detailed master plan for the rezoning area (Area A) has a strong emphasis on pedestrian and cycle amenity and access. The proposed share path adjoining the central riparian corridor provides a connection to the Caddens development to the north and beyond. Pedestrians and cyclists will be drawn to new parks within the development.

### **1.12 Social and community**

#### **1.12.1 Social Facilities and Services**

Development of the site will include a new village centre as a focal point of the development and a hub of activity for everyday life. This centre will offer essential services and contribute to the creation of a sense of community.

A proposed community facility could be incorporated into the design of the village centre area and provide connection to the open space park to the north.

#### **1.12.2 Education**

The proposed new community is of sufficient size to sustain a new K-6 public/private primary school to be located in the centre of the development. A site for a potential private/public primary school could be made available close to the village centre if required as indicated in the Indicative Master Plan.

#### **1.12.3 Open Space**

The Landscape Master Plan will incorporate the following design principles:

- » Create a strong integrated landscape framework that capitalises on the site's physical attributes and establishes a clear vision for the landscape.
- » Retain key creek lines and capitalise on the opportunity to create a central green link.
- » Integrate stands of Endangered Ecological Community vegetation (Cumberland Plain Woodland) into open space areas where possible and feasible.
- » Preserve and enhance existing areas of significant ecological value such as riparian corridors, wetlands and habitat vegetation.
- » Capitalise on the views and vistas shaped by the existing topography to create a variety of spatial experiences that exploit view opportunities from and within the site.
- » Provide a diverse mix of open space and public domain amenity for the community
- » Promote a walkable community and include pedestrian and cycle way networks
- » Improve water quality and on site retention issues by integrated water sensitive urban design principles.
- » Incorporate environmentally sustainable design principles.

- » Incorporate Crime Prevention through Environmental Design principles.
- » Incorporate APZ and other bush fire management requirements within the landscape design.
- » Provide accessible and inclusive community open spaces.

The Landscape Master Plan includes a variety of passive open space areas that have been incorporated to provide the community with areas to walk, cycle, have picnics and to incorporate children’s playgrounds and play spaces. The location of open space areas balances the desire to retain natural features including significant bushland and also maximise views from hilltops.

The location and size of pockets parks balance the need for accessibility, amenity and equity amongst the community. Each community park is a minimum of 0.5ha in accordance with Council’s requirements and additional park areas have been added connecting to the riparian corridor to create pockets of useable recreational space. Parks are generally located on hilltops, in areas where there is vegetation to be retained or adjoining key features of the site, including the central riparian corridor. Further details can be read in Place Design’s Open Space Strategy.

Overall, a total of 15.77ha of open space is provided within the Landscape Master Plan with, as identified in **Table 16** below. The Landscape Master Plan includes a total of 8.51ha of passive open space and 7.26ha of active open space.

**Table 16 Provision of open space**

Land use	Approximate area (hectares)	Type of open space
Active Open Space	7.26	Sports fields and active sport area
Passive Open Space	8.51	Local parks and bushland parks
Total	15.77	
<b>Public realm open space areas</b>		
OS1	0.5	Passive
OS2	0.6	Passive
OS3	0.66	Passive
OS4	0.5	Passive
OS5	1.97	Passive
OS6 + B4	3.97 + 1.29 = 5.26	Active
OS7	0.84	Passive
OS8	2.0	Active
OS9	0.5	Passive
BOS1	1.92	Passive Bushland
BOS2	0.36	Passive Bushland
BOS3	0.65	Passive Bushland

Source: Design and Planning

The open space network of the Orchard Hills North development will provide spaces which are safe, fun and family orientated and centred around the principle that everyone should be able to equally share in the fun and be included. This includes considering the right mix of facilities and furniture when developing each open space (so that the needs of all users are considered).

Thoughtful selection of furniture such as seats, picnic settings, bins and bubblers will be undertaken with accessibility in mind, as well as the provision of accessible path networks, signage for wayfinding, and the provision of play spaces that offer accessible, inclusive experiences for people of all ages, abilities and backgrounds.

In line with Council's visionary strategy documents, all new play spaces within the Orchard Hills development will (where physically possible) seek to:

- » Cater for everyone (regardless of ability)
- » Bring people together and be welcoming, comfortable, and easy to navigate
- » Offer a range of physical challenges across a variety of landscape settings
- » Be spaces to explore, promoting active and healthy lifestyles
- » Be diverse, contemporary, unique, safe and innovative
- » Be accessible, creating a connected network across the development where everyone is able to engage and play together
- » Be classified based on Council's clearly identified hierarchies

The location of the sports fields has taken into consideration the landscape topography with the aim of minimising cut and fill in these areas. Open spaces have been evenly distributed within the balance lands (Area B) to compliment the Rezoning area plan. The prominent sport fields in both plans will service the immediate community and their specific sporting requirements.

### **1.13. Riparian corridors**

The Landscape Master Plan includes the revegetation and regeneration of Werrington Creek and Claremont Creek as important riparian corridors within the site. Werrington Creek is centrally located and forms a perfect backdrop to proposed walking and cycling pathways and the collector road through the site. It will also support medium density development adjoining, benefiting from the amenity of the creek. Whilst achieving desired environmental outcomes, this corridor offers significant opportunity for urban design outcomes to promote human interaction and appreciation of the elements which make these special places. The revegetation of Claremont Creek will form more of an environmental function as this area is remote from the heart of the development and is an extension of the existing riparian corridor.

### **1.14. Landscaping**

As part of the proposed rezoning, a Landscape Master Plan has been provided for the site in order to develop a high-quality landscape, reinforcing the low lying riparian areas with endemic vegetation, emphasis on topographical changes and the retention of views within and beyond the site in order to contribute to the rural character quality within the development.

The Landscape Master Plan will incorporate the following design principles:

- » Create a strong integrated landscape framework that capitalises on the site's physical attributes and establishes a clear vision for the landscape.
- » Retain key creek lines and capitalise on the opportunity to create a central green link.
- » Integrate stands of endangered ecological vegetation community (Cumberland Plain Woodland) into open space areas where possible.

- » Preserve and enhance existing areas of significant ecological value such as riparian corridors, wetlands and habitat vegetation.
- » Capitalise on the views and vistas shaped by the existing topography to create a variety of spatial experiences that exploit view opportunities from and within the site.
- » Provide a diverse mix of open space and public domain amenity for the community
- » Promote a walkable community and include pedestrian and cycleway networks
- » Improve water quality and on site retention issues by integrated water sensitive urban design principles.
- » Incorporate environmentally sustainable design principles.
- » Incorporate Crime Prevention through Environmental Design principles.
- » Incorporate APZ and other bushfire management requirements within the landscape design.

Controls have been included into the site specific DCP to ensure a cool, green and well landscaped future for residents.



# Planning Proposal

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The preparation of this PP is the first step towards rezoning of the 151.9ha site.

This section of the report provides justification and clarity in terms of the intended outcomes and the strategic merit of the proposal to enable the determining authority to issue a Gateway determination consistent with Section 3.33 of the EP&A Act.

In accordance with Section 3.33 of the EP&A Act and '*A Guide to Preparing Planning Proposals*' (the guidelines), this section contains the basis of a PP for the PLEP 2010 amendment. It is comprised of:

- » **Part 1** – objectives and intended outcomes
- » **Part 2** – explanation of provisions
- » **Part 3** – justification
- » **Part 4** – mapping
- » **Part 5** – community consultation
- » **Part 6** – project timeline

## Part 1 – Objectives or Intended Outcomes

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The primary objective of this PP is to amend PLEP 2010 to facilitate the development of the site to deliver a residential development, which will form an extension of the existing urban release area of Caddens.

The intended outcomes of the PP are to:

- » Create a residential site for approximately 1,729 lots
- » Provide opportunities for a diverse mix of housing types, with medium density housing located around the village centre and major open space amenity.
- » Create a new village centre combined with community facility to create a central community hub.
- » Retain key creek lines and capitalise on the opportunity to create a central green link.
- » Retain existing significant vegetation as natural bushland.
- » Respect heritage buildings and the character of the area.
- » Integrate with the community to the north, west and east.
- » Link O'Connell Lane, Caddens Road, Frogmore Road and The Northern Road into a meaningful urban road network.
- » Provide north south and east west road corridors to support linkage through the site to the Penrith to Eastern Creek growth area.
- » Utilise landscaping and topography on the southern boundary to manage noise.
- » Introduce a flexibility boundary clause for certain land use zones to apply to the subject land and other specified release areas.

## Part 2 – Explanation of Provisions

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**Part 2** of the PP is an explicit statement of how the objectives outlined in **Part 1** are to be achieved through an LEP amendment.

The current RU4 Primary Production Small Lots zoning on the site inhibits any redevelopment of the site. A rezoning of the site is necessary in order to create a high-quality residential development, which would form an extension of the existing Caddens residential area.

Viable development of the site can only be realised by amending PLEP 2010 to enable the type of development envisaged by the Master Plan.

### Statement of intended effects

The Planning Proposal seeks to amend the PLEP 2010 and related maps as it applies to land at Orchard Hills North. The purpose of the amendment is to introduce appropriate urban zonings for the development of the land for residential, environmental living, open space, environmental conservation, education, community and for a local retail centre.

Penrith LEP 2010 will be amended to establish land use zones by amendment of the Land Use Zone Map, the Maximum Height of Building Map, and the Lot Size Map. Other maps also need to be amended to include the site as an urban release area and exclude the site from the flood land mapping and scenic and landscape map. With the need for a major arterial north south road and east west road to improve mobility and access over and above the needs of the site, and link to the growth areas south of the site, it will be necessary for land to be acquired. The land acquisition map will need to be amended.

A new clause will be inserted to encourage housing diversity in the residential zones by setting a maximum dwelling cap requiring a quantum of lots per precinct that will exceed the minimum lot size, and to enable a minimum lot size for lots which exceed a slope of 10%.

The Planning Proposal also seeks amendment to Schedule 1 Additional Permitted Uses to enable the Orchard Hills Rural Fire Brigade to be retained on land which is to be zoned RE1.

In summary the intended effects of the rezoning are:

### 1 Amendments to PLEP 2010

The proposed outcomes will be achieved by an amendment to PLEP 2010 as follows:

#### » Amend the Land Zoning Map

- > Rezone the site from **RU4** Primary Production small lots to part **R1** General Residential, **B2** Local Centre, **RE1** Public Recreation, **C2** Environmental Conservation and **C3** Environmental Management.
- > Apply a Transport Investigation Area (TIA) mapped hatching on lands to be preserved for a potential future North-South roadway

#### » Inclusion under Part 7 Additional Local Provisions

- > New Clause 7.32 – Transport Investigation Area. The provision is to require that development cannot be carried out on land where the Transport Investigation Area overlay mapped hatching applies, unless the NSW Department of Planning and Environment, or an appropriate concurrence authority determined by the NSW Department of Planning and Environment, provides concurrence (or agreement).
- > New Clause 7.33 – Proposed School Site at Orchard Hills North. This provision is to apply to Lot 1 DP 239091, being 126-164 Castle Road, Orchard Hills. Despite Clause 4.3 Height of buildings, this provision enables a proposed development on this land to be up to a height of 15 metres, but only if the proposed development is for the purposes of an educational establishment.

- » **Amend the Height of Buildings Map**
  - > On land zoned **B2** specify a height of 16m
  - > Part of **R1** land specify a height of 9m to accommodate small lot integrated housing.
  - > On all other land specify a height of 8.5m
- » **Amend the Minimum Lot Size Map**
  - > On **R1** land specify a minimum lot size of 300m<sup>2</sup> to accommodate general residential housing and 450m<sup>2</sup> as the minimum lot size for lots on sloping sites.
  - > On some R1 zoned land a minimum lot size of 220m<sup>2</sup> for smaller lot housing/townhouses is proposed. These lots will be developed as integrated housing.
  - > On land zoned **C3** specify a minimum lot size of 2,000m<sup>2</sup>
  - > Define boundaries for six separate Precincts within the rezoning area (Area A), to which a maximum lot yield cap will apply to each individual Precinct. Reference is made to proposed Clause 7.31.
- » **Amend the Scenic and Landscape Values Map**
  - > Remove the area of landscape value from the site
- » **Clause Application Map**
  - > Define boundaries on the map for the rezoning area (Area A), titled 'Orchard Hills North', to which a maximum lot yield cap will apply, as specified in proposed Clause 7.31.
- » **Amend the Additional Permitted Use Map**
  - > Remove site '18' - Land at 126–164 Castle Road, Orchard Hills, being Lot 1, DP 239091
  - > Add site '37' – Land at 58-64 Castle Road, Orchard Hills, being Lot 6 DP 239091
- » **Amend Schedule 1 Additional Permitted Uses**
  - > Delete Clause 19, relating to site '18' - Land at 126–164 Castle Road, Orchard Hills, being Lot 1, DP 239091
  - > Add Clause 37, relating to site '37' -
    - **Use of certain lands at 58-64 Castle Road, Orchard Hills**
      - (a) This clause applies the land at 58-64 Castle Road, Orchard Hills, known as Lot 6 DP 239091, that is identified as site "37" and "Orchard Hills Rural Fire Brigade" on the Additional Permitted Uses Map.
      - (b) Development for the purposes of a rural fire brigade station and ancillary uses is permitted with development consent.
- » **Urban Release Areas Map**
  - > Add rezoning area to the map.
- » **Inclusion under Part 6 Urban Release Area**
  - > **Inclusion of Clause 6.20 – Development near zone boundaries in urban release areas**
    - 1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
    - 2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.

- 3) This clause does not apply to:
  - a. land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
  - b. land within the coastal zone, or
  - c. land proposed to be developed for the purpose of sex services or restricted premises, or
  - d. land in Zone B4 Mixed Use.
- 4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - a. the development is not inconsistent with the objectives for development in both zones, and
  - b. the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

**> Inclusion of Clause 6.21 – Provision of local infrastructure**

1. This clause applies to land identified as an Urban Release Area on the Urban Release Areas map.
2. Development consent cannot be granted to land within an Urban Release Area unless the relevant Contributions Plan is in effect
3. Despite subclause 2, a consent authority may dispense with the need for a Contributions Plan referred to in that subclause if the developer has entered into an agreement with the consent authority with respect to the matters that may be the subject of a Contributions Plan.

**» Inclusion under Local Provisions Clause Part 7**

**> Clause 7.31 - Orchard Hills North**

1. This clause applies to land identified as 'Orchard Hills North' on the Clause Application Map.
2. The objective of this clause is to restrict the maximum dwelling yield within Orchard Hills North.
3. Despite Clause 4.1 of the LEP, ensure that a diversity of lot sizes is provided.
4. The land identified as Orchard Hills North on the Clause Application Map must not be developed for more than 1,729 lots.
5. The land identified as Orchard Hills North on the Clause Application Map shall have a diversity of lot sizes with a lot yield per precinct, within Precinct 1, Precinct 2, Precinct 3, Precinct 4, Precinct 5 and Precinct 6, which are identified on the Lot Size Map. The requirements for lot size and maximum lot yield per Precinct are presented in the table below:

**Table 17 Residential lot distribution**

Precinct	R1 - Standard Residential Lots	R1 - Integrated Housing Lots	C3 - Environmental Living	TOTAL
1	356	78	0	<b>434</b>
2	185	72	0	<b>257</b>
3	284	0	0	<b>284</b>
4	411	27	0	<b>438</b>
5	312	0	0	<b>312</b>
6	0	0	4	<b>4</b>
<b>Total</b>	<b>1,548</b>	<b>177</b>	<b>4</b>	<b>1729</b>

Source: Design and Planning

6. The minimum lot size for lots with a finished slope exceeding 10% shall be 450m<sup>2</sup>.
7. Development consent for any development on land zoned R1 General Residential to which this clause applies must include a single development application that is both of the following:
  - a. the subdivision of land into residential lots, and
  - b. the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, but only if the size of each lot is less than 300m<sup>2</sup>.

» **Land Reservation Acquisition Map**

- > On certain **RE1** land identified to contain the central riparian corridor at Werrington Creek and proposed playing fields add these lands to the land acquisition map with the land acquisition authority as Penrith Council

Each of these amendments is described below.

## **2 Explanation of proposed amendments**

### **2.1 Land use zones**

The proposed **B2** Local Centre zone facilitates a local village centre, to be the hub of the community, with a mix of uses including commercial development, cafes, corner stores, childcare facilities and potentially some small-scale employment. This area will also be able to accommodate shop top housing.

The majority of the site will be zoned **R1** General Residential to facilitate a mix of residential development typologies, consistent with the vision for an increased diversity of housing choice within Penrith. It is envisaged that the development will include predominately detached housing with the inclusion of large lots near Claremont Creek within the **C3** zone. The area surrounding the local centre and opposite the Werrington Creek riparian corridor provides opportunities for smaller lot compact housing in the form of townhouses and attached housing.

The **RE1** Public Open Space zoning is proposed for the passive open spaces provided within the development in order to ensure that there are designated areas for public recreation. The **RE1** land will be identified on the land acquisition map to provide certainty for delivery and future ownership of identified open space areas due to multiple ownership.

The area proposed to be **C2** Environmental Conservation comprises riparian corridors within the site and areas of CPW.

## 2.2 Minimum lot size

The principal development standards for the Minimum Lot Size (MLS) is proposed to be amended. At present the majority of the site has a minimum lot size of 2ha. However, lots on the southern portion of the site have a minimum lot size of 1,000m<sup>2</sup> plus.

As part of the proposed amendments, the **R1** zoned parts of the site will have a MLS of predominantly 300m<sup>2</sup>, while some limited areas identified for smaller lot housing will have a MLS of 220m<sup>2</sup> and will be designated for integrated housing.

A larger MLS of 450m<sup>2</sup> will apply to R1 zoned areas where the finished surface levels result in a slope exceeding 10%. This is necessary in order to ensure the design and future amenity of the lots provide a good residential outcome.

A clause is proposed to be inserted to ensure a diversity of housing across the lot size mix.

A MLS of 2,000m<sup>2</sup> will apply to **C3** zoned land in order to respond to the constraints of the land and provide a lifestyle living area as part of the housing diversity.

The MLS controls will be supported by an associated Local Provisions Clause regarding the maximum lot yield per precinct. Minimum lot sizes will be included in the proposed Clause 7.31.

It is considered that these controls are appropriate for the site and are comparative to the proposal for Glenmore park Stage 3. An assessment of Glenmore Park Stage 3 determined approximately 24% of the lots having a minimum lot size of 220m<sup>2</sup>. In comparison, this proposal comprises only about 10% of the lots being 220m<sup>2</sup>.

## 2.3 Building height

The proposed instrument will amend the principal development standards for the Height of Buildings (HOB) with an amended HOB map. At present the site has no height control.

The areas identified R1 to contain smaller lot housing/compact housing will have a height limit of 9m which will be suitable for housing diversity. The remainder of the site (apart from the B2-zoned area) will have a height limit of 8.5m to constrain the development of RFBs in less suitable locations.

The **B2** Local Centre zone will have a height of 16m, allowing for alternative ground levels to be provided and to create a diverse and interesting built form.

## 2.4 FSR

No FSR controls currently exist on site. This is not proposed to be altered.

## 2.5 Heritage

The PP does not propose any alteration to the classification of the existing heritage items on site. All heritage items will be retained and incorporated into the overall development.

## 2.6 Amendments to Part 6

### Additional clause

Clause 5.3 of PLEP 2010 aims to provide flexibility where the investigation of a site and its surrounds reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

It is proposed to insert a similar clause into Part 6 of PLEP 2010 for all land release areas to increase the flexible boundary based on the fact that in detailed planning and design for large release sites the exact boundaries are refined between zones. The clause will not apply to the following:

- » land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
- » land within the coastal zone, or
- » land proposed to be developed for the purpose of sex services or restricted premises, or
- » land in Zone B4 Mixed Use;

The PP proposes to increase the flexible boundary to a distance of 50m, in accordance with the distances included in surrounding LEPs such as Camden and Campbelltown.

### **Urban Release Area**

The PP will include the creation of a new Urban Release Area Map layer identifying Orchard Hills North as a new Urban Release Area. Part 6 of PLEP 2010 will also be altered to include Orchard Hills North as a designated Urban Release Area.

A new provision will be included in Part 6 in relation to the provision of local infrastructure. This clause will apply to land identified as an Urban Release Area on the Urban Release Areas map.

Development consent cannot be granted to land within an Urban Release Area unless the relevant Contributions Plan is in effect, or an alternative mechanism is provided for the delivery of local infrastructure. The intent of this clause is to ensure that there is limited risk exposure to Council in enabling the making of the Plan and provides flexibility that either a Contributions Plan needs to be in effect to be granted development consent or other arrangements such as a VPA being in place.

### **2.7 Protection of scenic character and landscape values.**

The entirety of the site is currently identified as having landscape values. This classification is proposed to be removed. A Visual Analysis prepared by Place Design Group confirms that the majority of the 26 view lines within the site have low to medium visual sensitivity with key characteristics and views retained through appropriate DCP design criteria.

Utilising the existing topography to the sites advantage, any potential visual impacts can be dramatically reduced from both within the site and from the surrounding neighbourhoods. Concealing medium density dwellings or the local centre behind ridge lines and on low lying slopes will significantly reduce the visual effect of any future development on the site.

Separation of compact housing dwellings with open space or a central riparian corridor will provide a reduced sense of scale. Abundant green space should be provided between important destinations within the site and include connections to the surrounding suburbs. Strategically located parcels of open space, retained remnant vegetation in bush land parks together with appropriate street tree plantings to the internal road network and ridge lines should be implemented to retain the key views and visual corridors.

In addition, the views from the M4 Motorway are retained due to the topography and vegetation, and in addition views are being amended by the Government with the Northern Road widening and road works.

### **2.8 Amendments to Part 7**

Insert new Clause 7.31 Orchard Hills North in Part 7 in order to provide certainty in regard to a maximum number of residential lots and a diversity of lots per precinct with a minimum lot size. It is also proposed to place a minimum lot size of lots which exceed a 10% slope in order to ensure a good amenity. Proposed Clause 7.31 is identified above.

Insert new Clause 7.32 – Transport Investigation Area. The provision is to require that development cannot be carried out on land where the Transport Investigation Area overlay mapped hatching applies, unless the NSW Department of Planning and Environment, or an appropriate concurrence



authority determined by the NSW Department of Planning and Environment, provides concurrence (or agreement).

Insert new Clause 7.33 – Proposed School Site at Orchard Hills North. This provision is to apply to Lot 1 DP 239091, being 126-164 Castle Road, Orchard Hills. Despite Clause 4.3 Height of buildings, this provision enables a proposed development on this land to be up to a height of 15 metres, but only if the proposed development is for the purposes of an educational establishment. This provision is necessary to accommodate Schools Infrastructure NSW requirements in relation to the building height required for delivery of the future new school on the site. For all other development, the current proposed 8.5m height limit would apply.

## **2.9 Amendments to Schedule 1**

Under Schedule 1 Additional Permitted Uses Clause 19 an additional permitted use is applicable for the site at 126-164 Castle Road, Orchard Hills (Lot 1 DP 239091). This site is classified as '18' on the Additional Permitted Uses Map. This Planning Proposal proposes to remove the aforementioned clause from PLEP 2010 and from the associated map.

The Planning Proposal also proposes to include in Schedule 1 the use of certain lands at 58-64 Castle Road, Orchard Hills, known as Lot 6 DP 239091, that is identified as "Orchard Hills Rural Fire Brigade". It is proposed to include this site on the Additional Permitted Uses Map to allow development for the continuance of the rural fire brigade station land uses.

## **3 Orchard Hills North Development Control Plan**

A Site Specific DCP is proposed for the Orchard Hills North site. The DCP will support the PP and includes site specific controls relating to:

- » Design objectives and character areas
- » Public domain and parks
- » Residential development – including setbacks, interfaces with adjacent areas and Caddens Road
- » Village Centre
- » Heritage
- » Site grading and retaining walls
- » Urban Heat Island, and
- » Water cycle management and flooding

## **4 Section 7.11 Contributions**

Legacy will be a major developer within the Orchard Hills North rezoning area. However, it is important to recognise that there is still a level of fragmented ownership across the site. As such, it is necessary that a Section 7.11 Contributions Plan be prepared to establish a contributions regime for all future development resulting from the proposed rezoning. A draft Section 7.11 Contributions Plan supports the Planning Proposal.

It is expected that the contributions plan will incorporate the following elements:

- » Dedication and embellishment of local open space, including central riparian corridor
- » Upgrade of local roads and intersections within and outside the rezoning area
- » Delivery of key collector roads within the rezoning area
- » Water Cycle Management

It is envisaged that the following items will be delivered by developers as part of general subdivision works:

- » Dedication and embellishment of detention basins and water quality devices
- » Construction and dedication of local roads within the rezoning area.

Legacy expects to ultimately enter into a Voluntary Planning Agreements (VPA) with Council, as addressed below. This will provide certainty for delivery of an enabling level of local infrastructure in the rezoning area.

## **5 Voluntary Planning Agreement**

A draft VPA Letter of Offer from Legacy Property to Council accompanies the Planning Proposal. Discussions regarding a VPA are progressing.

## **6 State Infrastructure Contribution**

The 'satisfactory arrangements' clause under Part 6 of PLEP 2010 will apply to this site to provide a mechanism for contributions towards State infrastructure in lieu of any specific Special Infrastructure Contribution (SIC).

It is anticipated that Legacy and any other landowner / developers within the rezoning area will enter into a VPA with the State Government to provide appropriate contributions towards State Infrastructure, if required. The quantum of any state contribution will be assessed and determined following discussion with the state government.

## Part 3 – Justification

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**Part 3** sets out the justification for the PP, against its strategic planning context, considering the environmental, social and economic impacts of the proposal and the interests of the State and Commonwealth Governments.

In accordance with the guidelines, the level of justification is to be commensurate to the stage in the LEP making process. At this initial stage of the process, the potential impacts of the proposal must be identified sufficient to provide the intent, but a comprehensive response is not required.

In this case, a significant body of urban design and technical investigation has been undertaken to conform the principle intent of the rezoning at the front end and demonstrating the strategic merit of the proposal. Further assessment, if deemed necessary, is to be provided post-Gateway.

The guidelines contain a list of questions to consider when demonstrating the justification for a PP. Each of these questions is addressed below.

### Section A – Need for the Planning Proposal

#### ***Q1 Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?***

The PP was not prepared as a result of any specific strategic study for utilisation for an urban development purpose.

However, in October 2017 Legacy submitted a site nomination in response to Council's AHDP, to enable the provision of short-term housing supply in the Penrith LGA, at Orchard Hills North. Given its adjacency to existing residential development (Caddens), the availability of trunk utility services and the immediate proximity of existing transport, educational, health and community services, it is considered that the site is well placed to provide 'infill' land release short-term housing.

In November 2017 Council endorsed two sites as short-term rezoning opportunities under the AHDP. One of these was Legacy's Orchard Hills North. Council determined that the site had a demonstrated ability to deliver housing quickly.

The recognition of the site by Council as offering an ideal opportunity for providing short term housing, identified the need for the PP.

It should be noted that the site is also identified as being located within the Greater Penrith to Eastern Creek Growth Area in the Western City District Plan and the Penrith LSPS.

#### ***Q2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

In order to achieve the intended development outcomes and consistency with State Government strategic directions, the subject site requires rezoning. This is the only alternative to achieve the objectives of the strategic directions.

The current controls would allow for approximately 67 dwellings to be accommodated on 2ha lots, which is an inefficient use of land adjacent to an urban release area at Caddens. Rezoning the site would result in the creation of approximately 1,729 lots.

### Section B – Relationship to Strategic Planning Framework

#### ***Q3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?***

This section of the report supplements the PP by addressing the provisions of the relevant regional and subregional plans and strategies.

## 1 The Western Sydney City Deal (2018)

The Australian and NSW Governments, together with eight local governments of Western Sydney, signed the Western Sydney City Deal on 4 March 2018. The participating Councils consist of Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly.

The deal is a 20-year agreement between the three levels of government to deliver the transformation of Sydney's outer west, in order to create the Western Parkland City. The City Deal builds on the Australian Government's \$5.3 billion investment in the Western Sydney Airport to catalyse investment, development and job opportunities. It also includes measures to improve community infrastructure and liveability.

The Western Sydney City Deal includes commitments from all levels of government across six priority domains as follows:

- » Connectivity – the new Western Parkland City will be one of the most connected cities. In an emerging 30-minute city, innovative public transport, aviation and digital infrastructure will bring residents closer to jobs, centre, education and the world.

Key features of connectivity include the North South Rail Link from St Marys to Aerotropolis via Western Sydney Airport, rapid bus services linking Liverpool, Penrith and Campbelltown and the 5G network and smart digital technology.

- » Jobs for the future – the Western Parkland city will create 200,000 new jobs over a wide range of industries over the next 20 years. The Airport and Aerotropolis will attract infrastructure, investment and knowledge-intensive jobs, the benefits of which will flow into health and education, retail, hospitality, and industrial activities that will power the city.
- » Skills and education – residents will have access to new education and skills training opportunities through a new University, schools and VET facilities. These will align with the high-skilled businesses and industries of the Aerotropolis.
- » Liveability and Environment – the city has a unique landscape that is surrounded by protected natural assets. In future neighbourhoods will be even more liveable and sustainable. Local project funding will create healthy and active communities that build on their strengths and support open spaces.

The \$150 million Western Parkland City Liveability Program is designed to enhance local character in each of the participating councils. Priority projects, co-funded with councils, will be announced in 2018. These projects will be exemplars of local character and are an essential dimension to community building as the Western Parkland City transforms over the next 20 years.

- » Planning and Housing – innovative approaches to planning for and delivering housing will ensure that growth is balanced with maintaining the local character of the Western Parkland City.

Key features include a Western Parkland City Partnership to achieve better outcomes in planning approvals and a \$30 million Western Parkland City housing package to ensure sustainable growth. Growth infrastructure Compacts piloted to match housing and jobs growth with delivery of infrastructure.

- » Implementation and Governance – the Australian, NSW and local governments will work together to support the growth, success and sustainability of the Western Parkland City.

The City Deal includes a centrepiece commitment from the Australian and NSW Governments to deliver the first stage of Western Sydney Rail, a North-South Rail Link from St Marys to Badgerys Creek Aerotropolis via Western Sydney Airport.

## **Implementation Plan for the Western Sydney City Deal**

This Western Sydney City Deal Implementation Plan provides the detail on the delivery of each of the commitments under the City Deal. The 38 commitments were agreed to by the Australian and NSW governments and the eight local councils in the Western Parkland City under the Western Sydney City Deal.

The 38 commitments of the City Deal are at various stages of design and delivery. Project milestones will be enhanced as commitments are further scoped. Progressive and updated milestones will be published in annual reports on the implementation of the Western Sydney City Deal.

As well as measuring inputs and processes, key performance metrics will enable an assessment of the value that the City Deal produces for residents of the Western Parkland City. The development of performance measures is an ongoing process that will evolve and adapt over time through experience and the emergence of new data. Longer-term milestones for certain projects will be determined subject to further planning.

Progress reports will be published annually, and the progress and impact of the commitments delivered through the City Deal will be evaluated in 2021, three years after its signing. The 2020 Progress Report is discussed below.

The 2020 Annual Progress Report documents the progress that has been made in relation to the Western Sydney City Deal, specifically achievements made from 1 April 2019 – 31 March 2020. While no progress specifically related to the site is included, a number of planning and housing achievements have been made, including:

- » All eight City Deal councils have now exhibited their Local Strategic Planning Statements (LSPSs) to develop updated Local Environment Plans (LEPs). The Greater Sydney Commission has conducted a review and feedback program to support finalisation of the LSPSs by March 2020.
- » The Western Sydney Aerotropolis Plan (formerly the Land Use and Implementation Plan for the Western Sydney Aerotropolis) was placed on public exhibition in December 2019. The Western Sydney Planning Partnership led a comprehensive community engagement strategy, and submissions closed in March 2020.
- » The Western Sydney Planning Partnership was established under the City Deal in 2018 and will have completed its three priority projects by the end of 2020: Uniform Engineering and Design Standards, Common Planning Assumptions, and Precinct Planning for the Western Sydney Aerotropolis Plan.
- » The Western Sydney Planning Partnership has developed Street Design Guidelines for application in new release areas across the Western Parkland City and Blacktown. The guidelines include standards for different street types to maximise things like pedestrian access, cycleways and active transport, public transport, as well as better traffic flow on thoroughfares. The Guidelines form part of the Uniform Engineering and Design Standards, which are expected to be presented to councils in 2020.

## **2 A Metropolis of Three Cities - the Greater Sydney Region Plan (2018)**

The PP has been prepared in accordance with the Greater Sydney Commission's (GSC) Greater Sydney Region Plan, which was released in March 2018. The Plan presents a 40-year vision (up to 2056) for three cities; the Western Parkland City; the Central River City and the Eastern Harbour City. The vision is for the majority of people to be able to commute to their nearest city within 30 minutes. Penrith is located within the Western Parkland City.

The population of Greater Sydney is expected to grow to 8 million over the next 40 years, with almost half of this population residing west of Parramatta. The population of the Western Parkland City is projected to grow from 740,000 in 2016 to 1.1 million by 2036 and to well over 1.5 million by 2056.

The city will be established on the strength of the new Western Sydney Airport and Badgerys Creek Aerotropolis, which will act as a catalyst for the city, resulting in a strong trade, logistics, advanced manufacturing, health, education and science economy. It will be a polycentric city capitalising on the established centres of Liverpool, Greater Penrith and Campbelltown-Macarthur.

The PP has taken into consideration the priorities of the Plan as identified below.

**Table 17 Greater Sydney Region Plan**

Greater Sydney Region Plan key priorities	Rezoning Justification and response
<b>Key priorities</b>	
<p><b>Infrastructure and collaboration</b></p> <p><b>A city supported by infrastructure</b></p> <ul style="list-style-type: none"> <li>» Infrastructure supports the three cities</li> <li>» Infrastructure aligns with forecast growth – growth infrastructure compact</li> <li>» Infrastructure adapts to meet future needs</li> <li>» Infrastructure use is optimised</li> </ul> <p><b>A collaborative city</b></p> <ul style="list-style-type: none"> <li>» Benefits of growth realised by collaboration of governments, community and business</li> </ul>	<p>In the long term the OSO, which will extend approximately 80km between Box Hill in the north and the Hume Motorway at Menangle in the south, is expected to pass to the east of Orchard Hills North.</p> <p>Infrastructure developments such as the OSO are in alignment with the predicted future growth of the Western City, which is likely to accommodate around half the population of Greater Sydney. The OSO as indicatively shown, does not impact the site.</p> <p>The social infrastructure report suggests that community facilities may not be needed as part of the development but that a facility could be incorporated into the new centre if required. The area is well serviced by childcare and offers significant amenity to a broad spectrum of the community including young families.</p> <p>Road, water, and sewer infrastructure upgrades will be provided to service the rezoning area to meet the future growth.</p>
<p><b>Liveability</b></p> <p><b>A city for people</b></p> <ul style="list-style-type: none"> <li>» Services and infrastructure meet communities' changing needs</li> <li>» Communities are healthy, resilient and socially connected</li> <li>» Greater Sydney's communities are culturally rich with diverse neighbourhoods</li> <li>» Greater Sydney celebrates the arts and supports creative industries and innovation</li> </ul> <p><b>Housing in the city</b></p> <ul style="list-style-type: none"> <li>» Greater housing supply</li> <li>» Housing is more diverse and affordable</li> </ul> <p><b>A city of great places</b></p>	<p>The rezoned site will assist in providing increased capacity for a public or private school.</p> <p>The proposed development intends to provide a wide variety of open space for passive recreational uses, in order to meet the amenity needs of the future community.</p> <p>Council has committed to the AHDP in order to provide housing quickly within the next 3-5 years. As Orchard Hills North has been selected as 1 of 2 sites which has immediate potential for rezoning, it is considered that the site is well placed to accommodate residential land uses.</p> <p>Orchard Hills North would assist in achieving the State Government's 0-5 year dwelling target of 39,850 within the Western City (2016-2021). The site has the potential to provide for 1,729 new lots.</p> <p>The proposed development would form a natural extension to Caddens, accommodating a range of residential typologies as well as a local centre, whilst retaining the existing heritage items on the site.</p>

Greater Sydney Region Plan key priorities	Rezoning Justification and response
<ul style="list-style-type: none"> <li>» <i>Great places that bring people together</i></li> <li>» <i>Environmental heritage is identified, conserved and enhanced</i></li> </ul>	
<p><b>Productivity</b></p> <p><b>A well connected city</b></p> <ul style="list-style-type: none"> <li>» <i>A metropolis of three cities – integrated land use and transport creates walkable and 30 minute cities</i></li> <li>» <i>The Eastern, GOP and Western Economic corridors are better connected and more competitive and efficient</i></li> <li>» <i>Freight and logistics network are competitive and efficient</i></li> <li>» <i>Regional connectivity is enhanced</i></li> </ul> <p><b>Jobs and skills for the city</b></p> <ul style="list-style-type: none"> <li>» <i>Harbour CBD is stronger and more competitive</i></li> <li>» <i>Greater Parramatta is stronger and better connected</i></li> <li>» <i>Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City</i></li> <li>» <i>Internationally competitive health, education, research and innovation precincts</i></li> <li>» <i>Investment and business activity in centres</i></li> <li>» <i>Industrial and urban services land is planned, protected and managed</i></li> <li>» <i>Economic sectors are targeted for success</i></li> </ul>	<p>Orchard Hills North will result in residential accommodation in close proximity for Penrith. As this strategic centre grows, there will be a requirement for additional housing.</p> <p>Future advances in technology as well as the current upgrades of The Northern Road, which are underway, and the introduction of the OSO will provide improved connectivity to the wider Western City as well as the Central and Eastern cities. It will also provide benefits to the sites connectiveness.</p> <p>Strengthening centres is a key objective, particularly the Western City where job numbers are well below workforce demand. At the last census, 45 per cent of residents, or nearly 217,000 people travelled outside the Western Parkland City to their place of work.</p> <p>The proposed rezoning will provide local job opportunities with the village centre.</p> <p>The site is well located to take advantage of the future development surrounding the new Western Sydney Airport, which is likely to result in a boom in employment within the Western City. Redevelopment of the site will result in accommodation close to future employment.</p>
<p><b>Sustainability</b></p> <p><b>A city in its landscape</b></p> <ul style="list-style-type: none"> <li>» <i>The coast and waterways are protected and healthier</i></li> <li>» <i>A cool and green parkland city in the South Creek corridor</i></li> </ul>	<p>The proposed rezoning aims to create a development which is sympathetic to its surroundings.</p> <p>The site, although zoned for agricultural purposes, only accommodates agriculture on 2 lots within the entire site. The overall heritage of the site will be retained. There is minimal aboriginal heritage and due to the topography and vegetation, the scenic landscape will be respected. Therefore, it does not make sense to retain the current zoning.</p>

Greater Sydney Region Plan key priorities	Rezoning Justification and response
<ul style="list-style-type: none"> <li>» <i>Biodiversity is protected, urban bushland and remnant vegetation is enhanced</i></li> <li>» <i>Scenic and cultural landscapes are protected</i></li> <li>» <i>Environmental, social and economic values in rural areas are protected and enhanced</i></li> <li>» <i>Urban tree canopy cover is increased</i></li> <li>» <i>Public open space is accessible, protected and enhanced</i></li> <li>» <i>The Green Grid links, parks, open spaces, bushland and walking and cycling paths</i></li> </ul> <p><b>An efficient city</b></p> <ul style="list-style-type: none"> <li>» <i>A low carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i></li> <li>» <i>Energy and water flows are captured, used and re-used</i></li> <li>» <i>More waste is re-used and recycled to support the development of a circular economy</i></li> </ul> <p><b>A resilient city</b></p> <ul style="list-style-type: none"> <li>» <i>People and places adapt to climate change and future shocks and stresses</i></li> <li>» <i>Exposure to natural and urban hazards is reduced</i></li> <li>» <i>Heatwaves and extreme heat are managed</i></li> </ul>	<p>The Concept Plan has been designed in order to accommodate a number of open space areas for passive recreation, in order to ensure that all residents have access to adequate outdoor space.</p> <p>The site will also accommodate a number of walking and cycling tracks in order to encourage active transport.</p> <p>The site contains 5 threatened fauna species and two native vegetation communities; CPW and RFEF, both of which are listed under the BC Act as TECs. The majority of this will be preserved and rehabilitated and utilised as part of the contribution of open space.</p> <p>For these reasons the rezoning can provide a sustainable future development.</p>

### 3 Our Greater Sydney 2056 - Western City District Plan (2018)

The PP has also been prepared and taking into consideration the Western City District Plan. The Western City District Plan outlines planning priorities and actions for future growth and development in the Western City over the next 20 years, over which time the Western Sydney Airport and Badgerys Creek Aerotropolis will create a once-in-a generation economic boom. This will in turn attract infrastructure, businesses and create knowledge-intensive jobs for residents of the Western City.

The overall vision of the Plan, for the creation of a polycentric Western City, will allow for a more integrated and coordinated approach to the planning of Greater Sydney and the Western District and, critically, the delivery of the new Western Sydney Airport. Importantly, the economic flow on effects of this new infrastructure must be equitably shared and maximised across the Western City.



A key element of the proposed rezoning of Orchard Hills North is that the District Plan has identified the site as forming part of an urban investigation area and the Greater Penrith to Eastern Creek Growth Area. This designation confirms that the site offers a key opportunity for future redevelopment and the provision of future housing supply.

It is considered that the vision for the site responds to the vision for the Western City, as identified in **Table 19** below.

**Table 18 Western City District Plan**

Western City District Plan key priorities	Rezoning Justification and response
<p><b>Infrastructure and collaboration</b></p> <ul style="list-style-type: none"> <li>» <i>Planning for a city supported by infrastructure</i></li> <li>» <i>Working through collaboration</i></li> </ul>	<p>Upgrades which are currently occurring along The Northern Road for around 35km between The Old Northern Road, Narellan and Jamison Road, South Penrith to convert the road from a two to four lane undivided road to a six to eight lane divided road. There is also upgrades at the offramp with the m4 to Kent Road. These road upgrades ensure that any future residential population of Orchard Hills North will be able to be accommodated on the road network.</p> <p>The site forms part of the Greater Penrith to Eastern Creek Growth Area, which is earmarked for urban release and urban renewal. As the rezoning area is surrounded by residential development, The Northern Road and the M4 Motorway, it is able to be developed as a standalone project. However, provision has been made for a major north south connector in the future from Orchard Hills South over the M4 and through the site. There is also provision for an east west connector from Kent Road to The Northern Road. Both these will provide for future connectivity as identified by Transport for NSW.</p> <p>Services and infrastructure are available and will be augmented to service the site and provide opportunities for the Structure Plan area.</p>
<p><b>Liveability</b></p> <ul style="list-style-type: none"> <li>» <i>Providing services and social infrastructure to meet peoples changing needs</i></li> <li>» <i>Fostering healthy, creative, culturally rich and socially connected communities</i></li> <li>» <i>Providing housing supply, choice and affordability, with access to jobs, services and public transport</i></li> <li>» <i>Creating and renewing great places and local centres, and respecting the District's heritage</i></li> </ul>	<p>The site will assist in the provision of social infrastructure providing opportunities for a private or public school as well as a community facility. The existing church will be retained.</p> <p>The provision of a village centre means that the community will be able to be completely self-sufficient. The village centre can include a community hub and social service to support the community and create a socially connected service.</p> <p>The development will also form a natural extension of the existing Caddens residential development. The provision of 1,729 new lots will assist in reaching the housing targets for Penrith and assist in the delivery of housing in the short term over the next 5 years under the AHDP.</p> <p>The Western City District Plan includes a housing target for Penrith of 6,600 new homes by 2021.</p>

Western City District Plan key priorities	Rezoning Justification and response
	<p>Orchard Hills North would be able to contribute 1,729 lots, roughly a third of this target.</p> <p>The provision of housing at Orchard Hills North would also be in close proximity to the centre of Penrith (approximately 4km) and therefore jobs and services.</p>
<p><b>Productivity</b></p> <ul style="list-style-type: none"> <li>» <i>Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City</i></li> <li>» <i>Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis</i></li> <li>» <i>Growing and strengthening the metropolitan city cluster</i></li> <li>» <i>Maximising freight and logistics opportunities and planning and managing industrial and urban services land</i></li> <li>» <i>Growing investment, business opportunities and jobs in strategic centres</i></li> </ul>	<p>The redevelopment of the site will result in number of employment opportunities during construction of residential development and local centre. In the longer term, the village centre will accommodate employment opportunities.</p> <p>Road upgrades on site will be carried out as part of the overall development</p>
<p><b>Sustainability</b></p> <ul style="list-style-type: none"> <li>» <i>Protecting and improving the health and enjoyment of the District's waterways</i></li> <li>» <i>Creating a Parkland City urban structure and identity with South Creek as a defining spatial element</i></li> <li>» <i>Protecting and enhancing bushland and biodiversity</i></li> <li>» <i>Increasing urban tree canopy cover and delivering Green Grid connections</i></li> <li>» <i>Protecting and enhancing scenic and cultural landscapes</i></li> <li>» <i>Better managing rural areas</i></li> <li>» <i>Delivering high quality open space</i></li> <li>» <i>Reducing carbon emissions and managing energy, water and waste efficiently</i></li> </ul>	<p>The site contains 5 threatened fauna species and two native vegetation communities; CPW and RFEF, both of which are listed under the BC Act as TECs. The majority of this will be preserved and rehabilitated and utilised as part of the contribution of open space. These areas will form part of the C2 Environmental Conservation zoned areas. Where possible, existing bushland areas have been retained and will be enhanced.</p> <p>Several areas of open space are proposed amongst the residential development in order to allow for passive recreation. In addition, the existing riparian corridors will be preserved and maintained in order to form part of the green network, connecting different areas of the site and allowing for active transport.</p> <p>The site is currently classified as MRA, however, at present, commercial agricultural activity at Orchard Hills North only occurs on a single 4.5ha property, representing 3.3% of the total proposed rezoning area. As minimal agricultural practices currently occur on the site, the proposed rezoning will have no impact upon the agricultural output of the Penrith LGA. Refer to MRA discussion below.</p>

Western City District Plan key priorities	Rezoning Justification and response
» <i>Adapting to the impacts of urban and natural hazards and climate change</i>	The overall aim of Orchard Hills North is to create a residential development with a high level of amenity, which is sympathetic to its surroundings. The open space network being created on site and linking with the creeks support the further extension of a Green Grid in Penrith.

Within the Western City District Plan, the site at Orchard Hills North is identified as being located within three distinct areas, an Urban Investigation Area, the Greater Penrith to Eastern Creek Growth Area and the Metropolitan Rural Area (MRA). These land designations are discussed below.

### Urban investigation areas

Urban investigation areas have been identified as part of a structured approach to manage the long-term growth of Greater Sydney in a deliberate and carefully planned way, where land use is integrated with major transport corridors. To the north of the future Western Sydney Airport, two urban investigation areas form part of the Greater Penrith to Eastern Creek Growth Area:

- » Orchard Hills, north of the Defence Establishment Orchard Hills and west of St Clair
- » East of the Northern Road at Luddenham between the Western Sydney Airport Growth Area and the water pipeline

The urban investigation area to the east of the Northern Road includes the site at Orchard Hills North, thereby identifying the site as a key area for future redevelopment.

This rezoning has undertaken the initial investigations to show that the site is suitable for development and can be serviced with state and local infrastructure.

### Greater Penrith to Eastern Creek Growth Area

A growth area north and east of the Western Sydney Airport has been identified, the Greater Penrith to Eastern Creek Growth Area. This growth area will support and manage land release development and urban renewal, building on the opportunities created by the Western Economic Corridor. The growth area will also seek to enhance the integration of land use and transport planning to guide redevelopment opportunities and identify the infrastructure required to support continued growth.

The location of the site at Orchard Hills, within this growth area identifies it as a key area for future growth within the Western City, offering an ideal opportunity for future land release and the establishment of residential land uses.

The proposed rezoning shows how the site can fall within the broader Growth Area, with appropriate links and achieving housing and infrastructure outcomes, even though it relates more to the northern community, than to the south of the M4 Motorway.

### Metropolitan Rural Area

The Plan identifies significant areas of the Western City, including the site at Orchard Hills North, which is part of the Greater Penrith to Eastern Creek Growth Area, as forming part of the MRA. The MRA has been earmarked for agricultural activities such as the production of eggs and poultry, cut flowers, turf and mushroom farms.

At present, commercial agricultural activity at Orchard Hills North only occurs on a single 4.5ha property, representing 3.3% of the total proposed rezoning area. Therefore, it seems inappropriate that the site is considered to be MRA. As minimal agricultural practices currently occur on the site, the proposed rezoning will have no impact upon the agricultural output of the Penrith LGA. Councils AHDP, which nominated Orchard Hills North for the delivery of short-term housing, also concluded

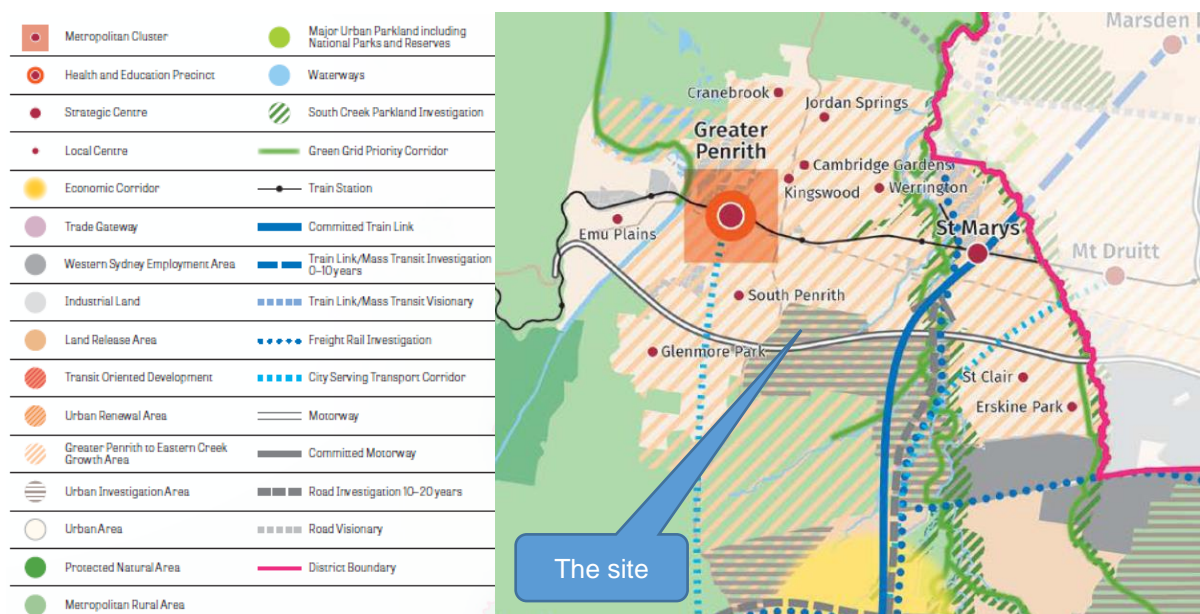
that the site would offer a logical extension to the existing urban area, without compromising existing agricultural or future employment and transport corridors.

Given that the site is also located within an Urban Investigation Area and the Greater Penrith to Eastern Creek Growth Area, where land has been specifically identified for future land release and urban renewal, the classification of the site as MRA appears to be conflicting. However, it is noted that **“Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas identified in A Metropolis of Three Cities”**.

As the Plan has located Orchard Hills North within an Urban Investigation Area and the Greater Penrith to Eastern Creek Growth Area, its classification as also MRA will not act as barrier to rezoning, and future urban development of the site can feasibly be considered. The sites’ location, adjacent to the existing Caddens urban release area, along with the immediate availability of trunk utility services and the proximity of existing and future transport, educational, health and community services, mark it as an ideal location to accommodate future development.

The location of the site within the urban investigation area and MRA is identified in **Figure 13** below.

**Figure 13 Western City District Structure Plan – urban area north**



Source: Western City District Plan

### Growth in Penrith

In the last few years Penrith has benefited from proximity to a growing number of world-class amenities including the Nepean Health Precinct, Western Sydney University, Penrith City Centre and the planned Western Sydney Airport, as well as substantial increases in residential and mixed-use development.

Consequently, the number of jobs in Greater Penrith is likely to increase from 33,400 in 2016 to between 44,000-45,000 in 2036, as anticipated by the District Plan. This substantial economic boom will entice a substantial volume of people to the area, all of which will require residential accommodation. Currently, the remaining capacity of Penrith’s existing new release areas is less than 4,500 dwellings, which is only anticipated to satisfy demand for the next 3-4 years. As the 0-5-year housing supply target for Penrith up to 2021 is 6,600, it is critical that planning of new release areas is undertaken, in order to ensure the continuous and timely supply of new release area housing.

The location of the site at Orchard Hills North, adjacent to the existing Caddens urban release area (consisting of a forecast 1,200 dwellings), along with the immediate availability of trunk utility services

and the immediate proximity of existing transport, educational, health and community services, mark it as an ideal location to accommodate future development.

The site is physically and strategically suited for urban development, noting that:

- » it adjoins an existing residential subdivision
- » There are limited environmental or physical constraints that would prevent redevelopment
- » it is within the urban investigation area and Greater Penrith to Eastern Creek Growth Area and is therefore well placed to be rezoned through a developer led Planning Proposal
- » the upgrades to the Northern Road, which the Orchard Hills site is located east thereof, and gains access thereto. Thus, the rezoning of the land will support the Government's cost of infrastructure and will result in better utilisation of the land
- » it is well located to benefit from potential catalyst infrastructure, such as the north/south rail corridor, but unlikely to constrain such infrastructure given the lack of available corridors due to the immediately surrounding residential development.
- » it is able to capitalise on the availability of new and existing infrastructure, such as the recently completed Werrington Arterial Road and new M4 on and off-ramps, The Northern Road upgrade, and four train stations within 4.5km of the site (Penrith, Kingswood, Werrington, St Marys).

### **Accelerated Housing Delivery Program (AHDP)**

Council adopted and commenced the AHDP to identify land suitable for new release housing over the next 5 years. Of the 11 submissions received 2 sites were recommended to be pursued as accelerated housing delivery sites, one of which was Orchard Hills North.

As stated by Council, the 2 nominated sites *'offer logical extensions to Penrith's urban areas that are supported by Centres, can be serviced, and provide infrastructure to support housing and will not compromise future game changing infrastructure projects.'*

The development of Orchard Hills North has the potential to yield approximately 1,729 lots, which equates to just over a quarter of Penrith's 5-year dwelling target of 6,600 new residential developments by 2021.

Considering that, at present, commercial agricultural activity on the site currently only occurs on a single 4.5ha property, representing 3.3% of the total proposed rezoning area, the redevelopment of Orchard Hills North will not impact upon the current agricultural output of the Penrith LGA.

### **Affordable Housing**

A priority of the Plan is to ensure that housing is more diverse and affordable. The Family and Community Services Centre for Affordable Housing assists Penrith City Council in identifying strategies and options to develop new affordable housing opportunities for Penrith. The Centre has identified Penrith as an area with a high need for affordable housing.

Council's current Affordable Housing Policy seeks the provision of 3% affordable housing.

Legacy is committed to ensuring that the site is rezoned and developed in order provide a wide range of housing choice, based on the belief that housing affordability is underpinned by providing a high level of housing diversity, including appropriate compact housing types and noting that the present housing stock of Western Sydney is dominated by detached dwellings.

Compact housing and multi-unit dwellings, including group homes, can provide transitional housing for seniors, people with disabilities, homes for single persons and more affordable homes for young people and young families.

Legacy is committed to deliver 3% in partnership with a community housing provider (CHP) and will provide specific commitments as part of a future VPA.

## Infrastructure Upgrades

Over the last 18 months a number of game changing catalysts have occurred within the vicinity of Penrith, which have the ability to transform infrastructure and provide opportunities for increased economic growth. These consist of the new Western Sydney Airport, the widening of the northern road, the future introduction of the M9/Outer Sydney Orbital (OSO) and the Sydney Metro North South Rail Link.

Approximately \$3.6 billion worth of upgrades are already proposed; the Northern Road and Bringelly Road, the new M12 Motorway and the South West Rail Link extension and the development of the OSO. These links will improve motorway and freight rail connectivity and transport efficiency within Western Sydney and between regional centres.

The Plan states that major transit connections, such as the potential north south train link, OSO, Bells Line of Road-Castlereagh Connection and Western Sydney Freight Line, have the potential to create a structure for a more compact and connected Western City.

The introduction of the OSO in particular will change the structure of major transport corridors in the Western City District, as well as the relationship between transport corridors and land use boundaries. The OSO will extend approximately 80km between Box Hill in the north and the Hume Motorway at Menangle in the south and will cut directly through St Marys, immediately to the east of Orchard Hills North (refer to **Figure 14** below).

As well as the OSO, upgrades to the Northern Road, which is located immediately to the west of the site, are also currently underway. These upgrades will deliver new and upgraded roads to support integrated transport in the region. It is anticipated that the road upgrades will provide future residents of the site with a cross-regional link with improved safety, increased road capacity and reduced congestion and travel times.

The Plan states that *'where there is significant investment in mass transit corridors, both existing and proposed, urban renewal may best be investigated in key nodes along the corridor.'* The GSC proposes locational criteria for urban renewal investigation opportunities to include:

- » alignment with investment in regional and district infrastructure, which acknowledges the catalytic impacts of infrastructure such as Sydney Metro Northwest and Sydney Metro City and Southwest, NorthConnex, WestConnex, CBD and south East Light Rail, Parramatta Light Rail, Northern Beaches Hospital
- » other possible future investments such as Western Harbour Tunnel and Beaches Link and Sydney Metro West and opportunities created by enhancements to existing infrastructure such as upgrades to schools, open space including sporting facilities and transport
- » accessibility to jobs, noting close to half of Greater Sydney's jobs are generated in metropolitan and strategic centres
- » accessibility to regional transport, noting that high frequency transport services can create efficient connections to local transport services and expand the catchment area of people who can access regional transport
- » catchment areas within walking distance (10 minutes) of centres with rail, light rail or regional bus transport.

Orchard Hills North meets all of these locational criteria and therefore offers an ideal opportunity for future development.

## 4 Future Transport Strategy 2056 (2018)

The Future Transport Strategy 2056 is an update of the 2012 Long Term Transport Master Plan for NSW. It is a 40-year strategy supported by plans for regional NSW and Greater Sydney.

In the next 40 years, Sydney will grow as a global metropolis driven by major placed-based planning and investment around the new Western Sydney Airport and Badgerys Creek Aerotropolis. New technology and innovation will make the network far more responsive to demand and better able to manage congestion.

Planning and investment for Greater Sydney will focus around the three cities concept, the Western Parkland City, the Central River City and the Eastern Harbour City. Customers will be able to travel to one of these cities or to their nearest centre within 30 minutes of where they live by public or active transport. This will give people better access to jobs, education and essential services.

Transport networks will need to expand to provide improved access to each metropolitan centre, particularly Greater Parramatta and centres in the Western Parkland City and safe, reliable movement of freight. These networks will be progressively developed through a range of infrastructure investments that will make key improvements to the city-shaping and road networks as well as upgrade local roads, walking and bicycle paths, as detailed in the Greater Sydney Services and Infrastructure Plan.

The developing Western Parkland City will require investment in the mass transit network to shape a sustainable urban form and grow jobs, and in the longer term, support 30-minute access to centres by public and active transport. To support this, the Future Transport Strategy aims to investigate a north-south train link through the Western Sydney Airport-Badgerys Creek Aerotropolis and east-west connections to the Central River City.

Over the next 10 years the Greater Sydney Initiatives for Investigation are as follows:

- » Western Sydney Airport – Badgerys Creek Aerotropolis – Parramatta Rail Link
- » North-South Rail Link in the Western Parkland City: Cudgegong Road – St Marys
- » Infrastructure to support Rapid Bus Connections and improved bus connections between Western Sydney Airport – Badgerys Creek Aerotropolis and Penrith, Liverpool, Blacktown and Campbelltown-MacArthur
- » Leppington to Western Sydney Airport – Badgerys Creek Aerotropolis Rail Link
- » North-south Rail Link in Western Parkland City: Western Sydney Airport – Badgerys Creek Aerotropolis - Campbelltown-Macarthur
- » Western Sydney Airport – Badgerys Creek Aerotropolis connected and Automated Vehicle (CAV) zone
- » Western Sydney Fuel Pipeline
- » Western Parkland City Bus Interchange

The above initiatives will increase the accessibility of the Western City, Penrith and Orchard Hills North specifically. This will enable future residents of Orchard Hills north to access employment opportunities easily both within the Western City and the wider area.

## **5 TfNSW Corridor Projects**

To support the planned Western Sydney Airport and the unprecedented economic and housing growth in Western Sydney, the NSW Government is preserving land now to keep Western Sydney moving in the future. This has occurred through the identification and protection of corridors of land for future transport infrastructure, including road, passenger rail and freight rail.

The proposed new Airport at Badgerys Creek has motivated a new approach to the way Greater Sydney functions in terms of where people live, where they work and the places they visit. With the Western City's growth, an unrepresented increase in the number of freight movements in and through Greater Sydney and throughout NSW will require connections between regional NSW and the freight network that includes the Port of Newcastle, Port Botany and Port Kembla.

Consequently, corridors have been identified, which will in the longer term, provide for essential transport infrastructure to support Western Sydney's growth, provide better freight connections and service the growing population of Greater Sydney. Specific corridor identification projects, which are in the vicinity of the site at Orchard Hills North include:

- » **Outer Sydney Orbital (OSO):** the OSO will provide for a connection between Box Hill in the north and the Hume Motorway near Menangle in the south.
- » **North South Rail Line and South West Rail Link Extension:** the corridor will extend from Leppington Station to North Bringelly for connections with the North South Rail Line corridor.  
  
The North South Rail Line corridor will provide for a passenger rail connection between the Main West Line near St Marys and the Main South Line near Macarthur. Tunnel sections have been identified between St Marys and south of the M4 Motorway, and between Oran Park and the Main South Line near Macarthur to avoid existing communities and to preserve bushland
- » **Western Sydney Freight Line:** the future Western Sydney Freight Line Corridor would extend from the existing Southern Sydney Freight Line at Leightonfield near Villawood to the planned OSO's freight rail corridor near Luddenham.

These corridor projects are identified in **Figure 14** below.

These corridors will result in substantially improved transport corridor and movement to and from Orchard Hills North. The corridors however do not directly impact the rezoning site. They will provide connections to future employment opportunities within the Western City, as well as the Central and Eastern Cities, realising the vision of the Greater Sydney Region Plan of 30-minute cities.



Figure 14 Map of the Western Sydney Corridors



Source: TfNSW

**Q4** *Is the planning proposal consistent with a council Local strategic Planning Statement that has been endorsed by the Planning Secretary or Greater Sydney Commission, or another endorsed local strategy or strategic plan?*

The PP is considered to be consistent with the aims and objectives of Council's local planning strategies, as discussed below.

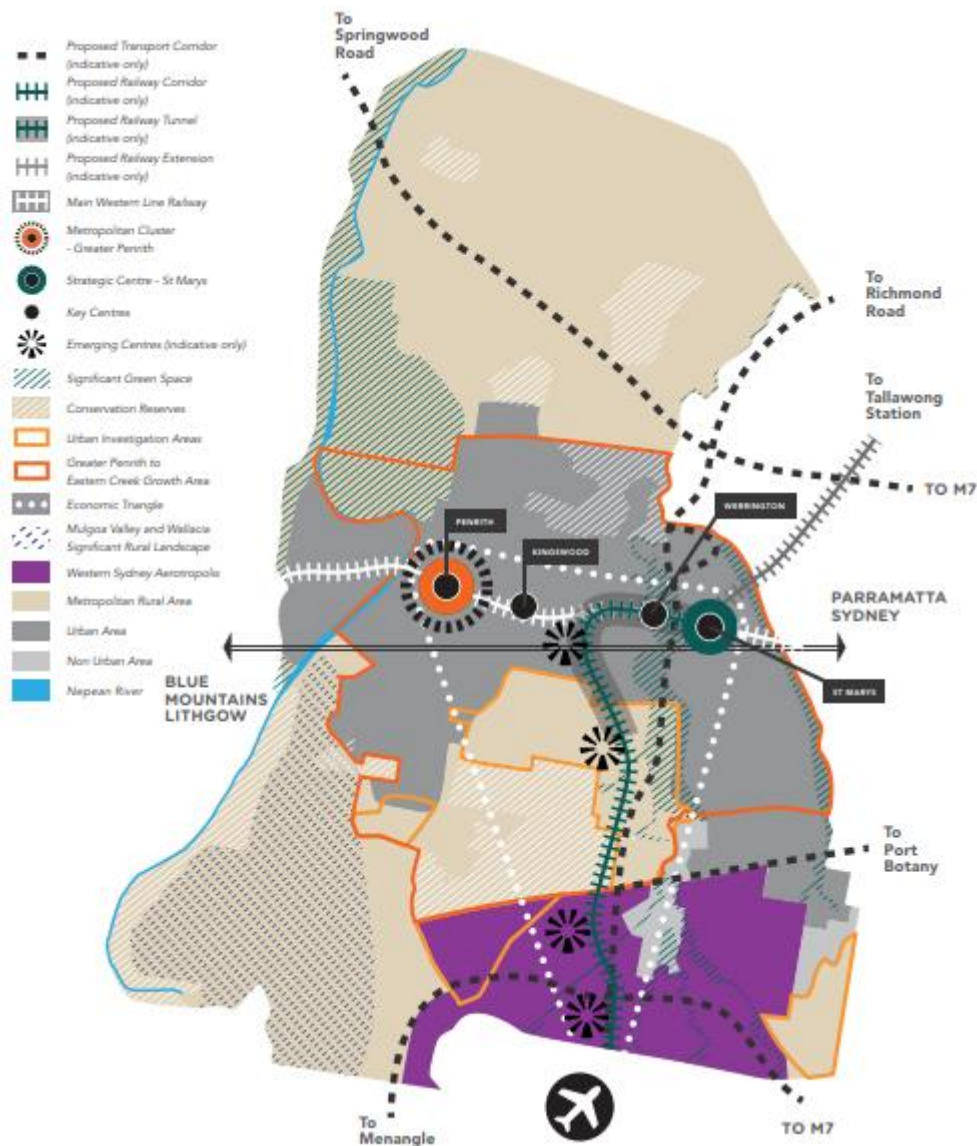
## Penrith Local Strategic Planning Statement (2020)

The purpose of the Local Strategic Planning Statement (LSPS) is to outline Penrith’s economic, social and environmental land use needs over the next 20 years. The current population of Penrith is 200,000. This is predicted to grow to 260,000 by 2036.

Penrith is a central hub for many including western NSW, connecting the north west and south west growth centres, as well as Blacktown, Liverpool and Wollondilly. Penrith is at the centre of the north-south and east-west economic corridors, and provides health, education and retail provide jobs and services, mostly through growing centres in Greater Penrith, St Marys and the specialised health and education precinct ‘The Quarter’.

There will be new opportunities to leverage new investment off the Western Sydney International (Nancy-Bird Walton) Airport in agribusiness, manufacturing, freight and logistics providing new and diverse jobs. New transport connections will deliver faster and more accessible connections, unlocking further opportunities for the creation of new places and neighbourhoods. The Structure Plan for Penrith is shown below.

Figure 15 Structure Plan



Source: LSPS 2020

The Planning Priorities outlined in the LSPS are identified below:

- » Our infrastructure
  - > Planning Priority 1: Align development, growth and infrastructure
- » Our partnerships:
  - > Planning Priority 2: Work in partnership to unlock our opportunities
- » Our homes:
  - > Planning Priority 3: Provide new homes to meet the diverse needs of our growing community
  - > Planning Priority 4: Improve the affordability of housing
  - > Planning Priority 5: Facilitate sustainable housing
- » Our communities
  - > Planning Priority 6: Ensure our social infrastructure meets the changing needs of our communities
- » Our places:
  - > Planning Priority 7: Enrich our places
  - > Planning Priority 8: Recognise and celebrate our heritage
- » Our connectivity
  - > Planning Priority 9: Support the North South Rail Link and emerging structure plan
  - > Planning Priority 10: Provide a safe, connected and efficient local network supported by frequent public transport options
- » Our economy
  - > Planning Priority 11: Support the planning of the Western Sydney Aerotropolis
  - > Planning Priority 12: Enhance and grow Penrith's economic triangle
  - > Planning Priority 13: Reinforce The Quarter as a specialised health, education, research and technology precinct
  - > Planning Priority 14: Grow our tourism, arts and cultural industries
  - > Planning Priority 15: Boost our night time economy
- » Our environment
  - > Planning Priority 16: Protect and enhance our high value environment lands
  - > Planning Priority 17: Define and protect the values and opportunities within the Metropolitan Rural Area
  - > Planning Priority 18: Connect our green and blue grid
- » Our sustainability
  - > Planning Priority 19: Create an energy, water and waste efficient city
- » Our resilience
  - > Planning Priority 20: Manage Flood Risk
  - > Planning Priority 21: Cool our city

To support Penrith's growth, there is a need to plan for new homes in locations that are close to jobs, education and services, and supported by adequate infrastructure. Penrith needs to plan for a variety of housing types and densities to cater for the diverse needs of the growing community, including the ageing population and an increasing number of single person households.

Providing greater housing choice for the community will help to improve housing affordability, which is particularly important with many households experiencing mortgage or rental stress. A variety of housing types and densities will also help to create more walkable, vibrant and accessible neighbourhoods to achieve better sustainability outcomes.

A demand of about 6,000 homes within the 2021-2026 period has been established. Of these, approximately 2,200 will be single dwellings; 2,700 medium density dwellings and 1,100 high density dwellings by 2026.

Housing demand for 2026-2036 is based on increases in higher density housing. The estimated housing demand figures in this period are for the delivery of about 11,000 new homes with approximately 4,000 single dwellings, 5,000 medium density dwellings and 2,000 high density dwellings being delivered over the 10-year period.

New housing over the next 20 years will be delivered:

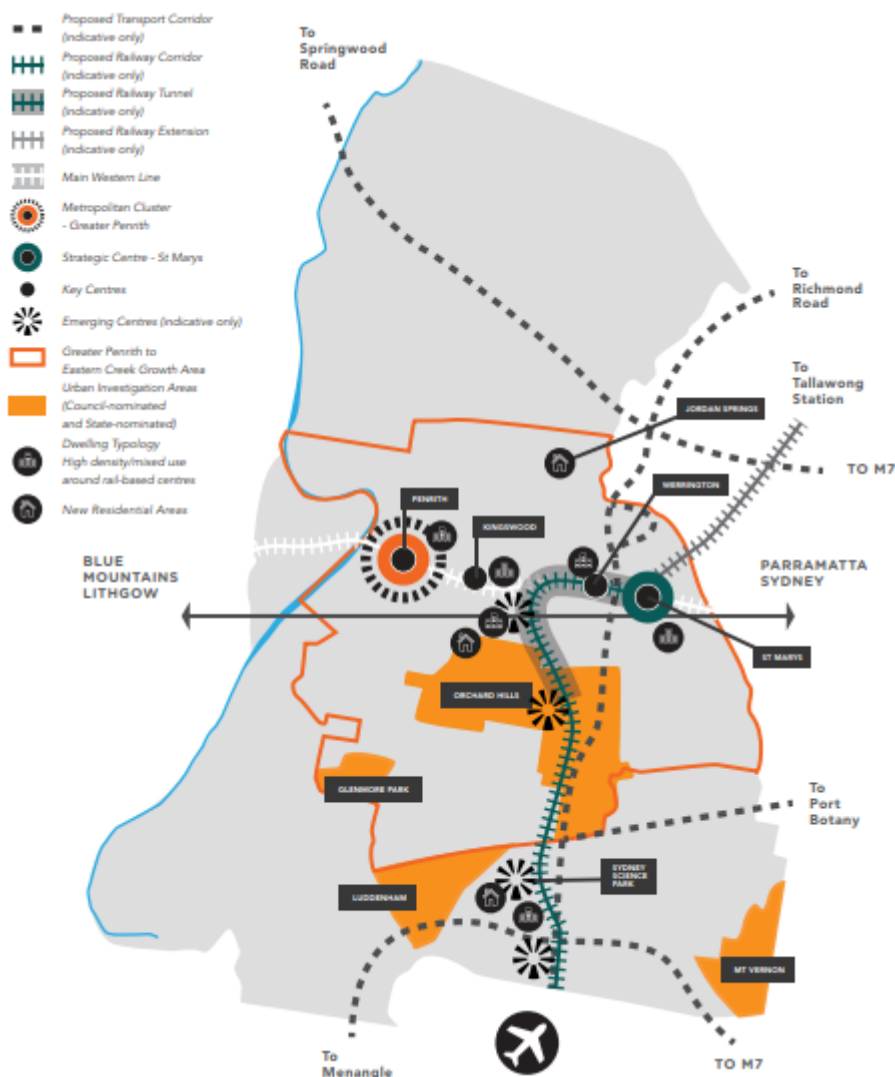
- » in already planned residential areas at Caddens, Glenmore Park and Jordan Springs.
- » in new release areas and urban investigation areas.
- » through a change of house types in existing neighbourhoods from single dwellings to increased numbers of townhouses, villas and dual occupancies, in the right locations.
- » as mixed-use and high-density residential developments in Penrith City Centre, St Marys Town Centre and around stations on the Main Western Rail line and emerging North South Rail Link

Penrith is also investigating the potential for new housing in designated Urban Investigation Areas. These areas have been identified for investigation of their potential as they directly adjoin the existing urban area, environmental constraints are limited or can be managed, and servicing of the sites with infrastructure is cost effective. Orchard Hills (State-nominated) is in an Urban Investigation Area.

Planning Priority 3 - Provide new homes to meet the diverse needs of our growing community, includes the following actions:

- » Immediate actions:
  - > 3.1 Prepare a Local Housing Strategy
  - > 3.2 Investigate the rezoning of land in Orchard Hills North urban release area with supporting planning and development controls.
- » Ongoing:
  - > 3.3 Review and update planning and development controls to encourage the delivery of mixed-use and high-density residential development in Penrith City Centre, St Marys Town Centre, and Kingswood
  - > 3.4 Investigate urban investigation areas at Glenmore Park South, Mt Vernon and Orchard Hills South

Figure 16 Housing capacity and investigation areas



Source: LSPS 2020

Planning Priority 4 is to improve the affordability of housing.

Increasing the diversity of homes should provide a greater variety of homes beyond the detached homes traditionally delivered throughout Penrith. Penrith need compact homes that are accessible and easy to maintain, apartments close to shops and services, and moderately-sized homes for smaller families. This will help provide opportunities for people to change homes to suit their needs.

The proposed development at Orchard Hills North will assist in addressing priority 2,3, and 4 by increasing the diversity and affordability of housing within Penrith.

### Accelerated Housing Delivery Program (2017)

Penrith Council is planning for the community's future by ensuring there is a supply of affordable and diverse housing. Consequently, Council invited nominations for suitable sites that have the ability to deliver housing within the next 3-5 years.

Submissions to the program were open for all landowners (and/or their representatives) with:

- » Land approximately 100ha in size; and
- » Capable of producing 1,000+ residential lots with access to immediate infrastructure.

The AHDP did not apply to:

- » Existing urban areas
- » Non-urban housing proposals or
- » Proposals which are mainly for employment, retail or other non-residential uses.

In total 11 applications across Penrith LGA were received and assessed for the AHDP. Two sites met all criteria objectives and are recommended as suitable for short term housing. These are:

- » Site 4 – Glenmore Park Extension, and
- » Site 2 – Legacy Orchard Hills North

The submissions established their ability to be physically and strategically fit, have access to immediate servicing and demonstrated a proven ability to deliver housing quickly.

Both sites were considered to offer logical extensions to existing urban areas, without compromising existing agricultural or future employment and transport corridors. The sites are in sequence with regional and district growth planning outcomes and offer the ability to define Penrith’s urban edges.

### Penrith Community Plan (2017)

The Penrith Community Plan identifies the community’s long-term aspirations for Penrith City over the next ten years and beyond. It identifies long term community outcomes and strategies. The current Community Plan was adopted on 26 June 2017 and reflects the requirements of the community for the future:

- » *a Regional City that is the focus of a sustainable and prosperous region*
- » *access to facilities and services*
- » *active, healthy lifestyles*
- » *choice of quality housing*
- » *a safe, resilient, welcoming and creative community*
- » *to protect and conserve a healthy natural environment, including our beautiful Nepean River*
- » *safe roads, including shared pathways for cyclists and pedestrians, and*
- » *neighbourhoods they can be proud of.*

The community also want Council to support and advocate for local jobs and training and better public transport. The population of Penrith is expected to increase from 200,000 to 260,000 by 2031. The Penrith Community Plan aims to provide for this growth in population.

The community vision is one of a sustainable and prosperous Regional City with a harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement. It would offer both the cosmopolitan and cultural lifestyles of a mature city and the causal character of a rural community.

The outcomes of consultation as part of the Penrith Community Plan are as follows:

**Table 19 Penrith Community Plan outcomes**

Performance Criteria	Rezoning Response
<b>We can work close to home</b>	
<i>more jobs closer to home, particularly for young people, is an important priority in planning for the future</i>	The rezoning of the site to accommodate <b>B2</b> local centre uses will ensure the provision of some employment opportunities through retail and potentially some commercial job creation. In the short term, the development of the site will result in a large number of construction jobs for the surrounding community.

Performance Criteria	Rezoning Response
<b>We plan for our future growth</b>	
<p><i>Penrith will grow, but it is necessary to make sure that services, infrastructure and facilities exist to support the growing population</i></p>	<p>In the long term the OSO, which will extend approximately 80km between Box Hill in the north and the Hume Motorway at Menangle in the south, is expected to skirt close to Cawdor. The resolution of a preferred alignment for the OSO will change the structure of major transport corridors in the West District, as well as the relationship between transport corridors and land use boundaries.</p> <p>More recently, upgrades which are currently occurring along The Northern Road for around 35km between The Old Northern Road, Narellan and Jamison Road, South Penrith to convert the road from a two to four lane undivided road to a six to eight lane divided road. These road upgrades ensure that any future residential population of Orchard Hills North will be able to be accommodated on the road network.</p> <p>The construction of Badgerys Creek Airport will also act as a catalyst for additional infrastructure as well as services. However, this will be over the long term.</p>
<b>We can get around our city</b>	
<p><i>there should be a strong focus on improving roads, public transport, parking and pathways to reduce traffic congestion, enhance liveability and provide safe and efficient access to all areas of the city</i></p>	<p>As part of the development of Orchard Hills, Legacy will undertake local road upgrade works. In the longer term, the road infrastructure upgrades discussed above will ensure that the future population of Orchard Hills North will be able to be accommodated and connected to the regional areas.</p>
<b>We have safe, vibrant places</b>	
<p><i>the community has a desire to feel safe in neighbourhoods and have clean, welcoming and vibrant public places</i></p>	<p>The development of Orchard Hills North will result in a safe, connected community, which is able to be largely self-sufficient.</p>
<b>We care about our environment</b>	
<p><i>We are healthy, and share strong community spirit – importance of encouraging health and wellbeing as well as community pride and a sense of belonging</i></p>	<p>The detailed master plan for the rezoning area (Area A) has been designed to create a number of parks and green spaces for passive recreation. The existing riparian corridors and Cumberland Plain Woodland will also be retained and utilised as green networks, allowing active transport between neighbourhood and into the wider community.</p>
<b>We have confidence in our council</b>	
<p><i>focusing on Council as a leader in the region and the way they operate as an organisation and interact with the community and other stakeholders</i></p>	<p>Orchard Hills North has been selected by Council as 1 of 2 sites which are able to provide short term accommodation (within the next 3-5 years).</p> <p>It is assumed that Council will engage with the community and other stakeholders as part of the PP process.</p>

## Cooling the City Strategy (2015)

Compared to Metropolitan Sydney, Penrith's micro-climate is hotter and drier in summer, and colder in Winter. The buildings and streets need to be designed in order to minimise urban heat island impacts. Opportunities to cycle and walk need to be supported by access to drinking water and shady pathways. Tree lined streets, verandas and awnings provide shade and water play and connections with water will become essential elements of urban planning. Buildings and open space need to contribute to cooling down Penrith.

The objectives of the Cooling the City Strategy are to:

- » *maximise community awareness and understanding of the effects of heat and the importance of cooling the Penrith LGA*
- » *encourage greater appreciation of green infrastructure and green spaces in the LGA and their cooling benefits*
- » *implement the identified actions within the Strategy giving priority to heat vulnerable areas*
- » *identify ways to adapt existing projects and activities that will work towards cooling the Penrith LGA and identify new projects.*

Any future development, whether it is in existing urban areas or in new release areas, will exacerbate the propensity for urban heat island impacts within Penrith.

In order to reduce the urban heat island effect of any proposed redevelopment of the rezoning area, large areas of open space are proposed to be rezoned specifically for passive recreation. These areas will be planted and landscaped in order to provide extensive opportunities for cooling and the ground cover will be permeable and grassed. Tree planting and landscaping has been found to be essential to the cooling of urban areas.

Similarly, all CPW and the majority of the RFEF communities have been retained to provide tree cover as the Cooling Strategy concluded that existing vegetation was found to have a significant heat mitigation effect.

The Cooling the City Strategy also found that water, either on the surface or stored in the soil profile, also helped to reduce the heat of the land. Therefore, the retention and enhancement of the existing creek lines and riparian corridors within the rezoning area will help to reduce any urban heat island effect. The riparian areas will provide green links between neighbourhoods and the wider area.

## Draft Penrith Urban Strategy – Managing Growth to 2031 (2009)

In order to accommodate anticipated 2031 population growth and the Metropolitan Strategy planning target, the Penrith Urban Strategy proposes a centre-based model for urban development. This model seeks to create sustainable communities and identifies the future requirements of the population in terms of number of dwellings, diversity of housing types, and access to community and retail infrastructure, transport infrastructure and environmental considerations. Although this Strategy is quite old, it is relevant to be considered for this PP.

The following Guiding Principles were developed for future urban development anticipated in Penrith by 2031:

**Table 20 Penrith Urban Strategy Principles**

Principle	Rezoning Response
A diverse city meeting the needs of the people (in housing, built form and urban and rural uses), economy and environment.	Orchard Hills North will provide opportunities for a diverse mix of housing types, with medium density housing located around the village centre and major open space amenity.



Principle	Rezoning Response
A Healthy and Vibrant City with quality spaces and recreation areas. A city that is integrated and whose residents have well-being. A city comprising strong neighbourhoods that build social capital.	Orchard Hills North will comprise a number of village centre which will all be connected via green links and open space areas, providing adequate space for recreation.
An Accessible City that is integrated and interconnected, where communities have access to shops, services, education, employment and transport, etc.	The proximity of the site to Penrith Centre (approximately 4km) means that the site has easy access to a number of goods and services. Development of the site will also include a new local centre as a focal point of the development and a hub of activity for everyday life. This centre will offer essential services and contribute to the creation of a sense of community.
A Cultural City that is a creative place with self-sustaining arts and culture.	The social infrastructure report suggests that community facilities may not be needed as part of the development but that a facility could be incorporated into the new centre if required. The area offers significant amenity to a broad spectrum of the community including young families.
A Regional City that embraces its economic and service role for the region with strong links to the surrounding regions and metropolitan area.	Orchard Hills North aims to integrate with the communities to the north, west and east. Transport infrastructure upgrades ensure that the site will be well connected with surrounding areas and the future Badgerys Creek.
A Safe City where people feel confident in living.	The overarching objective of Orchard Hills North is to support a safe and connected community. This will be achieved through the provision of a wide variety of green spaces and links, connecting each of the future neighbourhood precincts with one another as well as the wider regional community, thereby placing a focus on active transport such as walking and cycling.
A Lifestyle City that is attractive and well designed, fun for all ages and abilities and creates cohesive communities.	The proposed development will be well designed and create cohesive and linked communities in the different neighbourhoods of the development.
A City with a Unique Identity that enables lifelong learning, research and development and has a viable economy.	The Northern Road, within the wider structure plan area as identified in the retail assessment study. This area has a connection to the employment activities in the Western Sydney Employment Area via regional road connections. The creation of new jobs and retail opportunities is of significant benefit to the local community.

The Strategy states that population projections for Penrith LGA in 2031 estimate that future housing will be required to provide for increasing numbers of smaller households, while still maintaining housing stock for larger households.

The existing housing stock in Penrith is predominantly detached dwellings (85%).

The Study and Strategy seeks to encourage a greater diversity of housing types to better changing needs over time, by guiding the location, housing type and density of future development within all Centres. All new housing in existing urban areas should comprise:

- » 60% medium to high density development (within 800 metres of a centre), and
- » 40% low to medium density development.

Penrith LGA has been given a dwelling target by the State Government to accommodate an additional 25,000 dwellings by 2031. Penrith has the capacity to accommodate these additional 25,000 dwellings by adopting a strategy of focusing new development within centres and developing the currently identified new release development sites, which will also have a centre-based development strategy.

Key strategy states that the key issues Penrith will face are:

- » Ageing population
- » Shrinking household size
- » Families with children
- » Special needs groups
- » Environmentally sustainable housing
- » Efficiency of resources
- » Adaptable housing
- » Diversity of housing

The rezoning of the site at Orchard Hills North responds to the contents of the strategy in that it will assist Penrith in reaching its required housing target of 25,000 dwellings by 2031 through the provision of approximately 1,729 new lots.

Approximately 25% of all development in new release areas are to be medium density. The proposed rezoning of Orchard Hills North will assist in reaching this medium density housing target, through the provision of higher density housing around the local centre.

### **Draft Penrith Integrated Transport and Land use Strategy (2008)**

The Penrith Integrated Transport and Land Use Strategy (PITLUS) intends to ensure that the transport impacts of developments are positive and integrated with land uses. The aim of the strategy is to:

1. *Bring together the various existing transport studies and strategies affecting the region into one comprehensive strategy document;*
2. *Engage agencies and others who contribute to the city's transportation network in the development of the Integrated Transport and Land Use Strategy;*
3. *Investigate factors that encourage or detract from use of non-car transport modes, in order to establish transport priorities;*
4. *Outline the economic, social and environmental costs and benefits of the various transport priorities identified for the region, and potentially conflicting outcomes among those priorities;*
5. *Provide Council with information and facts to support actions to implement and inform infrastructure planning for transport improvements; and*
6. *Outline an implementation strategy for transport improvements, including costing, timing and identify responsibilities.*

There has been a clear shift in public policy for transport planning and provision in Australia. While the motor vehicle is still the principle mode of choice for most trips, continuous attempts are being made

to upgrade public transport as an alternative to the private car for longer trips, as well as bicycle and pedestrian facilities for local trips.

The PITLUS lists the plans for integrating transport and land use and provides context for the development of the Councils' new (Local Plan) and the state infrastructure provisions. The PITLUS also outlines Council objective for the City and the Region. The PITLUS discusses the area in Statistical Local Areas (SLAs) of which the site is within South Werrington.

The South Werrington SLA incorporates the suburbs of Claremont Meadows, parts of Werrington and Kingswood and a small part of Orchard Hills (north of M4). The following are recognised as the key suburban issues for the South Werrington SLA:

- » New urban areas at Caddens/Claremont Meadows to support and link to Werrington Enterprise Living and Learning (WELL) precinct developments (detailed below);
- » Railway station required to UWS and community at Werrington;
- » Missing transport network links to TAFE; and
- » Cycle network needs to be further established to link URA, Werrington and Kingswood Stations.

The PP has considered and integrated land use and public transport into the planning, as well as pedestrian and cycle links to the adjacent areas.

### **Employment Planning Strategy (2007)**

The Penrith Employment Planning Strategy makes recommendations for the strategic direction of employment planning for the City of Penrith and how it is to be managed over the next 10 to 25 years.

Council's strategic and urban planning agenda in relation to employment is focused on employment planning principles:

- » Facilitating renewal of existing town and neighbourhood centres within an agreed retail hierarchy;
- » Facilitating the creation of well-planned and sustainable new communities, including new employment areas in appropriate locations;
- » Providing for a land bank of employment land;
- » Building on the strengths of key community assets (eg TAFE NSW – WSI, UWS and Nepean Hospital); and
- » Providing reasonable access for Penrith workers to as wide a range of jobs as possible.

The proposed rezoning identifies a local centre (zoned B2) with retail employment opportunities. The creation of new jobs and retail opportunities in this area will be of significant benefit to the local community. There is a larger area of employment lands in a more strategically located position along The Northern Road within Area B. This area has a connection to the employment activities in the Western Sydney Employment Area via regional road connections.

### **Werrington Enterprise Living and Learning Precinct Strategy (2004)**

The WELL Precinct represents key strategic lands within both Penrith City and the broader region, given their scale, proximity to urban service and infrastructure and co-location with tertiary educational facilities and new transport linkages. The following key objectives for the planning of the WELL Precinct have been identified as:

- » Seeking the creation of quality working, living and learning environments, delivering a viable, vital community, energised by the interactions and synergies of adjacent education, living and employment opportunities.
- » Incorporating principles of sustainability into the Precinct Strategy and incorporating principles of sustainability into the planning and design of the Precinct's built elements.

- » Encouraging the development of innovative housing to support the needs of the facilities and the local community, add to the viability of public transport systems, and contribute to the vibrancy and safety of the area.
- » Ensuring high quality public transport access to these facilities and the surrounding areas, aimed at reducing growth in car use.
- » Identification and establishment of a Precinct Centre conveniently located to optimise synergies between existing and proposed communities, education and enterprise activities. The Centre will provide shopping, entertainment and social services to the surrounding community.

The precinct concept plan recognises the eastern most lots of the site as greenspace/parkland. This strategy is rather out of date and not necessarily in keeping with the plans and strategies now being implemented in this area.

### **Penrith S94 (now 7.11) Contributions Plan**

A Section 94 Development Contribution Plan (s94 Plan) enables Council to place a charge or levy on new development to fund additional facilities and services, which will be needed as a result of that new development. The rates for development contribution plans are updated every quarter.

There is no specific s7.11 applicable to the Orchard Hills area, however the following s7.11 plans currently apply to the site:

- » Cultural Facilities Development Contributions Plan (2003)
- » District Open Space Facilities Development Contributions Plan (2007)
- » Penrith City Local Open Space Section 94 Development Contribution Plan (2007)

A site-specific contributions plan will be prepared by Legacy and Council, to establish an appropriate contributions regime for future development within the site.

**Q5** *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

**Q6** *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The PP considers the State Environmental Planning Policies (SEPPs) which are applicable for the proposed urban development of the site, as identified in **Table 22** below.

**Table 21** **Applicable SEPPs**

<b>SEPP Title</b>	<b>Consistent</b>
SEPP (BIODIVERSITY AND CONSERVATION) 2021	Consistent
Ch 2 Vegetation in non-rural areas	Consistent
Ch 6 Bushland in urban areas	Consistent
Ch 9 Hawkesbury-Nepean River	Consistent
SEPP (HOUSING) 2021	Consistent

<b>SEPP Title</b>	<b>Consistent</b>
Ch 2 Affordable housing	The proposal allows future development to meet the requirements of this SEPP
Ch 3 Diverse housing	Consistent
Ch 5 Housing for seniors and people with a disability	The proposal allows future development to meet the requirements of this SEPP
SEPP (INDUSTRY AND EMPLOYMENT) 2021	Consistent
Ch 2 Western Sydney Employment Area	Consistent
Ch 3 Advertising and signage	Consistent. This proposal allows future development to meet the requirements of the SEPP
SEPP (PRIMARY PRODUCTION) 2021	Consistent
Ch 2 Primary production and rural development	Consistent
SEPP (RESILIENCE AND HAZARDS) 2021	Consistent
Ch 3 Hazardous and offensive development	Consistent
Ch 4 Remediation of land	Consistent. A Contamination Assessment has been prepared for the site in accordance with the SEPP requirement and confirms there are no contamination issues to prevent rezoning and future residential use of the site. The assessment identifies potential areas of Environmental Concern and procedures to guide further investigations, testing and remediation requirements as part of future development applications
SEPP (RESOURCES AND ENERGY) 2021	Consistent

<b>SEPP Title</b>	<b>Consistent</b>
Ch 2 Mining, petroleum production and extractive industries	Consistent
Ch 3 Extractive industries in Sydney area	Consistent
SEPP (TRANSPORT AND INFRASTRUCTURE) 2021	Consistent
Ch 2 Infrastructure	The proposal is supportive of planned and required upgrades to services, facilities and infrastructure which will support the development of the site.
Ch 3 Educational establishments and child care facilities	Consistent
Ch 4 Major infrastructure corridors	Consistent
SEPP (PLANNING SYSTEMS) 2021	Consistent
Ch 2 State and regional development	Consistent
Ch 4 Concurrences and consents	Consistent
SEPP (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008	Consistent
SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021	Consistent
Ch 4 Western Sydney Aerotropolis	Consistent

**Q7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?**

The PP gives consideration to the relevant Ministerial Directions issued under the previous Section 9.1 of the EP&A Act. The Minister for Planning and Environment issues Local Planning Directions that councils must follow when preparing a planning proposal. The directions cover the following broad categories:

- » employment and resources,

- » environment and heritage,
- » housing, infrastructure, and urban development,
- » hazard and risk.

**Table 23** provides information for consideration with regard to the consistency of the PP with regard to the relevant ministerial directions.

It should be noted that the Gateway Determination acknowledged the agreement for the Ministerial Direction 1.1, 1.2 and 6.3 is justified.

**Table 22 Section 9.1 Directions**

Direction	Consistent
<b>Focus Area 1: Planning Systems</b>	
1.1 Implementation of Region Plans	Consistent
1.3 Approval and Referral Requirements	The proposal does not contain provisions that will require additional requirements for concurrence in approvals. The proposal will ensure that LEP provisions encourage the efficient and appropriate assessment of development within the local area as far as practicable.
1.4 Site Specific Provisions	Consistent
<b>Focus Area 1: Planning Systems – Place-based</b>	
1.10 Implementation of the Western Sydney Aerotropolis Plan	Consistent
<b>Focus Area 2: Design and Place</b>	
<i>To be added when Design and Place SEPP made</i>	Consistent
<b>Focus Area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	It is noted that this Ministerial Direction applies when a relevant planning authority prepares a planning proposal. The PP does not seek to reduce the environmental protection standards affecting the site
3.2 Heritage Conservation	There are no items of Commonwealth or State heritage listing within the site. The following local heritage items, listed under PLEP 2012 are located on the site: <ul style="list-style-type: none"> <li>» Item 155: Brick Farmhouse Lot 6 DP 1344</li> <li>» Item 156: Orchard Hills Uniting Church Lot 101 DP128254</li> <li>» Item 845: 'Lindfield' Lot 1 DP 583439</li> </ul>

Direction	Consistent
	<p>The rezoning area is not listed as an Aboriginal place on the Aboriginal Places and State Heritage Register.</p> <p>All aspects of heritage significance are being managed as part of the proposal. An assessment of heritage opportunities and constraints has been prepared for the site.</p> <p>The report confirms that the proposed rezoning will not impact any items of heritage significance.</p>
3.3 Sydney Drinking Water Catchments	Consistent
<b>Focus Area 4: Resilience and Hazards</b>	
4.1 Flooding	<p>Under PLEP 2010 a small south-eastern portion of the site is identified as flood prone.</p> <p>The rezoning area is affected by the 100-year Average Recurrence Interval (ARI) flood limits of Claremont Creek. The flood impacts are able to be addressed by providing an adequate corridor width along the creek line to contain the flood waters without impacting upon the residential lots.</p> <p>JWP then provided an update to the revised Gateway Stormwater Management Strategy along with flood impact assessment which will ensure both water quantity and water quality and managed prior to discharge to the neighbouring environment with no adverse impact.</p> <p>Results demonstrate that the proposed six (6) detention basins located throughout the site with a total storage of approximately 71,550 m<sup>3</sup> will ensure that peak post-development discharges are restricted to less than the pre-development levels at all key comparison locations. This includes two (2) online basins with open water bodies within the relocated Werrington Corridor and four (4) traditional detention basins.</p> <p>The Flood and Stormwater Management Strategy also provides flood impact assessment of the Orchard Hills North precinct. The assessment defined the flood behaviour within the precinct providing information on flood depths, levels, and hazards for 0.5EY, 1% AEP and PMF events. The flood impact map shows that in 1% AEP event the development will improve flooding conditions on the north, south and eastern side of the precinct and reduce flood depths. There are some small increases in flood levels along the southern boundary.</p>



<b>Direction</b>	<b>Consistent</b>
4.3 Planning for Bushfire Protection	<p>The site is designated bushfire prone land by the NSW Rural Fire Service (RFS). However, vegetation located on the site is generally managed grassland and therefore not deemed to be bushfire prone.</p> <p>Despite this, it is considered that adequate future Asset Protection Zones (APZs) of 15m and 32m will be required in selected areas of the site. This has been taken into account as part of the development of the Concept Master Plan, with 15m APZs contained within the road reserves and 32m APZs east of Claremont Creek.</p>
4.4 Remediation of Contaminated Land	<p>Consistent:</p> <p>JBS&amp;G Australia Pty Ltd was engaged to complete a Phase 1 Environmental Site Assessment (ESA) of the rezoning site. Historically the site and surrounds have largely been used for rural residential and agricultural purposes.</p> <p>The assessment identified potential Areas of Environmental Concern (AEC) and procedures to guide further investigations, testing and remediation requirements as part of future development applications.</p> <p>While there is the potential for contamination to be present in some areas proposed for rezoning, JBS&amp;G did not identify the potential for gross or widespread contamination which may preclude rezoning. However, future development will ensure that targeted investigation is carried out for future development application assessments.</p> <p>It is recommended that when detailed development applications are submitted, investigations be undertaken in accordance with the relevant NSW Environment Protection authority (EPA) endorsed guidelines.</p>
4.5 Acid Sulfate Soils	<p>The site is not identified as being subject to risk on the Acid Sulfate Soils Planning Maps under PLEP 2010 and therefore this Ministerial Direction is not relevant to the proposal.</p>
4.6 Mine Subsidence and Unstable Land	<p>Review of available mine subsidence maps indicates that the site is not located in a mine subsidence. To date there have not been any underground mining operations in the area.</p>
<b>Focus Area 5: Transport and Infrastructure</b>	

Direction	Consistent
5.1 Integrating Land Use and Transport	N/A. The site is currently zoned as RU4 Primary Production Small Lots.
5.2 Reserving Land for Public Purposes	The majority of the designated open space is proposed to be rezoned RE1 for public recreation. Approximately 7.26ha will be reserved for active open space and 8.51ha for passive open space. The proposed rezoning will create a north south and east west road corridor to the areas surrounding the site. The road network is also based on the current road pattern but also ensuring the development is designed to connect seamlessly to the Caddens development to the north, local centre and public/private primary school providing amenity to residents. The road connection to Caddens provides access for local convenience. This land will be reserved for public purposes.
<b>Focus Area 6: Housing</b>	
6.1 Residential Zones	The PP will provide diverse housing choices with a mix of low to medium density housing in close proximity to proposed services and employment opportunities. The proposed provision of approximately 1,729 new lots will help ensure that Penrith will reach its identified housing targets. The rezoning proposes to adopt a similar residential zone to the areas to the north, namely R1. The proposed development will make efficient use of existing and proposed infrastructure, promotes active living and seeks to minimise the potential impacts of housing on the environment.
6.2 Caravan Parks and Manufactured Home Estates	Consistent
<b>Focus Area 7: Industry and Employment</b>	
7.1 Business and Industrial Zones	Consistent. The site is currently zoned RU4 Primary Production Small Lots. A <b>B2</b> Local Centre zoning is proposed for part of the site. No industrial zones are proposed. A Village Centre is proposed on the site to provide everyday convenience to the community reinforced by

Direction	Consistent
	<p>compatible surrounding land uses including more compact housing forms to capitalise on the amenity created together with community and possible public/private education and the central riparian corridor which will provide pedestrian and cycleway connections through the centre of the development and to the adjoining Caddens development.</p> <p>For this reason, the PP will not be inconsistent with the Ministerial Direction, as land is not already zoned for business but there is proposed to be additional land to provide potential floor space for business uses.</p>
<b>Focus Area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	To date no mining has been approved or undertaken below the site.
<b>Focus Area 9: Primary Production</b>	
9.1 Rural Zones	<p>Inconsistent, but minor significance. The proposal will rezone existing rural land zoned RU4 Primary Production Small Lots, for residential uses.</p> <p>The Rural and Agricultural Report submitted with this PP (as found in the Annexure), as well as the visual report provides adequate reasons why the rural zone is no longer applicable or required in this site.</p> <p>The current use of the land for agricultural purposes is minimal and thus the planning proposal is inconsistent and will be of minor significance.</p>

## Section C – Environmental, Social and Economic Impacts

### **Q8** *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected by the proposal?*

A Flora and Fauna Assessment was undertaken by Cumberland Ecology in March 2018 in order to provide a description of the biodiversity values of the site and the potential impacts associated with the PP.

#### **Flora**

The assessment recorded a total of 150 plant species on the site, the majority of which were either exotic (92) or planted native species (9) not naturally occurring in the area. The remaining species are species native to the region (49). No threatened flora species were detected within the subject site. *Grevillea juniperina* subsp. *juniperina* (Juniper Leaved Grevillea), listed as Vulnerable under the BC Act is considered to have the potential to occur, however, an assessment of significance has determined that the proposed development is unlikely to have a significant impact on this species should it occur on site, however, due to the highly modified nature of the site, this is considered unlikely.

A total of six vegetation communities were identified on the subject site. Two native vegetation communities occur, CPW and RFEF. These are listed under the BC Act as TECs. However, the patches of CPW within the subject site do not meet EPBC listing criteria for a TEC as they do not meet minimum patch size requirements, nor do they meet native perennial understorey vegetation cover requirements.

A majority of the RFEF within the subject site occurs within the riparian zone of Claremont Creek as a continuous stand of vegetation, connecting to contiguous habitat extending well beyond the study area. RFEF occurs in smaller, isolated patches along Werrington Creek and throughout smaller drainage lines within the broader floodplain area, separated by areas of exotic vegetation, exotic dominated grassland and cleared areas. Within the subject site, this community is considered to be in relatively poor condition.

As part of the proposed development, approximately 1.74ha of potential habitat is anticipated to be cleared as a result of the proposed development. Clearance of approximately 1.21ha of the BC Act listed River-flat Eucalypt Forest endangered ecological community (EEC), 0.44ha of which comprises a form of the community, which is relatively low in diversity, and approximately 0.53ha of the BC/EPBC Act listed Cumberland Plain Woodland CEEC. Approximately 0.24ha is proposed to be completely cleared. These areas lack connectivity to areas of greater quality habitat. The greatest quality habitat within the south-eastern corner of the subject site is to be retained.

#### **Fauna**

A total of 65 fauna species were recorded within the subject site. Five threatened fauna species were detected within the subject site, as follows:

- » Large-eared Pied Bat (*Chalinolobus dwyeri*) – listed as vulnerable under the BC Act and the EPBC Act
- » Eastern False Pipistrelle (*Falsistrellus tasmaniensis*) – listed as vulnerable under the BC Act
- » Southern Myotis (*Myotis macropus*) – listed as vulnerable under the BC Act
- » Eastern Bentwing-bat (*Miniopterus schreibersii oceanensis*) – listed as vulnerable under the BC Act
- » Eastern Freetail-bat (*Mormopterus norfolkensis*) – listed as vulnerable under the BC Act

Although not recorded from the subject site, the following species have also been recorded from the locality and may have potential to occur in the subject site due to the presence of suitable foraging habitat:

- » Powerful Owl (*Ninox strenua*);
- » Cumberland Plain Land Snail (*Meridolum corneovirens*);
- » Grey-headed Flying-fox (*Pteropus poliocephalus*); and
- » Greater Broad-nosed Bat (*Scoteanax rueppellii*).

Foraging habitat for threatened fauna species will be removed for the proposed development, however none of the known and potentially occurring threatened fauna species are likely to be dependent on habitat within the subject site for their survival. The species are highly mobile species and are expected to move between areas of remaining habitat within the immediate vicinity of the subject land and wider area. Cumberland Ecology determined that the proposed development is unlikely to have a significant impact on these threatened fauna species.

The assessment concludes that the PP will not impact any endangered flora or fauna species. All CPW woodland will be retained. Although there may be some minor impacts to this community as a result of the development, overall it has been incorporated into designated open spaces within the concept plan and will be enhanced to provide amenity for residents.

It can be concluded that the PP would have no adverse impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

#### **Peer Review and Biodiversity Assessment Method**

A Peer Review of the Ecology Report was undertaken by EcoLogical in July 2019. The peer review found that the assessment report is acceptable to support the planning proposal

Cumberland Ecology also prepared a letter in September 2020 to respond to Penrith City Council's request for a biodiversity assessment in accordance with the Biodiversity Assessment Method (BAM). The letter states that the preparation of an assessment in accordance with the BAM is not required until the Development Application (DA) stage. Assessments in accordance with the BAM will need to be prepared in the future for all DAs for the project that trigger entry into the Biodiversity Offsets Scheme.

#### **Q9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

Additional environmental investigations have been undertaken to support the PP. The following table provides a summary of the key findings of these investigations.

**Table 23 Environmental investigation area and outcome of findings**

Environmental investigation area	Outcome of findings
Contamination	<p>JBS&amp;G Australia Pty Ltd was engaged to complete a Phase 1 Environmental Site Assessment (ESA) of the site. Historically the site and surrounds have largely been used for rural residential and agricultural purposes.</p> <p>While there is the potential for contamination to be present in some areas proposed for rezoning, JBS&amp;G did not identify the potential for gross or widespread contamination which may preclude rezoning. Similarly, there are no significant opportunities or constraints to rezoning associated with land contamination issues.</p> <p>However, future development will ensure that targeted investigation is carried out for future development application assessments.</p>

Environmental investigation area	Outcome of findings
Geotechnical	<p>Douglas Partners Pty Ltd carried out a Geotechnical investigation of the site and concluded that it is generally suitable for residential development.</p> <p>The key geotechnical constraints which have been identified are:</p> <ul style="list-style-type: none"> <li>» Potential for slope instability on the steeper slopes (particularly on south facing slopes)</li> <li>» Moderately to highly reactive soils</li> <li>» Moderate and high potential of saline soils</li> <li>» High erosion hazard</li> </ul> <p>Provided that these constraints are investigated further during the design development phase and the development design to mitigate the risks, then there should be no impact on slope stability, soil erodibility or contamination on local streams.</p>
Bushfire	<p>The site consists predominantly of cleared land, with the remaining vegetation on the site being identified on the Penrith Bushfire Prone Land Map as Category 2 Bushfire Prone Vegetation with Category 1 Bushfire located to the east of the site. However, the site inspection confirmed that the vegetation located on the site is generally managed grassland and therefore not deemed to be bushfire prone.</p> <p>However, any bushfire risk can be managed through the provision of APZs, permitter roads and appropriate construction standards. Future residential development will comply with Planning for Bushfire Protection.</p>
Overland flow and riparian corridors	<p>The rezoning area is affected by the 100-year Average Recurrence Interval (ARI) flood limits of Claremont Creek. The flood impacts are able to be addressed by providing an adequate corridor width along the creek line to contain the flood waters without impacting upon the residential lots.</p> <p>JWP provided a revised Gateway Stormwater Management Strategy along with flood impact assessment which will ensure both water quantity and water quality and managed prior to discharge to the neighbouring environment with no adverse impact.</p> <p>Results demonstrate that the proposed six (6) detention basins located throughout the site with a total storage of approximately 71,550 m<sup>3</sup> will ensure that peak post-development discharges are restricted to less than the pre-development levels at all key comparison locations. This includes two (2) online basins with open water bodies within the relocated Werrington Corridor and four (4) traditional detention basins.</p> <p>The Flood and Stormwater Management Strategy also provides flood impact assessment of the Orchard Hills North precinct. The assessment defined the flood behaviour within the precinct providing information on flood depths, levels, and hazards for 0.5EY, 1% AEP and PMF events. The flood impact map shows that in 1% AEP event the development will improve flooding conditions on the north, south and eastern side of the precinct and reduce flood depths. There are some small increases in flood levels along the southern boundary.</p>

Environmental investigation area	Outcome of findings
	<p>The Stormwater Management Strategy proposed for Orchard Hills North is therefore functional; delivers the required technical performance; lessens environmental degradation and pressure on downstream ecosystems and infrastructure, and provides for a 'soft' sustainable solution for stormwater management within the precinct.</p> <p>These riparian corridors will be rehabilitated and enhanced, in order to form part of the developments green space network. They will also act as APZs to mitigate against potential bushfire.</p> <p>The overall site includes numerous discharge locations which will need to be managed to ensure there are no adverse impacts on surrounding areas.</p>
Heritage (Aboriginal)	<p>Kelleher Nightingale Consulting Pty Ltd completed an Aboriginal heritage study of the subject site. The Aboriginal heritage study was undertaken in consultation with Deerubbin Local Aboriginal Land Council (DLALC) whose boundaries cover the study area.</p> <p>No Aboriginal objects or Aboriginal archaeological sites were identified within the study area. Seven areas of Potential Archaeological Deposit (PADs) displaying moderate Aboriginal potential were identified. The remainder of the study area displayed low archaeological potential due to a combination of natural and contemporary disturbance as a result of erosional processes and modern land use practices.</p>
Heritage (Non-Aboriginal)	<p>A Heritage Assessment was undertaken by NBRS Architecture Heritage for the site as part of the rezoning. Three items of local heritage significance are located within the boundary of the subject site:</p> <ul style="list-style-type: none"> <li>» Item 155: 80-88 Caddens Road, Orchard Hills (Brick Farmhouse) - It is one of the few relatively intact farmhouses remaining with this area</li> <li>» Item 156: 3 Frogmore Road, Orchard Hills (Orchard Hills Uniting Church) - Local significance as a symbol of the development of this rural community in the early 20th century</li> <li>» Item 845: 182-188 Caddens Road, Orchard Hills (Lindfield)</li> </ul> <p>An additional item of heritage significance located in the vicinity of the subject site:</p> <ul style="list-style-type: none"> <li>» Item 657: 197-207 Caste Road, Orchard Hills (Water Reservoir) - Orchard Hills Reservoir (WS 83). One of a small group of cylindrical concrete reservoirs, serving the needs of local communities.</li> </ul> <p>It was recommended that the visual curtilage around the heritage items should be retained, with opportunity to create a wider curtilage around some of the items to take in the views of the rural setting. This has been taken into account during the preparation of the Master Plan.</p> <p>There are views to the heritage items from the main roads, which include Frogmore Road, Castle Road, Caddens Road and Kingswood Road. The heritage items are generally set back from the road boundaries with views obscured due to the undulating topography, trees and distances from the</p>

Environmental investigation area	Outcome of findings
	road. Consequently, there would be no significant impacts to the view of heritage items.
Agricultural land	<p>The cultural landscape of Orchard Hills North has developed as a rural landscape over the past 100 years. Within the last 50 years the predominant land use has been orchard food production, grazing farming practices with some specialisation in agricultural farming and rural residential communities. Although genuine food production practices have steadily declined over recent years the site is still zoned as RU4 and as such the dominant landscape character is still rural residential.</p> <p>Class 1 agricultural lands comprise only 4.8% of the total site area and are located in the eastern portion of the site. The Class 1 lands on the site have some constraints (soil and slope) and are not of the highest quality Class 1 land in a NSW context. However, the lands have sustained intensive horticultural production, with continuous cultivation of crops and soil tillage for an extended period, without degradation of the soil.</p> <p>Class 2 agricultural lands comprise 5.9% of the total site area. Class 2 lands are also confined to the eastern side of the site. While the Class 2 lands are not currently utilised for crop production, they are suitable for regular cultivation of crops, but not continuous cropping.</p> <p>Class 3 lands comprise 56.6% of the total site area. The primary constraint on Class 3 lands is steep slope. While some of the areas assessed as Class 3, share similar topographic character to areas assessed as Class 2, the steeper slope and some soil constraints result in a lower class.</p> <p>Class 4 lands comprise 21.8% of the total site area. The primary constraint on Class 4 lands is steep slope, flooding and soil fertility. There are also areas in the Class 4 lands with poor drainage, due to both natural and man-made aspects of the topography that restrict surface water flows and hence agricultural land use.</p> <p>Class 5 lands comprise 10.9% of the total site area. The primary constraint on Class 5 lands is flooding, hence these areas are located along the major water courses within the site.</p> <p>Currently only two lots out of the total rezoning area use their land for agricultural production, indicating the fact that agricultural land uses are now outdated. This along with the topographical constraints, result in the zoning of the land as primary production being a substantial underuse of land which could easily accommodate additional residential development.</p>
Visual	<p>The character of the site is predominantly defined by the broad sweeping views to the western ranges of the Blue Mountains and district views eastward towards the South Creek riparian corridor, and suburbs of St Marys &amp; Mt Druitt. The mountains to the west can be seen from most elevated locations of the site as well as from some key locations within the site.</p> <p>A landscape and visual analysis was prepared for the site by Place Design Group, together with a landscape strategy for the ridgelines, riparian areas and streetscapes and vegetation to be retained. For views beyond the</p>



Environmental investigation area	Outcome of findings
	<p>site, the following guidelines have been recommended by Place Design Group:</p> <ul style="list-style-type: none"> <li>» Maintain and develop views from the ridge line and all points west and south west of the ridge line out towards the Blue Mountains;</li> <li>» Facilitate the alignment of roads along the ridge lines that are east west orientated towards the Blue Mountains and north south towards the semi-rural land of the site to provide focal views to the mountains and the existing rural character of the precinct; and</li> <li>» Maintain and develop views looking east along streets towards the distant views of the Claremont &amp; South Creek riparian corridors, St Mary's and Mt Druitt</li> </ul> <p>A Viewpoint Analysis has been provided for each of the 26 view locations. Overall, it was determined that the majority of the site either had low or medium visual sensitivity. Therefore, Place Design Group determined that the prevailing characteristics and views of the site can be retained through appropriate DCP design criteria.</p> <p>Utilising the existing topography to the sites advantage, the visual impacts can be dramatically reduced from both within the site and from the surrounding neighbourhoods. Concealing medium density dwellings or the local centre behind ridge lines and on low lying slopes will significantly reduce the visual effect of any future development on the site.</p> <p>Separation of medium density dwellings with open space or a central riparian corridor will provide a reduced sense of scale. Abundant green space should be provided between important destinations within the site and include connections to the surrounding suburbs. Strategically located parcels of open space, retained remnant vegetation in bush land parks together with appropriate street tree plantings to the internal road network and ridge lines should be implemented to retain the key views and visual corridors.</p> <p>Views from the M4 Motorway will be retained due to the topography and vegetation, and in addition views are being amended by the Government with the Northern Road widening and road works.</p>
Mining and mining subsidence	Review of available mine subsidence maps indicates that the site is not located in a mine subsidence. To date there has not been any underground mining in the area.

**Q10 Has the planning proposal adequately addressed any social and economic effects?**

The urban development of Orchard Hills North is forecast to have a total end value of approximately \$1.7-\$1.8 billion, while Urbis has assessed that the local centre will support 174 direct jobs. Further construction and indirect jobs will be supported during delivery of the project. The relevant social and economic effects of the proposed development include:

- » The provision of contributions towards social and community infrastructure such as schools, recreational and sporting facilities, family services and civic facilities within the Penrith LGA

- » Relocation of the existing school, to accommodate an increased capacity of students
- » Location in proximity to future transport services
- » Building capacity within the local community to increase housing and lifestyle diversity, employment, economic viability, social activity and opportunity.

These are discussed further below.

### Social Effects

Given the location of the site, adjacent to the existing residential development of Caddens, and the proximity to the Western Motorway and the Northern Road, which is currently undergoing significant upgrades, the site has significant potential to contribute to the housing supply of Penrith in the immediate and long term.

As well as housing, the site will provide a local centre containing retail space and some commercial facilities, in order to ensure that Orchard Hills North can be a self-contained community. The existing school will also be relocated or expanded, and substantial areas of open space will be provided, connected via a network of green links.

As there is an existing community facility located at Caddens, it is not considered that one is also required at Orchard Hills North. However, provision has been made for a community facility in the village centre. Legacy propose to enter into a VPA with Penrith Council to provide a monetary contribution to manage the delivery and demand for social and community infrastructure.

Overall, the incoming population will require the provision of various social infrastructure, in line with local government priorities for the Penrith LGA and best practice benchmarks. The predicted future requirements for social infrastructure are identified in **Table 25**.

**Table 24 Summary of social infrastructure requirements**

Social Infrastructure type	Suggested provision or comment
Community facility	The demand for social infrastructure generated by Orchard Hills North could be accommodated through the following options: <ol style="list-style-type: none"> <li>1. Provide an outdoor public multi-purpose community activity space in the form of a contemporary plaza-style space in lieu of a traditional community building. This space should be approximately 500 square metres in area.</li> <li>2. If the Caddens facility is not to proceed, make an offsite contribution to expand/embellish the other nearby existing community facilities in Claremont Meadows, Kingswood, or South Penrith to be expanded or enhanced to meet community needs.</li> </ol>
Education facility	This assessment provisions for a new public/private primary school site of 1.5ha in size and located generally adjacent to around council-owned open space.
Health care facility	The incoming population in Orchard Hills North will not trigger the need for a standalone community health centre to be provided on the rezoning site and The Department of Health is not looking for outreach services.
Childcare facility	The strong presence of privately operated child care centres as well as Council-run centres in the Penrith LGA indicates that this need is likely to be met through existing capacity and vacancies available in these centres and therefore a standalone childcare centre is not recommended for the rezoning site.

Social Infrastructure type	Suggested provision or comment
Open space and recreation	<p>Given the variety of elements including native bushland, riparian corridors and steep inclines within the Rezoning Area, the following suggestions are made regarding the provision of passive open space in order to meet Council's rate of provision for <b>passive open space</b> of 8.51ha across a series of local parks and bushland reserves.</p> <p>To meet the <b>active open space</b>, need approximately 7.26ha of open space is being provided including sports fields.</p>

Source: Elton Consulting

## Economic Effects

The site is well located to take advantage of the economic boom and provide the influx of workers with new residential accommodation. Its proximity to an extensive regional road network, anticipated future infrastructure upgrades and the development of the future Western Sydney Airport will provide homes, close to jobs, one of the aims of the draft West District Plan, to achieve a 30-minute city.

The PP accommodates a local centre and relocated and expanded public/private school, which will provide a range of employment opportunities for new residents and the surrounding community through employment in the local centre. A larger area of employment lands is proposed to be located in a more strategic position along The Northern Road within Area B. This area has a connection to the employment activities in the Western Sydney Employment Area via regional road connections. Refer to Urbis Economic report.

## Section D – State and Commonwealth Interests

### Q11 *Is there adequate public infrastructure for the Planning Proposal?*

A Services Infrastructure Assessment was prepared by J Wyndham Prince to accompany this PP. The report confirms that there will be capacity within the existing service utility networks to facilitate initial development without the need for significant upgrade works being required.

As described above, as development progresses, upgrades to utility services will be required to meet demand. All major utility service providers have indicated that they would be able to service the whole development.

Further details are summarised in **Table 26** below.

**Table 25 Public infrastructure requirement**

Infrastructure requirement	Comments
Electricity	Two 11kV feeders will be required to be brought into the proposed development site from the nearby Claremont Meadows Zone Substation. Endeavor Energy has confirmed that the Claremont Meadows Zone Substation currently has the capacity for the proposed development, however, this will need to be review closer to the time of the development due to ongoing developments in the area.
Telecommunications	NBN Co. has confirmed that telecommunication services are available the area of the development. The developer will be required to submit a formal application for the development for NBN Co. to arrange the appropriate lead-in feed to the development.

Infrastructure requirement	Comments
Sewer/Wastewater	The site can be serviced with short extensions to existing trunk sewer mains, which have capacity to service the project. The development may require Sydney Water to undertake some downstream amplifications works, however, the extent of this is unknown.
Potable Water	The development can be serviced from the existing WS0038 Reservoir located to the West of the proposed rezoning area. The development will be serviced through standard staged reticulation utilising a combination of new and existing infrastructure.
Gas	Jemena has confirmed that Natural gas is available for the proposed development. Formal supply agreements will need to be entered into with Jemena to ensure the appropriate infrastructure is in place prior to being required by the development.
Roads	Road infrastructure upgrades currently occurring along the Northern Road, as well as the imminent release of the final location of the proposed OSO, will increase the accessibility of the site.

**Q12 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination**

To date, no formal consultation has been undertaken with the Commonwealth Government to progress the planning proposal. During late 2017, early 2018, and then again during 2019 and 2020 consultation was undertaken with a number of NSW government stakeholders, including with Council, DPE, Office of Water, Transport for NSW and Department of Education and Training (DET). Specifically, consultation with DPE, Transport for NSW and DET is discussed below.

**Consultation with DPE**

As part of this PP, consultation has been undertaken with the DPE. These discussions highlighted the need to consider the logical extension of the rezoning area, that being, the area to the west of the rezoning area, to The Northern Road, in order to ensure that future land uses and connections for the entire Orchard Hills North precinct are planned in a holistic manner. This area to the west is known as Area B. In order to ensure that future development of the entire site is fully integrated, the Structure Plan has been prepared for the precinct as a whole, identifying potential future land uses as well as key road connections to provide a framework for the future rezoning of Area B.

Additional regular meetings were also held to discuss the strategic context of the urban investigation area, and that of the Penrith to eastern Creek area, and the associated transport and linkage issues.

Regular meetings were also held with DPE to discuss the state infrastructure requirements.

**Consultation with RMS and TfNSW**

A meeting was held with RMS, TfNSW and Council on 18 December 2017 to discuss the scope of the Traffic and Transport Study required to support the PP. It was acknowledged by Council and RMS that the purpose of the Traffic Study (Stage 1) is only required to be strategic in nature in order to identify key issues and opportunities of the site and to assist the scoping of the detailed traffic modelling required for the Stage 2 Traffic and Transport Assessment to support the rezoning (post Gateway). The scope and key assumptions for the Stage 1 modelling were documented and agreed by RMS, TfNSW and Council.

Further meetings were held in February/March 2018, and meetings in 2019 and 2020 to discuss the traffic methodology, traffic assumptions, as well as to discuss the preliminary and final modelling outcomes, impact on the proposed rezoning area, as well as a review of the draft Transport and Mobility assessment report.

### **Consultation with DET**

Planning for new schools is undertaken by the NSW DET. Current guidelines for planning new schools are under review (pending the release of Education and Child Care State Environment Planning Policy). Predicting where and when a new school is required is complicated by a range of social, economic and land use variables. Demand analysis is undertaken on a case-by-case basis, including consideration of demographic characteristics, enrolment patterns and the size of the private schooling sector. For these reasons, the guidelines are not intended as a minimum standard or benchmark.

The existing Orchard Hills Public School is located centrally within the proposed rezoning area. This school is a primary school with approximately 113 enrolments at present. For secondary students, Orchard Hills is zoned to Kingswood High School which currently has some capacity. It is likely that the school would require expansion as a result of the Orchard Hills North rezoning.

Consultation with the DET indicates that Orchard Hills Public School is currently at capacity. The 1,729 lots proposed through the Orchard Hills North rezoning will generate demand for additional primary school capacity. The DET estimates that this rezoning will produce 500 primary age children.

Expansion of the existing school site is a potential option. Additional options were discussed at numerous meetings with DET post Gateway, with DET and Legacy agreeing to continue discussions on the provision of a public or private school in the rezoning area. In late 2022 DET identified a preferred location for a 1.9ha primary school site (with a 15m building height limit) adjoining a proposed active open space area and immediately west of the proposed Village Centre. The detailed structure plan and planning proposal were subsequently amended to reflect this preferred location.

### **Consultation with Water NSW**

Email with the riparian corridors and information was sent to Water NSW in order to obtain comment and information relating to the creek classification and proposed stormwater management and hydrology.

### **Consultation with NSW Rural Fire Service**

The NSW Rural Fire Service was consulted pre-exhibition and provided written comments to Council dated 24 March 2022.

## Part 4 – Mapping

Part 4 of the PP is to contain clear and accurate mapping depicting relevant aspects of the PP. The subject PP seeks amendments that relate to land use zoning, height of buildings, minimum lot size, scenic and landscape values, clause application map, additional permitted uses, urban release areas and land acquisition.

The PP for Orchard Hills North requires amendment to several of the maps of PLEP 2010. The proposed maps may be found at **Appendix E** and are listed in the table below.

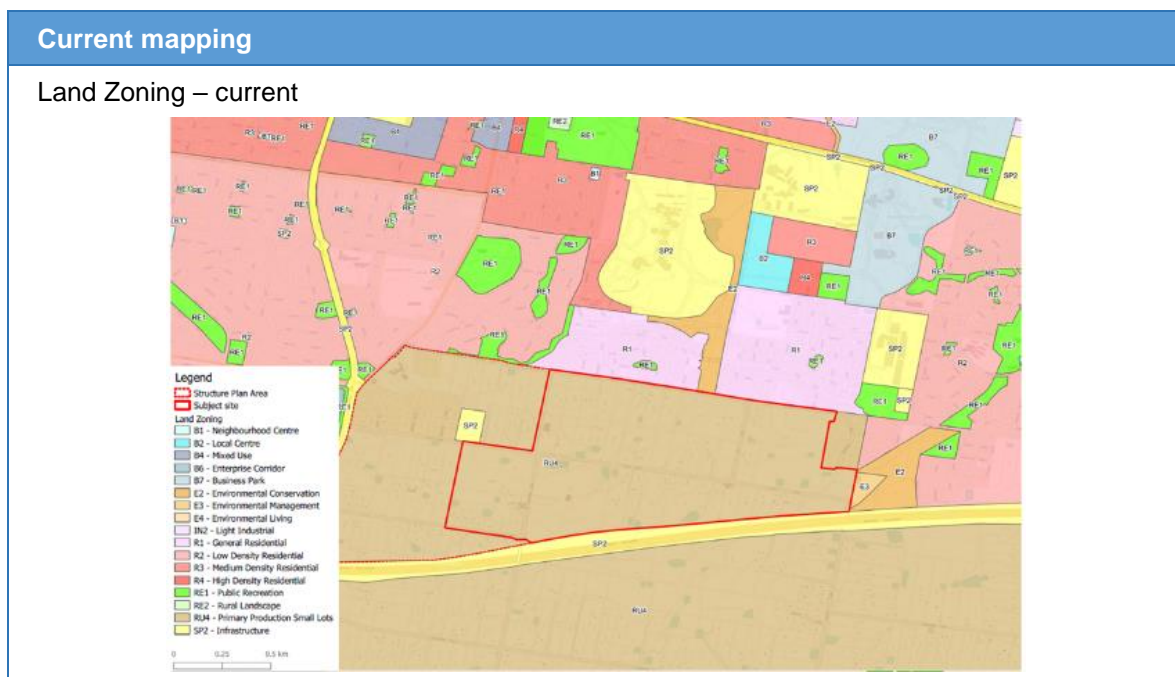
**Table 26 PLEP 2010 Maps to be amended**

PLEP 2010 Map	Sheet to be amended
Land Zoning	Sheet LZN_013
Height of Buildings	Sheet HOB_013
Lot Size	Sheet LSZ_013
Scenic and Landscape Values	Sheet SLV_013
Clause Application Map	Sheet CAP_002
Additional Permitted Uses	Sheet APU_013
Urban Release Areas	Sheet URA_013
Land Reservation Acquisition	Sheet LRA_013

The amended PLEP maps are provided in the format prescribed by the technical guidelines for LEP maps published by the DPE for exhibition purposes as required.

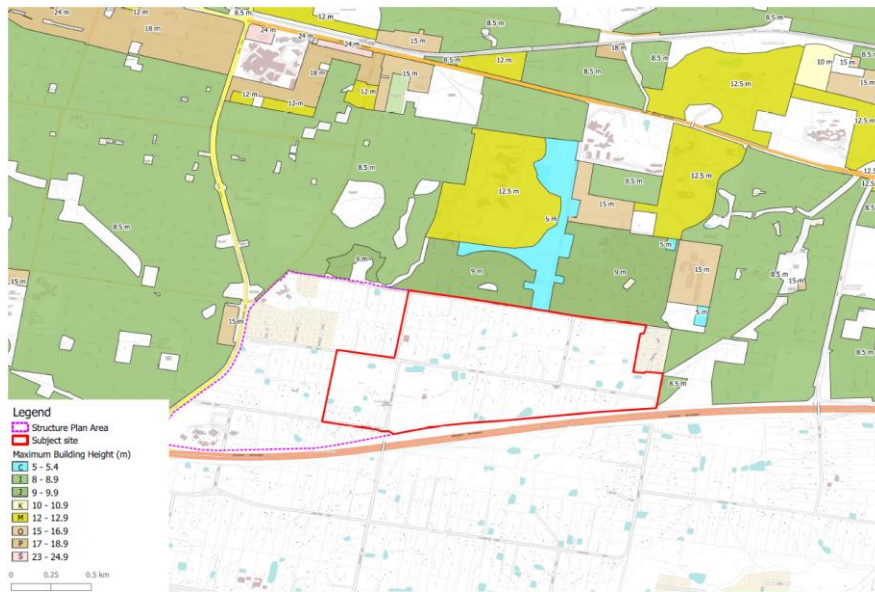
The current PLEP maps are presented in the table below.

**Table 27 Current PLEP 2010 mapping**

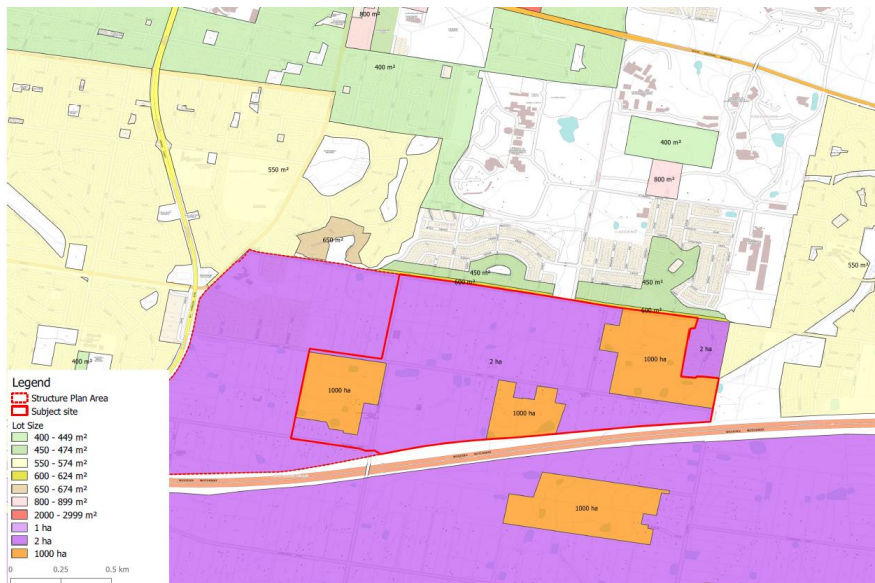


## Current mapping

### Height of Buildings – current

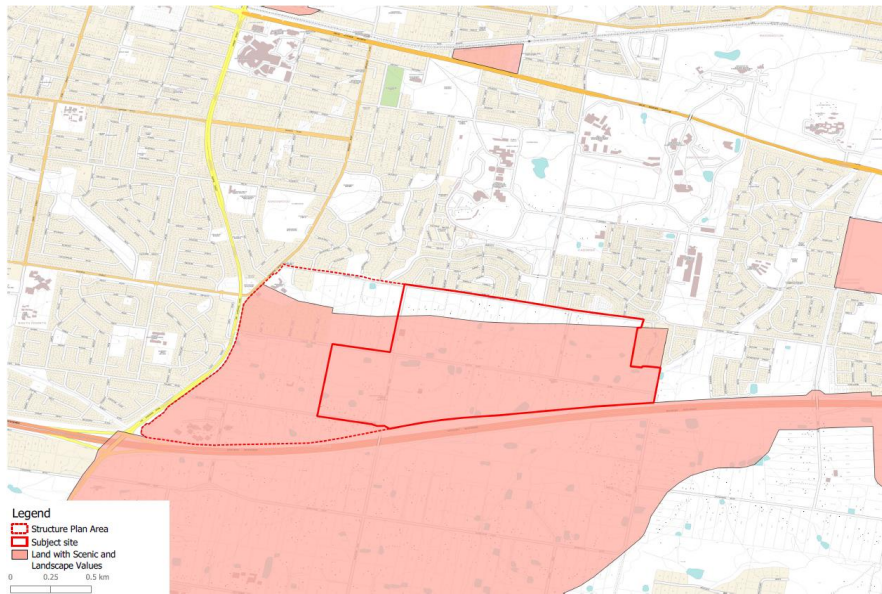


### Lot Size – current

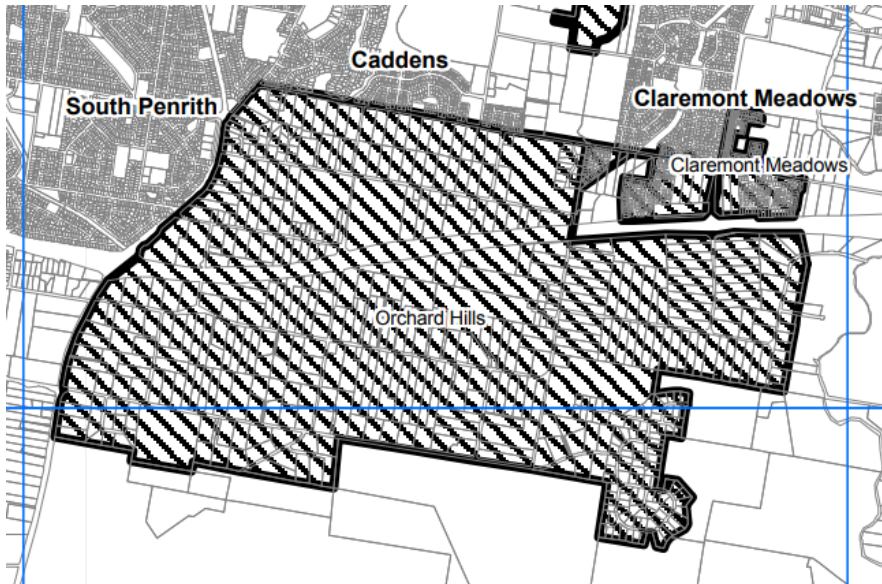


## Current mapping

### Scenic and Landscape Values – current



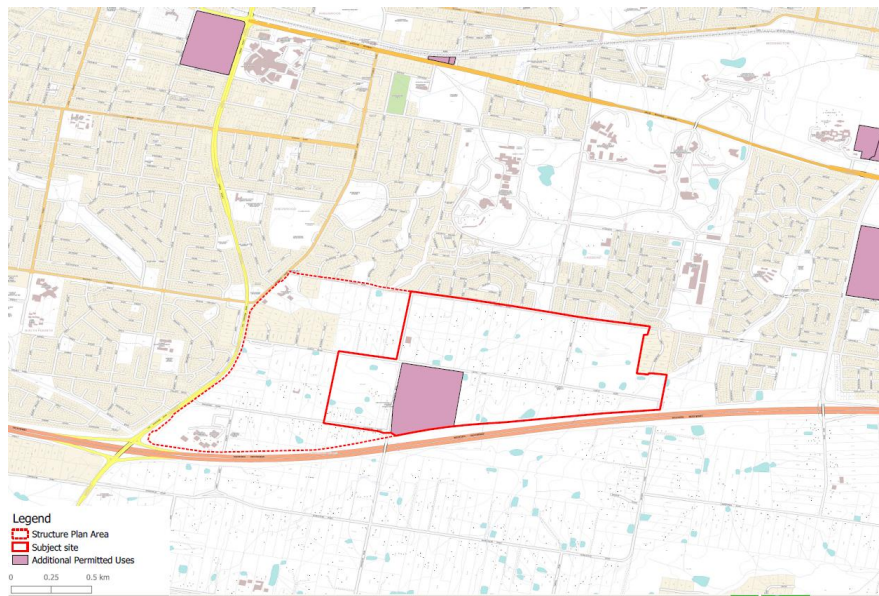
### Clause Application Map – current





## Current mapping

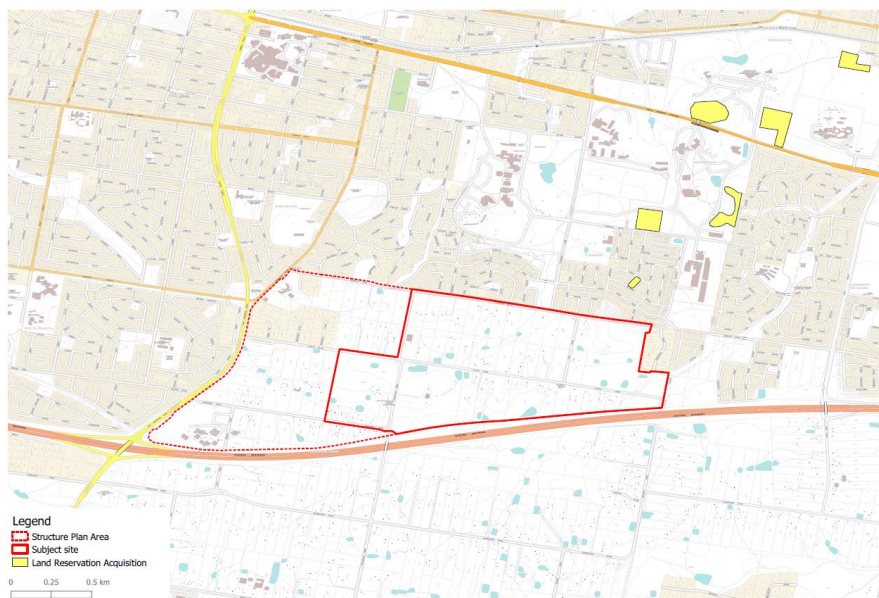
### Additional Permitted Uses – current



### Urban Release Areas – current

» No map at present

### Land Reservation Acquisition – current



## Part 5 – Community Consultation

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The Planning Proposal will be publicly exhibited in accordance with Penrith City Council's relevant policy on public consultation. All exhibition material will be available on Council's website.

Notice of the public exhibition will be given in the local newspaper and on Council's website. Notice of the public exhibition will also be provided by a letter to affected landowners.

Consultation with public authorities will be undertaken in accordance with the requirements of the Gateway Determination.

A full copy of the Community Consultation Outcomes Report undertaken by Legacy Property in 2018 is provided at **Appendix F**.

# Appendices

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APPENDIX A - Orchard Hills North: Project Land – ‘Area A’

APPENDIX B – Orchard Hills North: Place Vision

APPENDIX C – Indicative Master Plan for Rezoning Area (Area A)

APPENDIX D – Indicative Structure Plan Map for Orchard Hills North 2022

APPENDIX E – Proposed LEP maps

APPENDIX F – Consultation Outcomes Report 2018

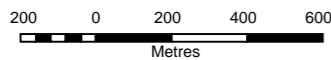
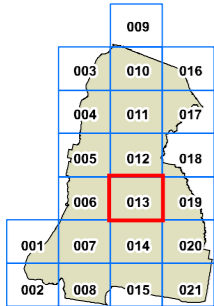
APPENDIX G – Orchard Hills North: Supporting Technical Documents

**Zone**

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business development
- B6 Enterprise Corridor
- B7 Business Park
- C1 National Parks and Nature Reserves
- C2 Environmental Conservation
- C3 Environmental Management
- C4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter
- TIA Transport Investigation Area (Refer to Clause 7.32)
- WSEA SEPP (Western Sydney Employment Area) 2009
- SM SREP No. 30 - St Marys
- MIC SEPP (Major Infrastructure Corridors) 2020
- WSA SEPP (Western Sydney Aerotropolis) 2020

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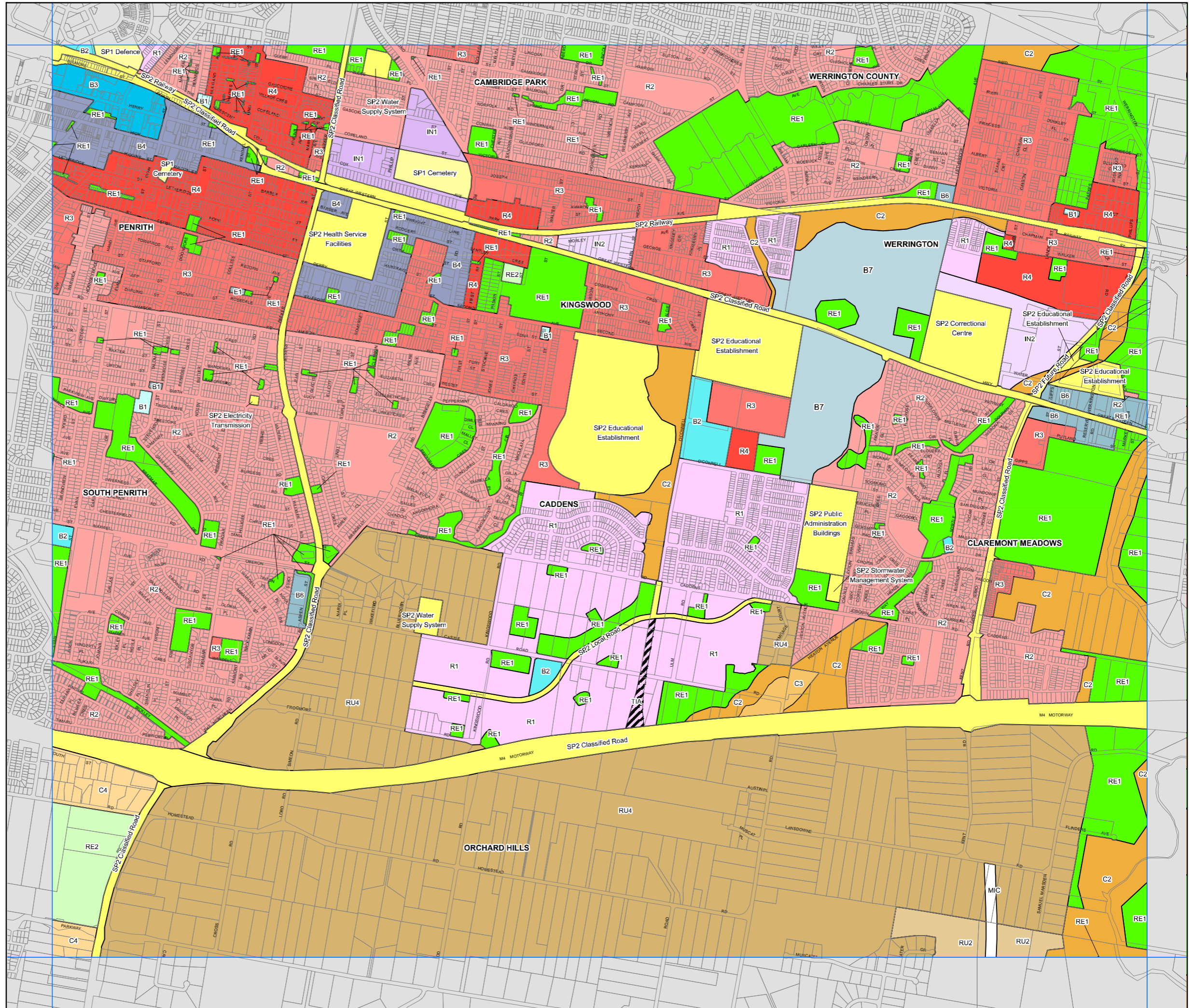
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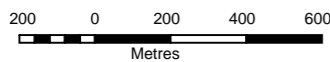
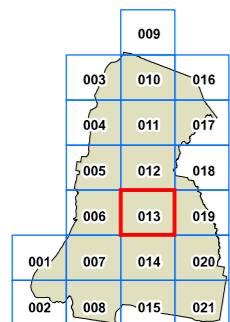
**Height of Buildings Map -  
Sheet HOB\_013**

**Maximum Building Height (m)**

- A 0
- C 5
- I 8.5
- J 9
- K 10
- M1 12
- M2 12.5
- O 15
- P 18
- Q1 19
- Q2 20
- R 21
- S 24
- T 27
- U 32
- V 38
- Y 50
- Z 56
- AA 61
- AB 80
- Refer to Clause 7.16, 7.33, 8.2 & 9.7

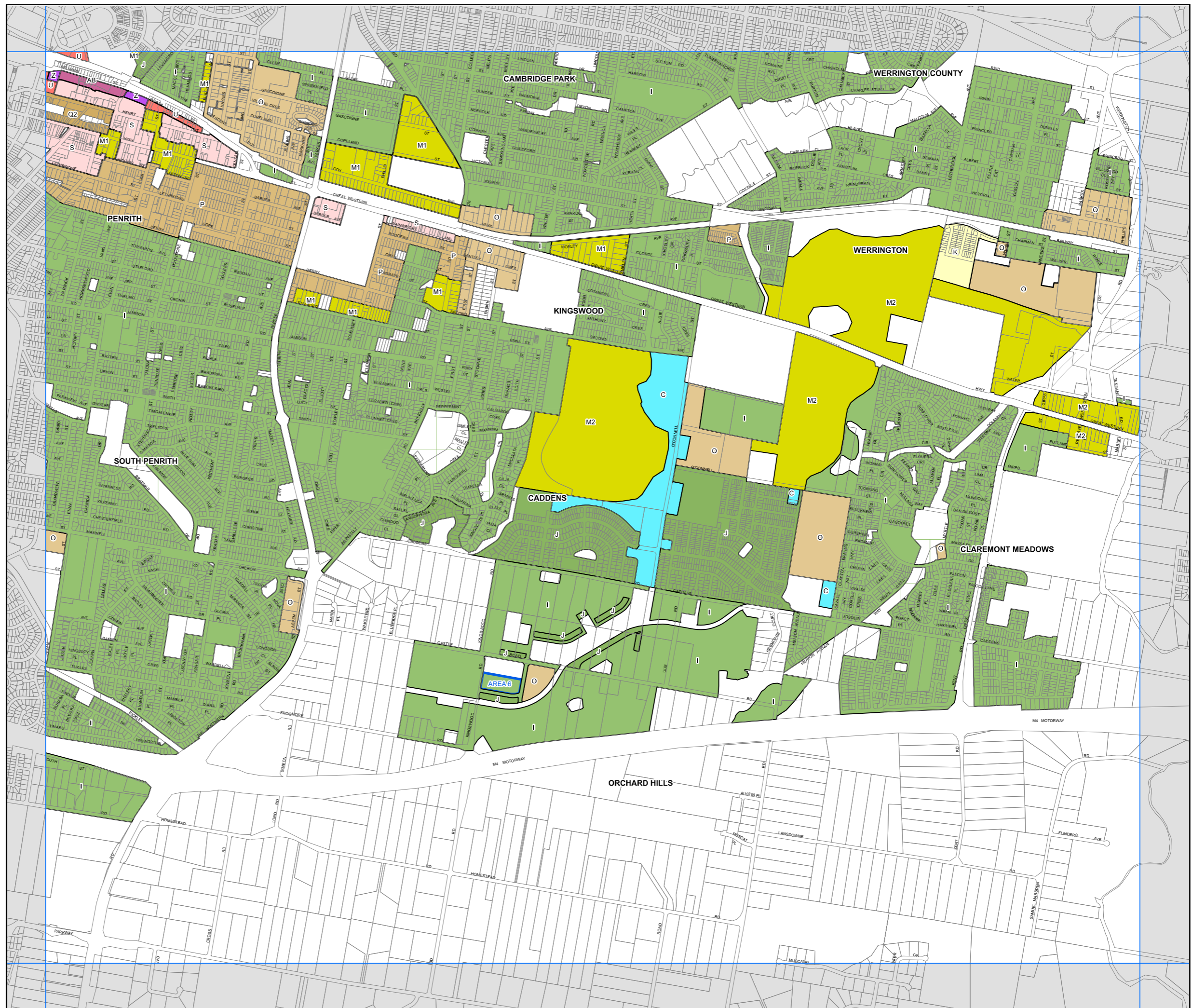
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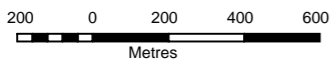
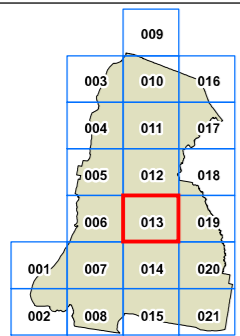
**Lot Size Map -  
Sheet LSZ\_013**

**Minimum Lot Size (sq m)**

- B** 220
- E** 300
- F** 400
- G** 450
- K1** 550
- K2** 560
- M** 600
- O** 650
- R** 750
- S** 800
- U1** 1000
- U2** 1200
- V** 2000
- W** 4000
- X** 6000
- Y1** 10000 (1 ha)
- Y2** 12500 (1.25 ha)
- Z** 20000 (2 ha)
- AB1** 100000 (10 ha)
- AB2** 200000 (20 ha)
- AB3** 400000 (40 ha)
- AI** 1000000 (1000 ha+)
- Refer to Clause 7.16, 7.19, 7.21 & 7.31

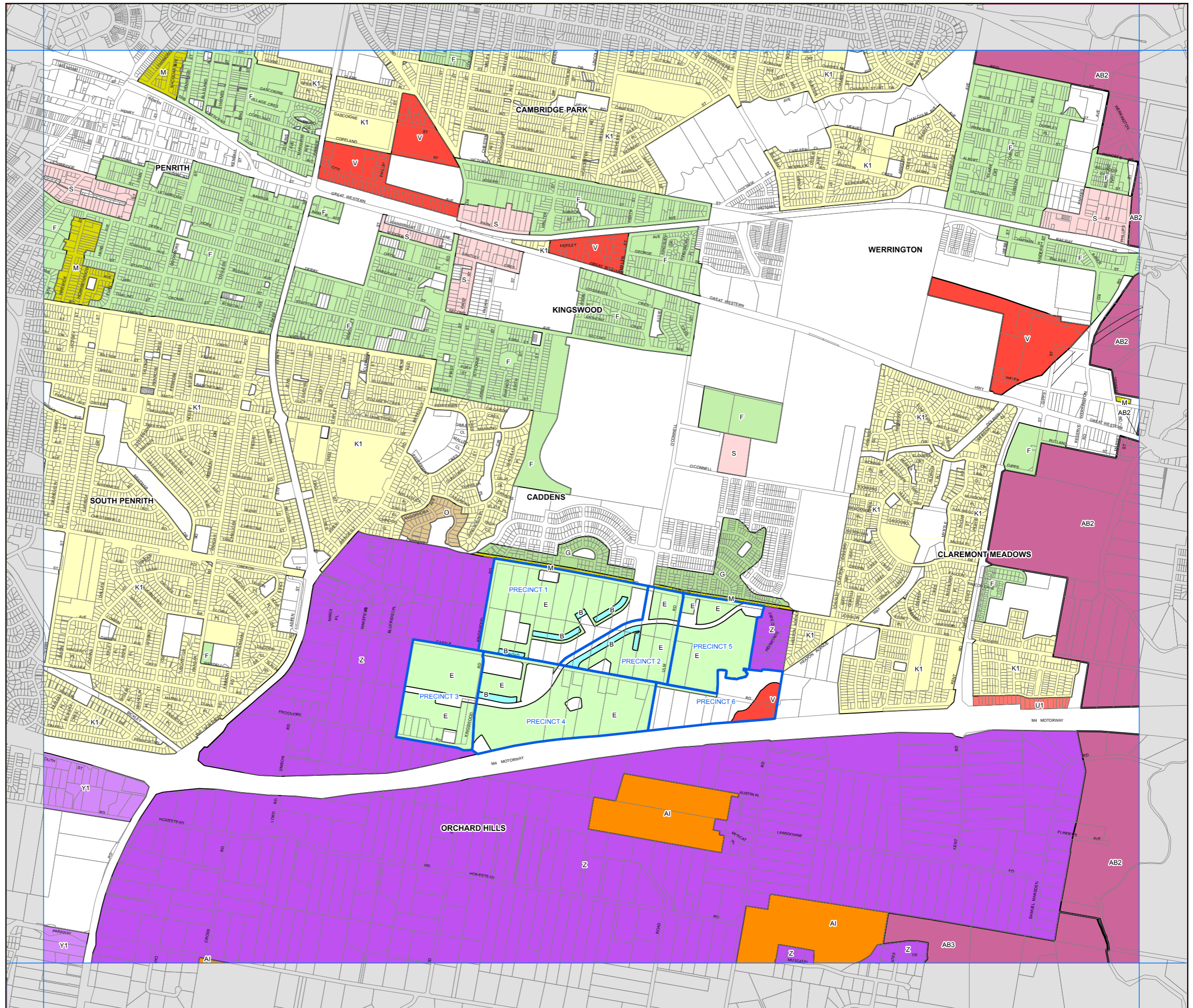
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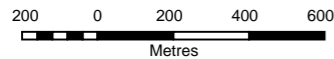
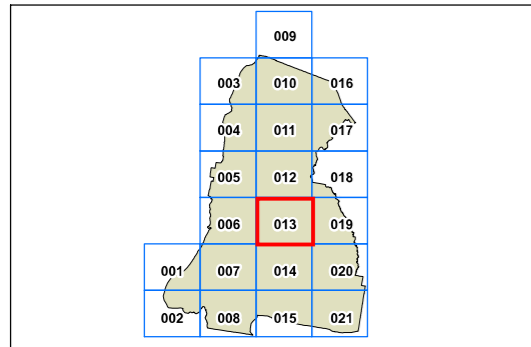
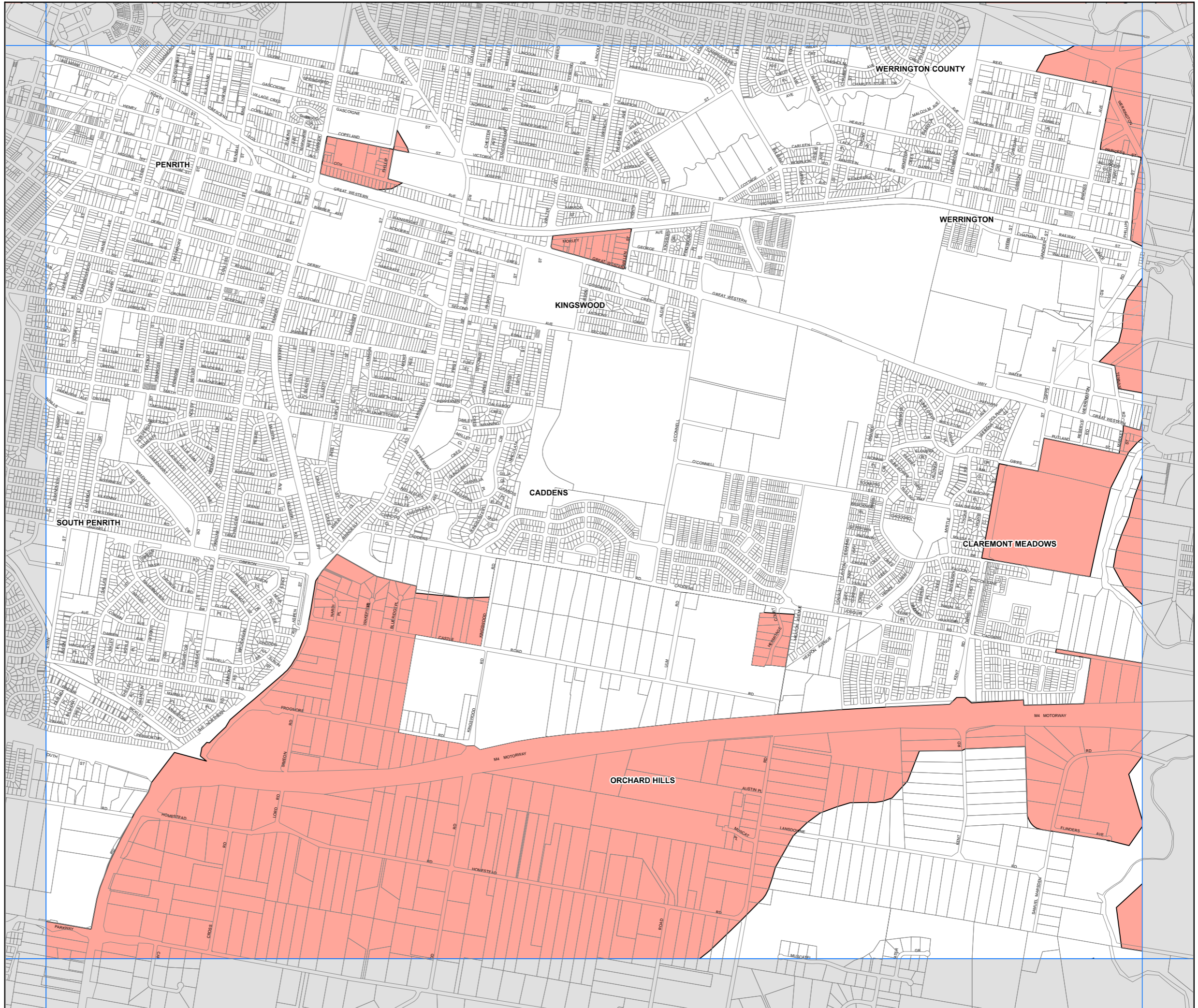


## Scenic and Landscape Values Map - Sheet SLV\_013

-  Land with Scenic and Landscape Values
-  Vistas of heritage items

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MGA Zone 56

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Clause Application Map -  
Sheet CAP\_002

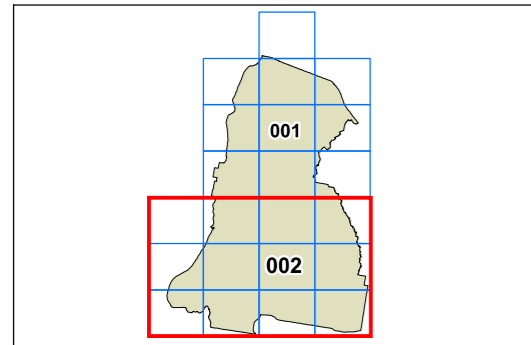
 LGA Boundary

**LEP Land Application**

-  Clauses of LEP apply
-  SEPP (Western Sydney Employment Area) 2009
-  SREP No. 30 - St Marys
-  SEPP (Penrith Lakes Scheme) 1989
-  SEPP (Western Sydney Aerotropolis) 2020
-  SEPP (Major Infrastructure Corridors) 2020

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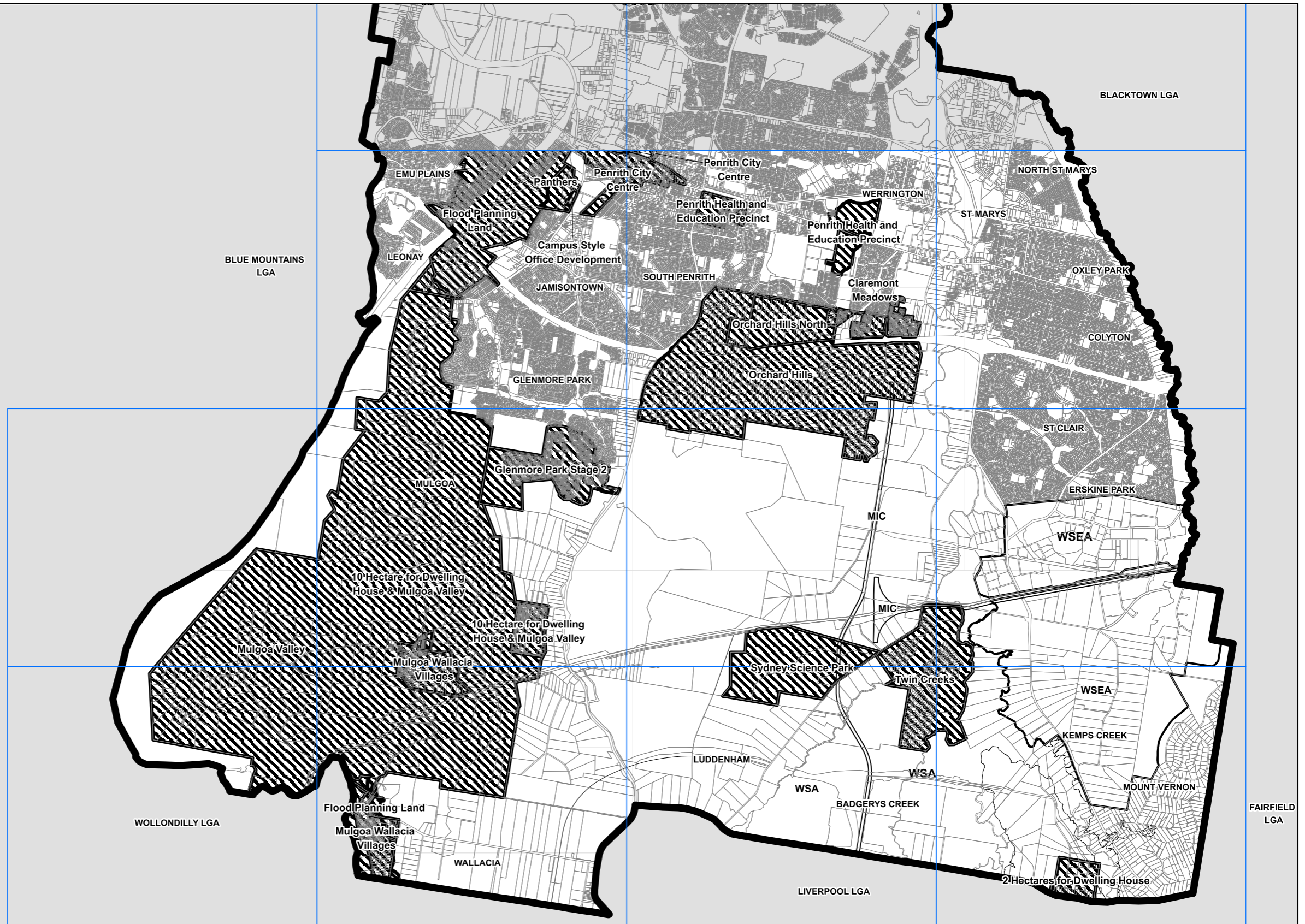
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Kilometres

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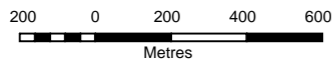
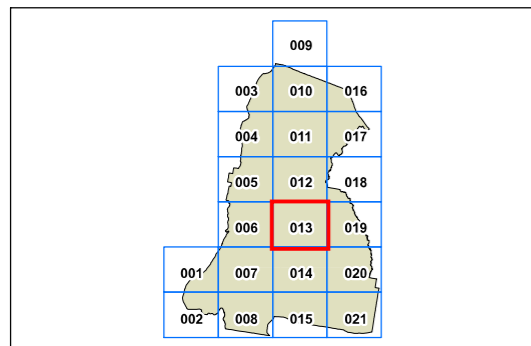
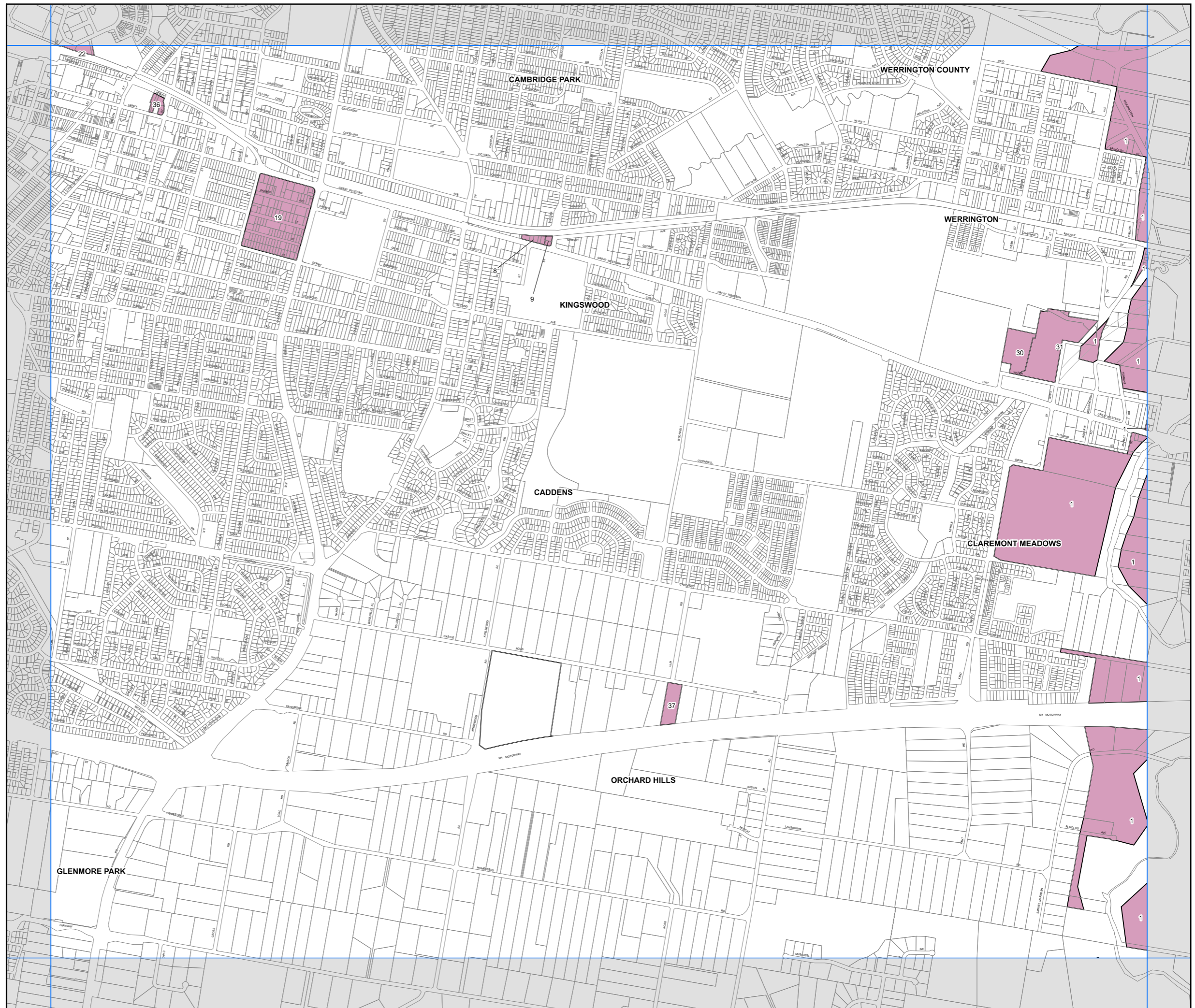
## Additional Permitted Uses Map - Sheet APU\_013

### Additional Permitted Uses

 Refer to Schedule 1

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MGA Zone 56

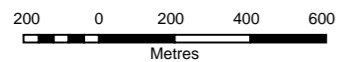
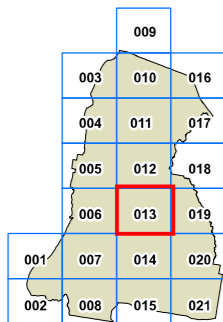
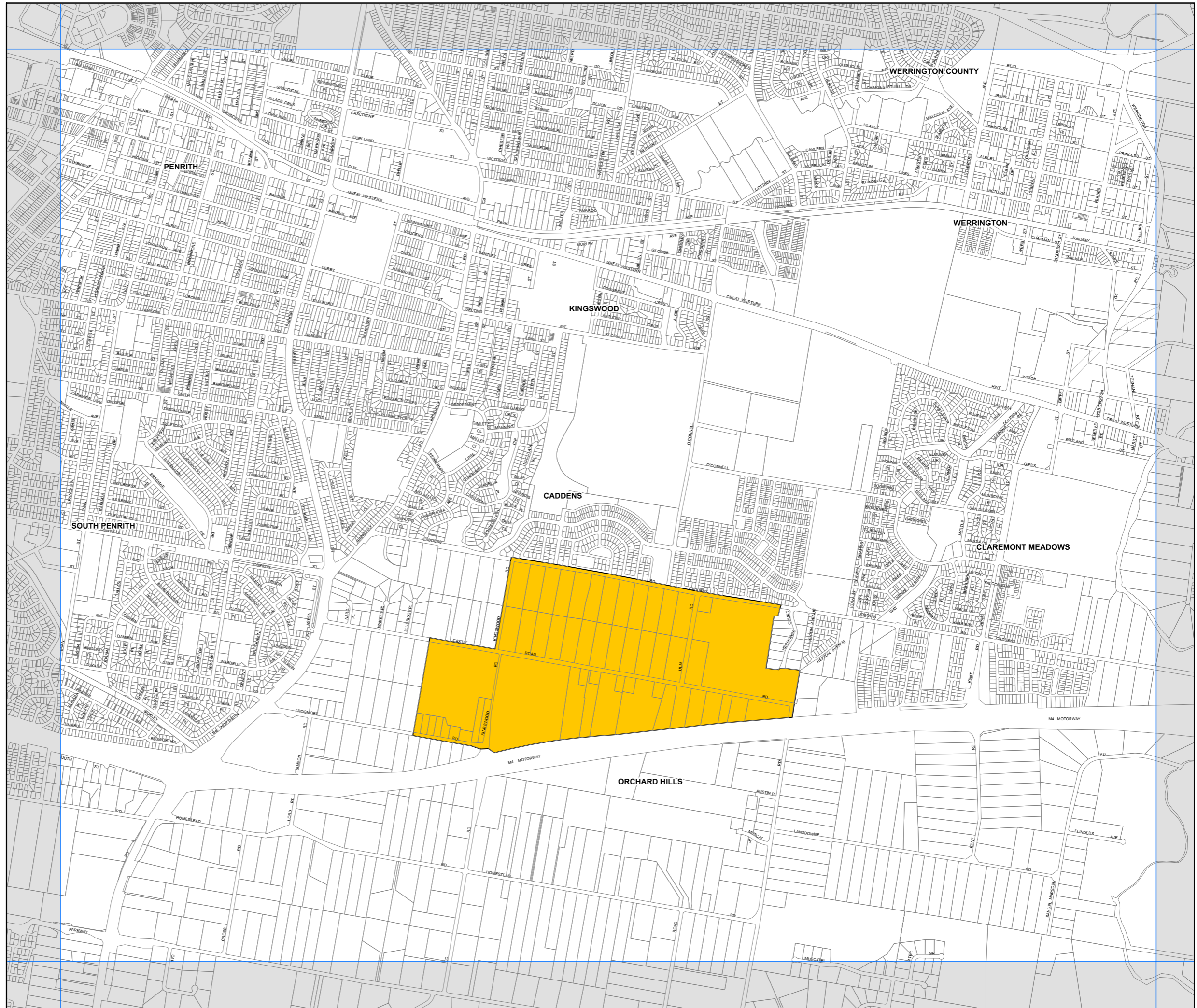
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## Urban Release Area Map - Sheet URA\_013

 Urban Release Area

### Cadastre





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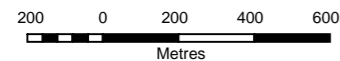
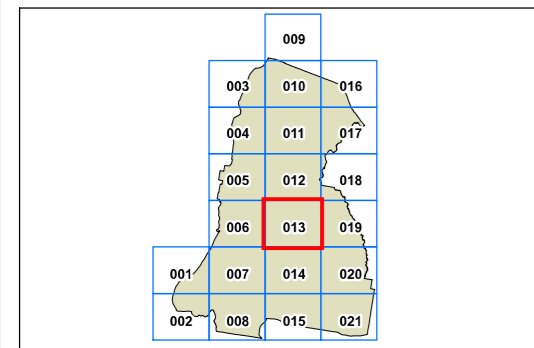
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## Land Reservation Acquisition Map - Sheet LRA\_013

-  Classified road (SP2)
-  Local road (SP2)
-  Regional open space (RE1) or (E2)
-  Local open space (RE1)

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MGA Zone 56  
Scale: 1:20,000 @ A3

