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CADDENS KNOLL PLANNING PROPOSAL

Prepared for Landcom
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HASSELL

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1 Statement of Objectives

The objective of this proposal is to enable the development of the Caddens Knoll site (Part Lot 2107 of DP 263159) for residential dwellings and public open space in a manner which is consistent with the existing character of the surrounding area.

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The application to rezone this site follows the previous submission of a Development Application, lodged for assessment by Council, which generally adheres to current planning instruments. This Development Application was met with community concerns regarding the loss of access to land that part of the community viewed as open space.

Added to this, current advice from Sydney Water now confirms that the majority of the site (up to RL80) is serviceable therefore is a viable opportunity to introduce residential dwellings within an existing suburb.

It is proposed that the central portion of the site, the Knoll, will be retained for community use as a hill top park of approximately 2ha. The final layout of the park will ensure retention of significant stands of trees where possible and will incorporate some embellishment appropriate to the location and setting. The open space will be transferred to Council following subdivision of the site.

The land surrounding the Knoll Park will be developed for low density residential lots up to 45 lots. This is consistent with the surrounding land use character and part of the current land use zoning provisions of the site. The proposed lots will be structured around two internal roads extending from Casuarina Circuit and Angophora Avenue. There will be cycle and pedestrian access to Caddens Road.

Residential uses will be low density with one dwelling per lot. The land zoned residential will utilise the draft development standards Council has prepared for the R2 Low Density zone to ensure consistency in scale and form of future residential development. The proponent will also work with Council to develop site specific Development Control Plan to guide dwelling siting, design, landscaping and guidelines for the hill top park.



1____ Statement of Objectives

1.1 Supporting documentation

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This planning proposal relies on the following specialist reports:

- _Traffic Report prepared by Halcrow (May 2012)
- _Aboriginal Heritage Assessment by Godden Mackay Logan and Jo McDonald CHM (March 2012)
- _Ecological and Bushfire Assessment by EcoLogical Australia (March 2012)
- _Services and Infrastructure Report by J. Wyndham Prince (March 2012)
- _Phase 1 Environmental Site Assessment prepared by WSP (March 2012)
- _Community Consultation Report prepared by Manidis Roberts (May 2012)

Artist impressions of the Caddens Knoll Rezoning Concept



2 ____ Explanation of Provisions

Penrith Local Environmental Plan 2010 (PLEP 2010) was adopted in 2011 and applies to all rural and industrial land within the LGA. Council is currently preparing Penrith LEP 2012 which will incorporate all residential, commercial and retails land.

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Due to its current zoning as an agricultural site under State Regional Environmental Plan 25- Orchard Hills (SREP 25), the subject site was included in PLEP 2010. During the preparation of PLEP 2010 Council recognised that the long term use of the site required further consideration and identified the site as 'Deferred Matter'. This means that the provisions of SREP 25 and Penrith Urban Lands LEP 1998 continue to apply to the site. PLEP 2010 repealed SREP 25 from lands within PLEP 2010 with the exception of the subject site, due to its status as a deferred matter.

This Planning Proposal is the resolution of a consultative planning and design process which has determined future land use for the site for residential and public open space uses. It therefore aims to amend PLEP 2010 to:

_Introduce new zoning and development standards for the site's preferred residential and open space use
_Repeal the provisions of SREP 25 from PLEP 2010. As such SREP 25 will become redundant.

In order to deliver the requested rezoning the PLEP seeks to:

Amend Clause 1.8 Repeal of Instruments Applying to Land to include a new subclause: (1B) Sydney Regional Environmental Plan No 25 – Orchard Hills

Amend the Land Use Table to introduce the R2 Low Density Residential Zone as per the Standard Template. A copy of the Zone is included in Appendix A.

Amend Part 4 Principal Development Standards to insert site specific local development standards to:

- a. Restrict further subdivision of larger lots on the site at a future stage (i.e. those at 1300sqm)
- b. Restrict the development of dual occupancies and secondary dwellings on sites less than 500m in the R2 Low Density Residential Zone.

Amend the following maps which are included in Appendix A:

- a. Land Application Map (LAP_001) to remove text 'DM' and red polygon
- b. Clause Application Map (CA_002) to remove hatched polygon/amend hatched polygon to trigger any site-specific provisions.
- c. Land Use Zone Map (LZN_013) to remove text 'DM' and red polygon; and replace with proposed R2 and RE1 zones.
- d. Lot Size Map (LSZ_013) to include minimum lot size of 650m² for portion of site zoned R2
- e. Floor Space Ratio Map (FSR_013) to include a maximum floor space ratio of 0.5:1 for the portion of the site zoned R2
- f. Height of Building Map (HOB_013) to include a maximum height of building at 8.5m.

3 ____ Justification

3.1 Need for the proposal

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3.1.1 Is the planning proposal a result of any strategic study or report?

The proposed rezoning is not the result of a strategic study or report; however the proposed rezoning is the result of a consultative planning process between Council, surrounding land owners and the landowner.

Over a two year period the land owner has explored a number of options for residential use of the site. Surrounding landowners were consulted during the preparation of the schemes as detailed in the Community Consultation report. Council has also been involved in the development of schemes for the site. The current scheme for low density residential uses and public park provides a suitable outcome for the land owner and addresses the surrounding land owners concerns.

The proposed rezoning will also contribute to meeting the policy direction of the Penrith Planning Strategy by allowing for additional residential development in an existing serviced residential area that is located in close proximity to existing facilities and services. The proposal is likely to provide a range of lot sizes (all greater than 650sqm) which supports objectives for housing diversity. It will also improve the provision of open space for existing and future residents through a Council owned and managed public park on the Knoll.

3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intended outcome of proposed residential and open space use of the site can be achieved two ways:

- _Rezoning of the site as detailed in this Planning Proposal
- _Utilising the provisions of the existing land use zoning (prior to Penrith LEP 2010 identification of the site as a deferred matter) which incorporates two zones, being the 2(b) Residential Low Density Zone of the Penrith Urban Lands LEP 1998 and the 1(a) Agricultural Protection Zone of the State Regional Environmental Policy 25 (Orchard Hills).

Table 3.1 outlines the possible outcomes achievable under the existing land use zoning and assesses how these outcomes address the objectives to use the site for residential and open space use.

Table 3.1 Assessment of alternate planning outcomes

Alternate planning outcomes under existing instruments	Assessment of outcome
A potential maximum of 20 lots at 550m ² on the approximate 11,000m ² of land currently zoned 2(b) Residential (Low Density);	This would locate 20 residential lots on the peripheral areas of the site currently zoned 2(b) Residential (Low Density) and the inner part of the site would be used as open space or agricultural uses. 20 residential lots on the periphery of the site is considered as undesirable as: _Results in a poor urban design outcome with lots distributed in small pockets on the site and not linked by a street network. _Located new small residential lots closest to existing residents who have voiced concerns in response to such development. _The central area of the site likely to remain in private ownership and public access would be limited.
3 rural lots – 2 at 0.5 of a hectare and 1 at 5 hectares – on land zoned 1(a) Agriculture protection; and	This would mean the central portion of the site is used for agricultural use however this is not seen desirable as: _Some agricultural uses are incompatible with an existing residential area and may create issues in terms of amenity (odour, machinery noise) and large vehicles. _The site is currently accessible by surrounding residents and is used as informal park. Such access would be prevented if these lots were used of agricultural purposes.
The provision of a Recreation area in either zone in place of one or more of the potential residential lots – this use is not prohibited by either of the applicable planning instruments.	Under the existing planning instruments the site could be use recreation uses with or without a residential or agricultural component. It is recognised that that the community has an attachment to the site as a recreation area and this Planning Proposal seeks to formalise a portion of the site as a public park. However it is considered undesirable to utilise the whole site for recreation use as: _Council has not identified the need for additional public open space in this area _The landowner of the subject site is currently developing a large site further east of Caddens Road which will contain regional open space areas.

3 Justification

3.1.3 Is there a net community benefit?

In accordance with the NSW Department of Planning's *A guide to preparing planning proposals*, a Net Community Benefit Test must be prepared to help assess the merits of a planning proposal.

Table 3.2 below compares the costs and benefits of the proposed rezoning against a base case of retaining the existing zoning on the site. In accordance with the Department of Planning's guidelines, consideration has only been given to welfare effects (i.e. net impacts on community welfare).

Table 3.2 Net Community Benefit Test

Benefits	Site Rezoned	Existing Zoning of the Site Retained
	<i>Providing a new public park</i> The site is used by the community as informal public open space. The rezoning and dedication of the hill-top park will formalise and secure this perceived use. The proposed embellishment of the park will further improve its value as an asset for the community. The rezoning will also allow physical linkages for pedestrians and cyclists through the subject site and to the surrounding network to the north and south of the site. <i>Retaining and enhancing a landscape feature</i> The proposed hill-top park provides a key focal point/scenic outlook from the northernmost point of the suburb of Orchard Hills. Council's adopted Landscape Strategy (2006) identifies Orchard Hills as an 'Iconic Place – Rural Backdrop' and 'Primary Visual backdrop'. The proposed rezoning also provides open space linkages that will become part of the walking and cycling network <i>Providing new dwellings that respect the existing character</i> The proposed residential subdivision layout has been designed to respond to the character of the locality. Larger lot sizes have also been selected to reflect the prevailing lot character and overcome topography constraints. Future dwellings will need to comply with development standards (height, FSR) and also site specific DCP provisions. This will ensure that future dwellings contribute positively to the character of the locality. <i>Caddens Road Upgrade</i> Development contributions associated with future Development Applications resulting from this Planning Proposal will result in the upgrade of Caddens Road west to an urban standard between Angophora Avenue and Casuarina Circuit. <i>Supporting infill development</i> The proposal presents in-fill development that makes use of existing infrastructure and services. The site is within a 400m walk of two bus services routes 770 and 789, bus which provide services to Penrith City Centre, St Marys and Luddenham. The 770 accesses a metropolitan railway station (Penrith Station) and runs at a 30 minute frequency on weekdays. This is consistent with the housing location objectives outlined on page 34 of <i>Improving Transport Choice – guidelines for planning and development</i> (DUAP 2001). Furthermore, the proposal meets the objectives for 'new residential areas' as it adjoins an existing urban footprint and is within 5km of Kingswood Train Station. <i>Resolution of a Deferred Matter in PLEP 2010</i> PLEP identified the site as a Deferred Matter recognising that further consideration was required in regards to the site's long term use. The landowner has been working to develop a scheme for the site in consultation with Council and the local community, which is outlined in this Planning	<i>Open Space</i> In the site's present form local residents access the site to enjoy the amenity value of the open space and views afforded from Caddens Knoll. It is however noted that the site is in private ownership and such access is not formalised or authorised. <i>Agricultural Use</i> The current zoning allows for agricultural use of the land, however it is noted that the subject site is isolated from other agricultural land use by Caddens Road, is located within an urban context and is of a land form unsuitable for agricultural purposes as: _Agricultural use of the site is considered inappropriate given its residential context as some agricultural uses are incompatible with an existing residential area and may create issues in terms of amenity (odour, machinery noise) and large vehicles. _Agricultural use of the site is highly limited by the sites topography. This would prevent any farming of crops on the site limiting the site to grazing agricultural uses. As noted above, grazing uses would conflict with the surrounding residential land uses.

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Proposal. It is therefore considered that adoption of this Planning Proposal will resolve the outstanding deferred matter with a proposal which has stakeholder support. The proposal will also fully revoke SREP 25 which is a historic instrument which Council/Department of Planning removed from all other land within the LGA.

Social Cohesion

Low density residential development of the subject site which is in character with the surrounding area is likely to continue to attract residents with a similar socio-economic character to the existing adjoining residential neighbourhood. Residents will be able to form part of the existing community which fosters social cohesion.

Housing Targets

The Sydney Metropolitan Strategy and Draft North West Subregional Strategy sets a target of 25,000 new dwellings to be provided within the Penrith LGA in order to meet expected population growth, and seeks 60-70% of development to occur within existing urban areas. The provision additional dwellings which will be afforded by the rezoning of the site will assist in meeting these housing targets.

Costs	<i>Infrastructure and Services</i> Rezoning of the site and subsequent development may require the provision of extra infrastructure and facilities to cater for the introduction of additional residents to the area. Initial analysis indicates that utilities infrastructure is sufficient (or can be augmented) to service the level of redevelopment expected on the site. In addition, the site has access to sufficient public transport, social infrastructure (such as schools) and open space in the area and is unlikely to require new facilities. <i>Traffic</i> The rezoning and subsequent development will result in a minimal increase of traffic in the area. It has been confirmed that this will not impact the function of the surrounding road network.	<i>Housing</i> Due to future housing demands identified in the Sydney Metropolitan Strategy, Draft North West Subregional Strategy and the Penrith Planning Strategy, retaining the site in its current form represents a lost opportunity to provide residential dwellings within an existing residential area where development would be in keeping with the surrounding character and be able to utilise existing services and infrastructure. A potential housing shortage in the future, and subsequent decrease in housing affordability, could lead to adverse social, economic and environmental impacts and reduced amenity for the community.
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Overall, the proposed rezoning is considered to represent a net community benefit, as it will:

- _ Providing a new formalised public park for existing and future residents
- _ Retaining and enhancing a landscape feature being the 'Knoll'
- _ Provide new dwellings that respect the existing character and have design controls to ensure their compatibility with the surrounding area
- _ Upgrade of Caddens Road West to an urban standard between Angophora Avenue and Casuarina Circuit
- _ Support infill development through new dwellings in an established residential neighbourhood
- _ Resolve a Deferred Matter in PLEP 2010 and finalise the removal of SREP 25 from Penrith LGA
- _ Support objectives for social cohesion and Councils housing targets.

Retaining the site in its present form (i.e. not undertaking the proposed rezoning) is not considered desirable as it does not:

- _ address the community's concern regarding public access to the Knoll
- _ formalise or embellish the Knoll
- _ resolve the long term use of the site as a Deferred Matter in PLEP 2010
- _ contribute local housing targets with a sensitive infill project which provides formalised public open space.

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3.2 Relationship to strategic planning framework

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3.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

As demonstrated below, the proposal is consistent with the objectives and actions of the applicable regional and sub-regional planning strategies.

Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036* is the key planning document guiding the long term growth of Sydney. The Metropolitan Strategy seeks to concentrate growth in identified centres, to ensure equitable access to Sydney's infrastructure and services.

Strategic Direction D: Housing Sydney's Population

The proposal is consistent with the objectives of the *Strategic Direction D: Housing Sydney's Population* which aims to concentrate development to strengthen centres, towns, villages and neighbourhoods focused around public transport. New housing is to be better designed, incorporating appropriate open space. The Housing Strategy provides opportunities for more housing in both new land release areas as well as within existing areas. The quality of housing development in established areas needs to be improved around the transport nodes.

The rezoning proposal will also support objectives to ensure an adequate supply of land and sites for residential development and to plan for increased housing capacity targets in existing areas by providing 60-70 per cent of new housing in existing urban areas.

The proposal will allow future residential development which is consistent with the Housing Strategy for increasing housing in established areas, and contributing to reaching the housing target for the Penrith LGA. The proposal is therefore consistent with the aims of the Strategic Direction D.

Strategic Direction F: Balancing Land Use on the City Fringe

Figure F1 of the Metropolitan Plan for Sydney identifies the land as part of Sydney's 'rural and resource lands'. It is noted that this map is only indicative and will be refined following a detailed GIS analysis. Objective F1 is to 'contain Sydney's urban footprint' which indicates that there is sufficient capacity to accommodate the region's greenfield housing targets. Furthermore, Objective F2 seeks to maintain protect agricultural activities and resource lands.

It is considered that the site is identified as 'rural and resource lands' given its current inclusion in PLEP 2010 which relates to agricultural and industrial lands in the LGA and its inclusion in the SREP 25 which no longer applies to any other sites in the Penrith LGA. Furthermore, the site is not considered to be suitable 'rural and resource lands' as:

_As noted in Appendix A of the Stage 1 Environmental Assessment, the historic title deeds and photos indicate that the site has not been used for agricultural use since 1965. Since this time the site has been owned by several trusts, namely B E Bush Pty Limited, The Minister for Public Works, Cambridge Credit Corporation Limited, New South Wales, Planning and Environment Commission, The Housing Commission of New South Wales, Land Commission of New South Wales and Landcom.

_A review of the title plans show that prior to 1982 the site was part of a broader land parcel north of Caddens Road. The majority of this land was subsequently developed for residential uses, with Caddens Road forming the natural boundary between urban and agricultural uses. The servicing constraints described below outlined why this portion of the larger site was not developed for residential uses and how SREP 25 was applied to the land as a 'holding zone' until a viable use of the site could be determined.

_Penrith Urban Lands LEP 1998 currently zones the eastern and western extremities of site 2 b) Residential (low density) consistent with that of the surrounding areas. It is noted that the land zoned 2(b) generally sits below the RL72 line; the normal connection and supply level for Sydney Water water connection points (refer Appendix E Infrastructure Report). This supports the proposition that residential use for the remainder of the site (above RL 72) was not possible due to water servicing. Recent discussions with Sydney Water have confirmed that this previous servicing constraint can be overcome and that water connection points can be provided up to RL80.

_SREP 25 was designed to establish planning controls for areas in the historic locality of Orchard Hills. The subject site is located in the suburb of Kingswood and the Penrith Heritage Study Vol. 3 - Locality Assessment, Paul Davies Pty. Ltd. November 2007 (p202) confirms that the northern boundary of Orchard Hills is Caddens Road confirming

3 Justification

the sites exclusion from this locality. The sites inclusion in SREP 25 is therefore related to the historic poor serviceability of the site.

_Agricultural use of the site is considered inappropriate given its residential context as some agricultural uses are incompatible with an existing residential area and may create issues in terms of amenity (odour, machinery noise) and large vehicles.

_Agricultural use of the site is highly limited by the sites topography. This would prevent any farming of crops on the site limiting the site to grazing agricultural uses. As noted above, grazing uses would conflict with the surrounding residential land uses.

Draft North West Subregional Strategy

Due to the size and complexity of the metropolitan region, 10 subregions have been established under the Metropolitan Strategy, with each region required to develop a Subregional Strategy to interpret the actions and objectives of the Metropolitan Strategy at the subregional and local level.

The Draft North West Subregional Strategy was released in December 2007 and provides a more detailed study of the potential of the subregion for future growth potential and employment. Under the Strategy, Penrith will be developed as a Regional City and will attract new and improved shopping, health, education, business, recreational and cultural facilities. Significant growth is planned for Penrith Regional City including 10,000 new jobs and 10,000 additional residents within the City Centre.

Some of the key observations and objectives of the Draft North West Subregional Strategy are as follows:

- _The Metropolitan Strategy specifies that the North West Subregion will need to accommodate 140,000 new dwellings by 2031, at a rate of 5,185 new dwellings per annum. The majority of new dwellings will be located within close proximity to centres to ensure accessibility to jobs and services.
- _The target for the Penrith LGA is to provide 25,000 additional dwellings to reach the overall target of 140,000 new dwellings by 2031.
- _55.1 per cent of housing within the Penrith local government area is made of single detached dwellings.
- _By 2031 significant ageing of the resident population is forecast within the North West Subregion.
- _Objective to locate future urban growth and intensification within the North West subregion to maximise potential around existing and proposed centres. In particular, growth will be planned close to infrastructure such as train stations and strategic bus corridors to ensure maximum use of such infrastructure.

The Strategy also recognises Penrith's association with the nearby Werrington Enterprise, Living & Learning (WELL) Precinct, including the University of Western Sydney and the Western Sydney Institute of TAFE. This area, which is developing as a specialised education centre to the east of Penrith, will encourage compatible industries and land-uses to cluster in the area, and promote the diversification of the local economy by further encouraging the recent increase in the proportion of professionally based jobs in Penrith. The subject site is located in proximity to the WELL Precinct and can provide residential development to support expected growth in the area, and importantly, the sustainable development aspiration of locating employment proximate to housing supply.

This rezoning application is consistent with the Draft North Subregional Strategy by seeking to reuse a surplus site in an existing residential area for residential purposes without reducing the amenity or character of the area. The site is within close proximity to adequate public transport and community services and is ideal for residential purposes to address the additional requirements for residential growth in the Penrith LGA.

3.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Penrith Community Strategic Plan 2031

Penrith's Community Strategic Plan, *Penrith Regional City Strategic Plan 2031*, outlines the long term aspirations for the Penrith LGA across five broad themes of a leading City; a City of opportunities; a green City; a liveable City and a vibrant City. The relevant themes are considered below.

'City of Opportunities' seeks to ensure life style and housing choice in neighbourhoods and equitable access to services the facilities. The proposal provides housing within an established urban area ensuring future residents can access existing services. Further, the range of likely residential lots ensures lifestyle and housing choice.

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'A Liveable City' aims to provide infrastructure that responds to community needs, provide safe, inviting parts and public spaces to promote active and health communities. The provision of a formal public open space within this proposal is fully consistent with these objectives.

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Penrith Planning Strategy 2008

The Penrith Planning Strategy is closely tied in with the preparation of the new City-wide Local Environmental Plan (LEP) and accompanying Development Control Plan (DCP) which together will provide the new planning framework for a sustainable Penrith in the future. The Strategy provides policy direction for: centres; employment and economy; accommodating population growth and change; rural and resource lands; environment; and transport.

The vision of the Strategy is: *Council's vision for Penrith is one of a sustainable and prosperous region 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 casual character of a rural community.*

The Strategy identifies that Penrith's population is expected to grow to around 218,000 people by 2031, and that a critical issue is in addressing the housing need to accommodate Penrith's growth as it grows and changes over time.

Of particular relevance to the proposed rezoning is the strategy related to housing. The Strategy identifies that contemporary and different types of housing will be needed in both new areas and existing suburbs. Development in both new release areas and existing suburbs needs to focus on housing choice, to ensure that there is a wide variety of housing available to help cater to a diverse population.

The proposed rezoning can contribute to meeting the policy direction of the Penrith Planning Strategy by allowing for additional residential development in an existing serviced residential area in close proximity to existing facilities and services. Housing diversity can also be facilitated through a range of residential lot sizes (above 650sqm).

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3.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

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As demonstrated below the proposal is consistent with the applicable state environmental planning policies with the exception of Sydney Regional Environmental Plan 25 Orchard Hills which this Planning Proposal seeks to repeal.

Sydney Regional Environmental Plan 25 Orchard Hills

SREP 25 is a historic regional environmental plan which was developed to establish planning provisions for lands within the Orchard Hills locality. Following the gazettal of the PLEP 2010, SREP 25 ceased to apply to land in Penrith LGA with the exception of the subject site due to its status as a 'Deferred Matter'. Therefore the current site is the last remaining parcel of land subject to SREP 25 and its Council's and the Department of Planning and Infrastructure's intention to revoke SREP 25 from the Penrith LGA.

A historic review of the site's ownership, location and past use, indicates that the subject site was not part of the historic Orchard Hills locality and was only included in the SREP as it could not be serviced for residential uses, which is the dominant use of surrounding land on the northern side of this part of Caddens Road. Details on this sites historic use and servicing limitations are outlined in Section 3.2.1.

Furthermore, it is considered that the site is not capable of being used in a manner consistent with the objectives of SREP 25 as listed in Table 3.3. It is therefore concluded that SREP 25 should be repealed from the site and new planning framework for the site as detailed in this Planning Proposal be adopted.

SREP 25 Objectives	Assessment in relation to planning proposal
<i>(a) to identify and protect the prime agricultural land of Orchard Hills and to encourage the continuation of the use of that land for the purpose of agriculture,</i>	The site has not been used for agricultural purposes since 1965. The site is now surrounded by residential uses and therefore agricultural use of the site would be incompatible with the surrounding dwellings and may create issues in terms of amenity (odour, machinery noise) and large vehicles.
<i>(b) to protect and enhance the scenic landscape quality of the area,</i>	The Knoll has long been identified as a scenic landscape feature. This current proposal will retain the Knoll as a feature and formalise it as a park to enable public enjoyment of the Knoll.
<i>(c) to ensure that development does not compromise the agricultural or scenic qualities of Orchard Hills,</i>	Agricultural activities in the Orchard Hills locality are located south of Caddens Road and therefore development on the site is not considered to impact any agricultural use of these lands. As noted above the scenic quality of the Knoll will be preserved through the development of a limited part of the site.
<i>(d) to ensure that development is compatible with existing infrastructure,</i>	The Servicing Report confirms that the site is now able to be serviced up to RL80 which is higher than the previous servicing constraint to RL72. Therefore the proposal is compatible with existing infrastructure.
<i>(e) to promote Orchard Hills as a rural landscape buffer area both along the F4 Freeway and between the various residential areas of Penrith,</i>	The site surrounded by residential uses to the north, east and south and therefore it is not considered to be part of rural landscape. It is recognised that the Knoll has scenic value and it will be preserved in this Planning Proposal.
<i>(f) to permit the carrying out of development which promotes the agricultural and scenic qualities of Orchard Hills,</i>	As discussed above, agricultural uses are not appropriate for the site given its context and the scenic qualities of the site will be preserved through the hill top park.
<i>(g) to identify and protect land which may be needed in the future for urban development,</i>	The site is located within a residential area and has parts zoned residential. Furthermore, Caddens Road has become a barrier between residential uses to the north and rural uses to the south. Therefore this site is considered suitable for future urban development.
<i>(h) to identify and conserve items of the environmental heritage, and</i>	The Heritage Report (Appendix C) confirms that the site does not have items of aboriginal heritage value and the site is not listed as a heritage item in PLEP 2010.
<i>(i) to identify and protect land required by the Commonwealth for the operation of defence facilities.</i>	Not applicable.

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State Environmental Planning Policy No. 55 - Remediation of Land

This State Environmental Planning Policy introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

WSP have undertaken a Phase 1 Environmental Site Assessment (refer **Appendix E**) for the subject site and found that there is a low potential for soil and/or groundwater contamination to occur at the site based on historical land use. There may be isolated, shallow, surface soil impact associated with wastes scattered across the site, residue from spraying of biocides along fence lines, residue pesticides and metals associated with historic agricultural activities and potential debris from former rural buildings. As such, the proponent will undertake a limited Phase 2 ESA contamination investigation to target localised areas of discarded general waste as well as investigation into the locations of former farm/rural structures which were demolished between 1970 and 1986. This study will be completed prior to further community consultation.

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

State Environmental Planning Policy No. 19 protects and preserves bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

As detailed in Section 3.2.4 below, the Ecological and Bushfire Assessment (**Appendix B**) report identified a stands of Cumberland Plain Woodland trees (referred to as canopy) and grasslands which have potential for Cumberland Plain Woodland. However, the Ecological and Bushfire Assessment finds that these small areas can be removed without impacting environmental values and recommends mitigation measures in the form of compensatory planning as part of the landscape street trees and planting within the park.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act issues directions that councils must follow when preparing new Local Environmental Plans (LEPs). The following Ministerial Directions are considered relevant to the proposed rezoning.

Rural Zones (Direction 1.2)

This direction relates to the portion of the site zoned for rural purposes. The objective of the direction is to protect the agricultural production value of rural land. It states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. However the Direction then states a Clause 5:

A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(e) justified by a strategy which:

(i) gives consideration to the objectives of this direction,

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) is of minor significance.

It is considered that this Planning Proposal could be considered inconsistent with this direction on the basis that the provisions of the planning proposal that are inconsistent are of 'minor significance'.

As detailed in this Planning Proposal, the subject site is the only land currently impacted by SREP 25, the environmental instrument which applies a rural zone to a portion of the site. Through the PLEP 2010, the Department of Planning revoked the SREP 25 from all other land in the Penrith LGA. This site was excluded from the repeal as

3 Justification

Council resolved to defer the site from the Penrith LEP to allow it to undertake a specific rezoning process to determine an appropriate use for the site.

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Furthermore, as this Planning Proposal has detailed, the site has only historically been included in SREP 25 as it could not be serviced for residential uses, which is the dominant use of surrounding land on the northern side of this part of Caddens Road. Details on this sites historic use and servicing limitations are below:

_As noted in Appendix A of the Stage 1 Environmental Assessment, the historic title deeds and photos indicate that the site has not been used for agricultural used since 1965. Since this time the site has been owned by several trusts, namely B E Bush Pty Limited, The Minister for Public Works, Cambridge Credit Corporation Limited, New South Wales, Planning and Environment Commission, The Housing Commission of New South Wales, Land Commission of New South Wales and Landcom.

_A review of the title plans show that prior to 1982 the site was part of a broader land parcel north of Caddens Road. The majority of this land was subsequently developed for residential uses, with Caddens Road forming the natural boundary between urban and agricultural uses. The servicing constraints described below outlined why this portion of the larger site was not developed for residential uses and how SREP 25 was applied to the land as a 'holding zone' until a viable use of the site could be determined.

_Penrith Urban Lands LEP 1998 currently zones the eastern and western extremities of site 2 b) Residential (low density) consistent with that of the surrounding areas. It is noted that the land zoned 2(b) generally sits below the RL72 line; the normal connection and supply level for Sydney Water water connection points (refer Appendix E Infrastructure Report). This supports the proposition that residential use for the remainder of the site (above RL 72) was not possible due to water servicing. Recent discussions with Sydney Water have confirmed that this previous servicing constraint can be overcome and that water connection points can be provided up to RL80.

_SREP 25 was designed to establish planning controls for areas in the historic locality of Orchard Hills. The subject site is located in the suburb of Kingswood and the Penrith Heritage Study Vol. 3 - Locality Assessment, Paul Davies Pty. Ltd. November 2007 (p202) confirms that the northern boundary of Orchard Hills is Caddens Road confirming the sites exclusion from this locality. The sites inclusion in SREP 25 is therefore related to the historic poor serviceability of the site.

Removing the rural zone on the site would also have negligible impact on rural activities in the Kingswood/Orchard Hills locality as the site has not been used for agricultural uses since 1965. Commencing new agricultural uses on the site are considered incompatible with its current residential context (amenity issues such as odour, machinery noise and large truck movements) and its topography which limits the use of the site to grazing which is not appropriate in an established residential area.

It is considered that the proposed inconsistency with Direction 1.2 is unlikely to establish a precedent as the lot is a residual lot in a residential area and that earlier development has not been possible due to site specific servicing constraints.

Environment Protection Zones (Direction 2.1)

This direction states that a draft LEP should include provisions that facilitate the protection and conservation of environmentally sensitive areas.

The Ecological and Bushfire Assessment (Appendix B) has reviewed the proposal and found that through the incorporation of mitigation measures in the form of compensatory planning, the proposal will not significantly impact identified threatened species:

The impacts of the proposed works were considered relevant to the Community (CEEC) Cumberland Plain Woodland (CPW) and nine threatened species listed under both the Threatened Species Conservation Act 1995 (TSC Act) and Environmental Protection and Biodiversity Act 1999 (EPBC Act). CPW was present on site in five small patches. The nine threatened species considered relevant to the current proposal were not recorded onsite, but may potentially use portions of the site at some time during their life cycle. The impact of the proposed works on these species was assessed by applying the Assessment of Significance (7-part test) under the NSW Environmental Planning and Assessment Act 1979 and, where relevant, under the EPBC Act Significant Impact Guidelines. The CPW within the site exists as stands of varying condition, including derived native grasslands with no canopy species present and degraded woodland with both canopy and understorey species present. The fragmented nature, small size and poor condition of the vegetation community makes it isolated and confined by the surrounding built infrastructure and residential development, and is unlikely to regenerate to CPW in better condition and broader extent without substantial human intervention.

3 Justification

It was concluded that the proposed development would not significantly impact upon CPW or any of the threatened species that may utilise the site, as:

- _Species were not considered dependent upon the habitat within the site;*
- _Removal or modification of habitat was not considered to represent a significant portion of key habitat such that it would significantly impact threatened species; and*
- _Works would not isolate any currently interconnecting areas of habitat.*

Compensatory planting of canopy and midstorey species that form this community using seed stock of local provenance is recommended within the new subdivision as part of landscaping and streetscaping, in addition to compensatory planting within the proposed parkland.

Heritage Conservation (Direction 2.3)

This direction states that a draft LEP shall contain provisions that facilitate the conservation of Aboriginal and European heritage items. Council LEP maps show that the site does not contain any known heritage items.

Godden Mackay Logan & Jo McDonald CHM prepared an Aboriginal Heritage Assessment (refer **Appendix C**). The assessment is based on the requirements of the *National Parks and Wildlife Act 1974*, survey of the site and discussions with the local Aboriginal Land Councils.

The assessment found that there are no Aboriginal sites or places recorded at this location and no surface Aboriginal objects located during a survey. In conclusion the subject land has been assessed to be of low/no archaeological sensitivity/potential and therefore should be considered developable without archaeological constraint.

Residential Zones (Direction 3.1)

This direction states that a draft LEP shall include provisions that encourage the provision of housing that will: broaden the choice of building types and locations available in the housing market; make more efficient use of existing infrastructure and services; reduce the consumption of land for housing and associated urban development on the urban fringe; and be of good design.

The proposed rezoning will enable the efficient use of existing infrastructure and services in the surrounding area, be consistent with the surrounding land which is zoned residential, and will allow increased choice for residential locations. The proposed rezoning will allow for the infill of the subject site for residential purposes to continue the residential land use pattern north of Caddens Road. The proposed zoning of the land to R2 Low Density Residential is consistent with this Direction.

Home Occupations (Direction 3.3)

The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses. It requires that 'planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent'. The R2 Low Density Residential zone permits 'home occupations' without consent.

Integrating Land Use and Transport (Direction 3.4)

This direction states that a draft LEP shall locate zones for urban purposes and include provisions that give effect to and are consistent with aims, objectives and principles of: *Improving Transport Choice – guidelines for planning and development* (DUAP 2001), and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The site is within a 400m walk of two bus services routes 770 and 789, bus which provide services to Penrith City Centre, St Marys and Luddenham. The 770 accesses a metropolitan railway station (Penrith Station) and runs at a 30 minute frequency on weekdays. This is consistent with the housing location objectives outlined on page 34 of *Improving Transport Choice – guidelines for planning and development* (DUAP 2001). Furthermore, the proposal meets the objectives for 'new residential areas' as it adjoins an existing urban footprint and is within 5km of Kingswood Train Station.

Bus Route	Frequency
770 Penrith to Mount Druitt	Weekdays every 30mins Weekend hourly service
789 Luddenham to Penrith via Orchard Hills and Nepean Hospital	School bus service with 15 min frequency services in AM and PM

3____ Justification

Planning for Bushfire Protection (Direction 4.4)

This direction applies when a council prepares a draft LEP that affects or is in close proximity to land mapped as bushfire prone land, and requires consultation with the NSW Rural Fire Service, as well as the establishment of Asset Protection Zones.

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The Ecological and Bushfire Assessment (**Appendix B**) confirms that the site is not identified as bushfire prone as per the *Penrith Local Government Area Bushfire Prone Land Map*. Therefore no specific bushfire protection measures are required to support the proposed development.

Implementation of the Metropolitan Strategy (Direction 7.1)

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. The proposed rezoning is consistent with the Metropolitan Strategy and the Draft North West Subregional Strategy as it provides for residential development within the existing Sydney Metropolitan footprint that is adequately serviced (refer Section 3.2).

3.3 Environmental, social and economic impact

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

As discussed in Section 3.2.4 an ecological report for the site identified isolated remnant areas of the Cumberland Plain Woodland (CPW) as list under the *Threatened Species Conservation Act 1995*. The Ecological and Bushfire Assessment incorporates Assessments of Significance (7-part tests) for the impacts of the proposed works were applied to CPW and the 9 threatened flora and fauna species. With the proposed mitigation measures the impacts of the proposed works were considered unlikely to be significant as:

- _Species were not considered to be dependent upon the habitat within the site;
- _Removal or modification of habitat was not considered to represent a significant portion of key habitat such that it would significantly impact threatened species; and
- _Works would not isolate any currently interconnecting areas of habitat.

3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The specialists reports for bushfire, aboriginal archaeology and contamination do not find any additional environmental aspects which would be impacted by residential and public open space use of the land. The Services and Infrastructure Statement (**Appendix D**) confirms that it is possible to manage the flow of stormwater as a part of a future development.

3.3.3 How has the planning proposal adequately addressed any social and economic effects?

The proposal is considered to have positive social and economic effects. Socially, redeveloping the subject site for residential purposes will contribute to the community in the residential streetscape and neighbourhood. It is expected that the future additional dwellings will not place undue pressure on social and community facilities in the area. Significantly, the provision of open space directly responds to the community requests for a park on the Knoll, as identified through the community consultation process (refer Section 4).

Economically, it is in the public interest to achieve the highest and best use of surplus land. Residential development of the land is the best use given the location of the site within an existing residential area with access to existing infrastructure and services, and considering the need for additional housing within the Penrith LGA.

3.4 State and Commonwealth interests (Section D)

3.4.1 Is there adequate public infrastructure for the planning proposal?

The Services and Infrastructure Statement (**Appendix D**) finds the proposal future residential use of the site can be adequately services by water, sewer, drainage, electricity, telecommunications and gas. The proposal land use layout responds to the water servicing constraint above RL80m AHD and it is noted that the electrical reticulation station will require some minor augmentation.

3____ Justification

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

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The State Government will be consulted following Council's consideration of this Planning Proposal. As demonstrated in Section 3.2 the proposal is consistent with relevant State level policies and legislation.

4 Community Consultation

There has been extensive consultation with the community regarding the future development of the Caddens Knoll site. Much of this consultation occurred as part of the pre-lodgement and public exhibition process for the earlier development application to subdivide the subject site into 12 lots (since withdrawn). The consultation occurred to date includes:

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- _ May 2011-Community information session and subsequent 'on-site' meeting
- _ September 2011-Door-knock of local residents to understand individual concerns regarding the DA subdivision layout
- _ April 2012- Door knock of local residents (same as September 2011) to outline the current rezoning concept

As noted in the most current report in Appendix H concludes that the:

'Our findings from the consultation with the community were that despite most residents being opposed to the development of The Knoll, they are generally accepting of the new proposal. All residents indicated a strong desire to retain the hilltop as a public recreation area and were thankful to Landcom for taking this into consideration in their rezoning application.'

The key community concerns raised through the various consultations are outlined in Table 4.1 with a response provided to how each issues has been addressed. The proponent will continue to consult with the community and inform them of this rezoning process and actively seek their views during the public exhibition process.

Table 4.1 Summary of and response to public consultation issues to date

Issue	Response
Tranquillity of the Area / Privacy	
Concern that additional dwellings may impact the rural feel and green space of the area which is highly valued	The rezoning proposal will provide a large public park to retain public access to the Knoll on land which is currently in private ownership. The central park area will retain a open, green character which is valued by surrounding residents.
Concern that additional dwellings will result in a loss of privacy for residents whose houses fall below "The Knoll".	Site specific guidelines will prepared in a DCP to ensure sensitive setbacks between future dwellings and existing residential blocks. For example, a site specific DCP provision will be a 3m landscape easement (in addition to the standard setback) which will provide further screening and privacy.
Traffic- Related to "The Knoll Development"	
Concern that adding new dwellings in the area will increase this congestion.	A traffic report has been prepared and confirms that there will be minimal impact as a result of The Knoll development as the additional generated traffic from the proposal is less than 2% of the total development traffic from surrounding approved developments.
Concern for pedestrian safety in the area if more cars were to be introduced into the neighbourhood.	The increase in traffic resulting from future subdivision of the site is considered negligible and therefore considered to have minimal impact on pedestrian safety. All road and pedestrian works will be designed in accordance with the relevant standards.
Open Space and Landscape	
Concern that the redevelopment of the site would result in the loss of open space which is highly valued by the local community	The site is currently in private ownership and is not zoned or designed as public open space. In response to community concern, the rezoning proposes to create a formal public park on the Knoll which will be transferred to Council. The park is likely to be 2ha and will preserve the landscape character of the Knoll.
Concern that building development would be damaging to the flora and fauna of the area. It was suggested that there may be native species on site.	As detailed in Section 3.2.4, the Ecological and Bushfire Assessment has reviewed the proposal and found that

4____ Community Consultation

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	through the incorporation of mitigation measures in the form of compensatory planning, the proposal will not significantly impact identified threatened species.
Concern that residents would lose rear property access following redevelopment of site	The existing access is informal and across private land.
Concern about the potential increased stormwater runoff from the new development. Residents were worried that the new development will not be able to manage the extra runoff water that will be generated from the development. Many residents felt the existing stormwater management was inadequate	The Stormwater Statement (Appendix D) contains a Stormwater Strategy to ensure that any future development will be able to incorporate an appropriate stormwater solution to prevent runoff to surrounding existing dwellings.
Future Dwellings	
Concern about the types of houses (design) that will be developed.	This Planning Proposal proposes site specific local development standards to restrict the development of dual occupancies and secondary dwellings and dwelling design guidelines will be incorporated into a site specific DCP.
Concern that there is potential for blocks being further subdivided into small residential lots/townhouses once the zoning has been changed.	This Planning Proposal proposes site specific local development standards to restrict further subdivision of larger lots on the site at a future stage.
Adjoining residents concerned about the overshadowing and solar access. A decrease of natural light may create a cooler home, thus having to rely more on artificial heating which would increase electricity bills	Future dwellings will need to comply with the relevant DCP provisions relating to setbacks from rear boundaries and overshadowing. The large minimum lot size (650sqm) ensures flexibility with the placement of dwellings on future lots.