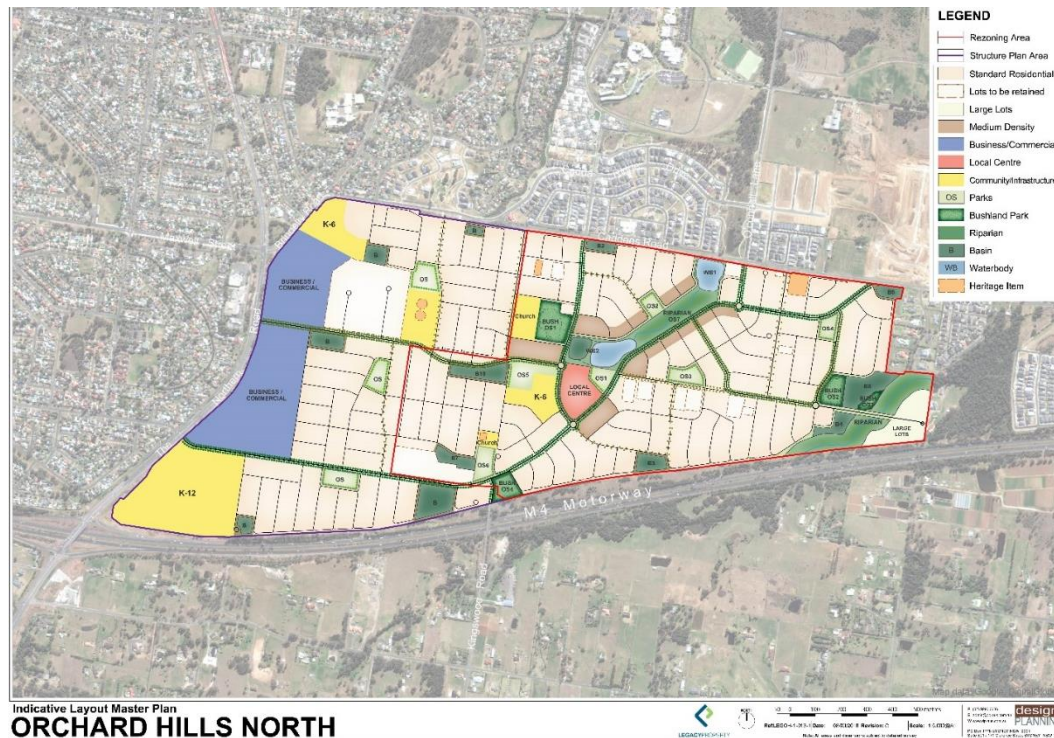


HERITAGE CONSTRAINTS AND OPPORTUNITIES

Orchard Hills North



Final 21 March 2018

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ISSUED	REVIEW	ISSUED BY
9 March 2018	Client Review	Abigail Cohen
21 March 2018	Final	Abigail Cohen

EXECUTIVE SUMMARY

This heritage report has been prepared for Legacy Property to accompany a Planning Proposal to Penrith City Council for rezoning of the Orchard Hills North area to provide mixed land use for residential, community and landscaping development. This report provides an overview of the subject site and relevant heritage items, identifying heritage related opportunities and constraints for future development and rezoning. Recommendations provided in the Landscape & Visual Assessment report prepared by Place Design Group, March 2018, were reviewed with relevant comments regarding visual sensitivity included.

The Master Plan prepared as part of the Planning Proposal provides for retention of existing heritage items, through adaptive re-use and an appropriate visual curtilage surrounding the lot boundaries. There are no constraints from a heritage perspective that prevent rezoning the land.

The heritage constraints and opportunities are summarized as follows:

- Proposals for development should conserve the heritage significance of the heritage items (identified as I155, I845, I657 and I156) in the *Penrith Local Environmental Plan (LEP) 2010* through careful consideration of the building form, setbacks, scale and materials selection of surrounding future development. The development of a proposal should respond sensitively to the heritage items and their visual curtilage;
- Proposals for development should aim to conserve the heritage significance of heritage items in the proposed Rezoning Area and the wider Structure Plan Area. Development should ensure that views to and from heritage items are not dominated or obscured by new development through appropriate setbacks and scale.
- Proposals for development should aim to conserve the heritage significance of the heritage items through an appropriate visual curtilage, created by landscaping elements, parks and appropriate scaled development.
- There is opportunity to adaptively re-use the heritage items due to their location and general setting, ensuring a continued understanding of the heritage items in their altered context;
- Interpretation of road names and the heritage items may be considered throughout the parks and community centres to ensure a continued understanding and appreciation of the development history of the site.

Appropriate heritage controls should be incorporated into a future Development Control Plan.

Refer to Section 5.0 and Section 7.0 for further detail.

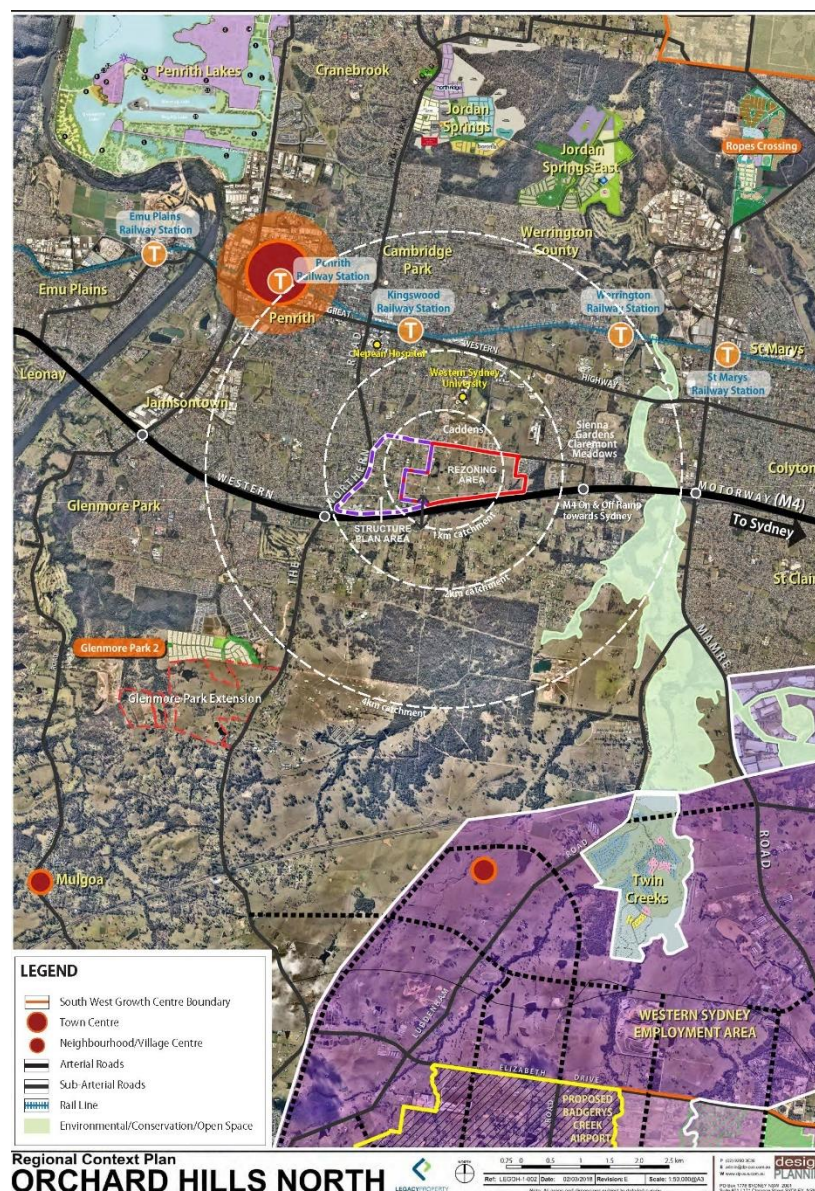
1.0 ORCHARD HILLS NORTH

1.1 CONTEXT

The following description of the Project has been prepared by Legacy Property:

Legacy Property is proposing to rezone a site in Orchard Hills North, located within the Penrith Local Government Area (LGA). The proposed rezoning area is approximately 146.1 hectares (ha) with frontages to Caddens Road to the north, Kingswood Road to the west, the Western Motorway to the south and Claremont Meadows residential lots to the east.

Orchard Hills North, is well located being north of the Western Sydney Motorway, in close proximity to the University of Western Sydney (to the north), Nepean Hospital (to the north), Nepean Hospital (to the north), and to the Penrith City Centre. South of the Motorway is currently mostly Orchard Hills rural lands, Defence Lands and to the south west is Glenmore Park. Further south, will be the Badgerys Creek Airport.



The Figure 1 – Regional Context Plan (Source: Design and Planning, February 2018).

rezoning site comprises 54 existing lots (including the school and uniting church) within the proposed rezoning area, located at the following addresses:

- 80-154 Caddens Road, Orchard Hills
- 26-48 Kingswood Road, Orchard Hills
- 79-101 Kingswood Road, Orchard Hills (school)
- 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, Orchard Hills

The proposed rezoning area is identified in Figure 2 below.



Figure 2 – The proposed Rezoning Area is outlined in red and the Structure Plan Area is outlined in purple (Source: Design and Planning, February 2018).

The existing fragmented ownership of the site has historically been a barrier to coordinated planning or development of the area, however Legacy Property has now secured agreements covering the majority of the rezoning area.

Legacy Property nominated the Orchard Hills North site under Penrith City Council's Accelerated Housing Delivery Program (AHDP) in October 2017. In November 2017 the site was endorsed by Penrith City Council as a short-term rezoning opportunity to provide for housing delivery over the next 3-5 years.

1.1 STRUCTURE PLAN AND REZONING AREA

The Planning Proposal (PP) for Orchard Hills North aims to rezone the 146.1ha site from agricultural land to mixed land uses, forming around 1,800-2,000 residential lots, a neighbourhood centre and numerous areas of green space.

Discussions with the Department of Planning and Environment (DP&E) and Council have highlighted the need to consider the logical extension of the rezoning area west (namely the Structure Plan area) to The Northern Road, to ensure that future land uses and connections for the entire Orchard Hills North precinct are planned in a holistic manner.

In order to ensure that the future development is fully integrated, a high level Structure Plan has been prepared for the entire precinct, covering an area of approximately 263.09ha. The Structure Plan considers how the rezoning area (146.1ha) integrates with the balance of the precinct (116.9 ha) and identifies potential future land uses as well as key road connections. It is expected that the Structure Plan will provide a framework for the future rezoning of the remaining area, either through a Council Local Environmental Plan (LEP) amendment or a developer/owner led Planning Proposal

Council has endorsed proceeding with the rezoning area at present to meet the objectives of its Accelerated Housing Delivery Program. A significant factor in this approach is that Legacy Property has secured agreements covering a majority of the rezoning area and is therefore in a position to progress with the planning proposal and provide greater certainty for coordinated future development. Council is also proposing to undertake a strategic corridor study for The Northern Road and any proposal to rezone that land may pre-empt the outcome of this study.

As a result, the same level of technical investigations undertaken for the rezoning area have not yet been undertaken for the wider Structure Plan area. The balance of the Structure Plan area has been considered as part of investigations for this planning proposal, however not at a detailed level to support rezoning.

1.2 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. Within the last 50 years Orchard Hills North has typically been associated with 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, and only two lots within the site are currently used for any form of agricultural production, the site remains zoned as RU4 Primary Production Small lots. Today, the majority of the site is utilised for residential purposes and has been substantially cleared.

1.3 LEGACY PROPERTY 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 1,800 – 2,000 residential lots, focused around a new neighbourhood centre that forms the focal point of the future community and offers 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 neighbourhood precincts with one another as well as the wider regional community, thereby placing a focus on active transport such as walking and cycling.

1.4 DESIGN PRINCIPLES

A site analysis, supported by extensive technical studies, has informed the following design principles for the Structure Plan and rezoning area:

- *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 neighbourhood centre and major open space;*
- *Create a new neighbourhood centre combined with a relocated primary school to establish 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.*

1.5 MASTER PLAN AND REZONING DESCRIPTION

It is proposed to rezone the site from RU4 Primary Production Small Lots, under Penrith Local Environmental Plan (PLEP) 2010, to part R1 General Residential, B2 Local Centre, RE1 Public Recreation, E2 Environmental conservation and E4 Environmental living in the south eastern corner of the site, as well as provide for appropriate controls relating to minimum lot size, height, heritage items, and visual landscape.

The rezoning of Orchard Hills North will provide between 1,800-2,000 residential lots. It is expected that the site will ultimately provide a broad mix of housing types ranging from larger environmental living lots (2,000m²) to traditional detached residential lots (primarily 300-600m²) and smaller compact and attached housing lots (125-300m²). The proposed neighbourhood centre will provide around 6,000-8,000m² of retail space supported by cycle and pedestrian links with approximately 17.5ha of open space, bushland and riparian corridors.

A new/relocated primary school is proposed adjacent to the neighbourhood centre, supported by open space to facilitate share 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 tops and creek lines, and to retain the significant bushland areas, in order to provide the highest level of amenity for future residents.

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 in close proximity to the hospital, Western Sydney University and the Penrith CBD.*

- *There are limited environmental or physical constraints that would prevent redevelopment*
- *It is outside the Western Sydney Priority Growth Area and is therefore better placed to be rezoned through a developer led PP*
- *Upgrades are currently being undertaken 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 better utilisation of the land*
- *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 signalisation of the Frogmore Road/Northern Road intersection as part of The Northern Road upgrade, and four train stations within 4.5km of the site (Penrith, Kingswood, Werrington, St Marys).*

The indicative Concept Master Plan for the site is identified in Figure 3 below. The proposed Rezoning Area is edged in red, and the wider Structure Plan area indicated in a dashed purple line.

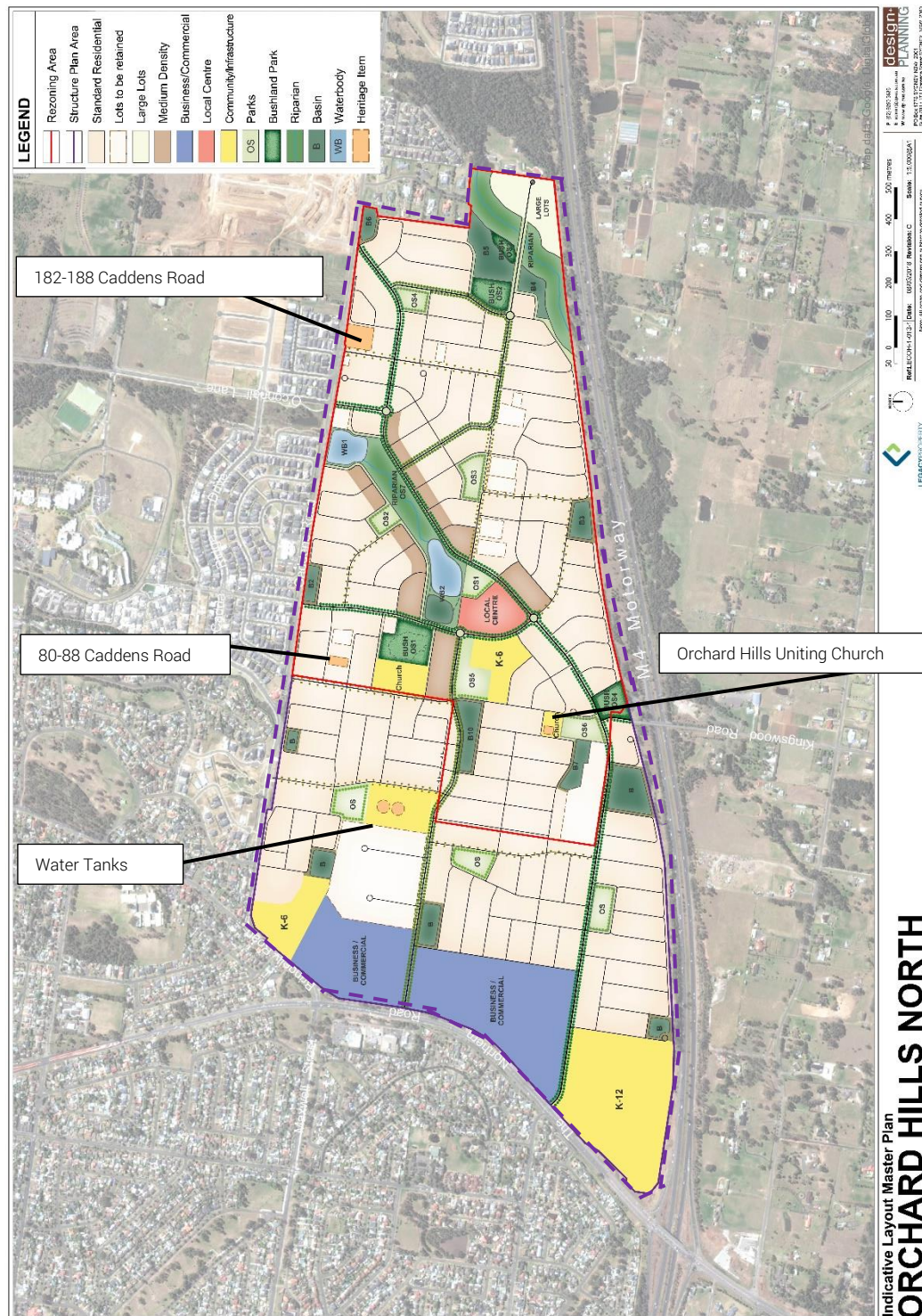


Figure 3 – Concept Master Plan for the proposed rezoning of Orchard Hills North (Source: Design and Planning, February 2018).

- Proposed rezoning currently indicates that the heritage item at 182-188 Caddens Road, and 80-88 Caddens Road are surrounded by standard residential development. Landscaping elements have been introduced in the vicinity of the heritage items to ensure an appropriate visual curtilage is retained around the heritage items;

HERITAGE CONSTRAINTS & OPPORTUNITIES – ORCHARD HILLS NORTH

2.0 INTRODUCTION

This heritage report has been prepared for Legacy Property to accompany a Planning Proposal to Penrith City Council for rezoning of the Orchard Hills North area. This report provides an overview of the subject site and identifies heritage related opportunities and constraints for future development and rezoning. The heritage report will identify the primary heritage issues that are to be taken into consideration by the design team during the design phase of the Master Plan Concept for rezoning and urban development.

2.1 HERITAGE CONSTRAINTS AND OPPORTUNITIES

Potential heritage constraints and opportunities for the future development of the site are summarized as follows:

- Proposals for development should conserve the heritage significance of the heritage items (identified as I155, I845, I657 and I156 in the *LEP* through careful consideration of the building form, setbacks, scale and materials selection of surrounding future development. The development of a proposal should respond sensitively to the heritage items and their visual curtilage;
- Proposals for development should aim to conserve the heritage significance of heritage items in the proposed Rezoning Area and the wider Structure Plan Area. Development should ensure that views to and from heritage items are not blocked, and that heritage items are not dominated or obscured by new development through appropriate setbacks and scale.
- Proposals for development should aim to conserve the heritage significance of the heritage items through an appropriate visual curtilage, created by landscaping elements, parks and appropriate scaled development.
- There is opportunity to adaptively re-use the heritage items due to their location and general setting, ensuring a continued understanding of the heritage item in their altered context;
- Interpretation of road names and the heritage items may be considered throughout the parks and community centres to ensure a continued understanding and appreciation of the development history of the site.

Refer to Section 5.0 and Section 7.0 for further detail.

2.2 AUTHORSHIP & LIMITATIONS

This report has been prepared by Abigail Cohen, Heritage Consultant and reviewed by Samantha Polkinghorne, Associate Director of **NBR**Architecture. Preparation of this report has been informed by consultation with sub consultants of the master planning team. General site description and information relating to the Structure Plan and Rezoning Area have been prepared by Legacy Property.

The report does not address issues relating to Aboriginal or European Archaeology. All photographs are by NBRSArchitecture, unless otherwise stated.

2.3 CONSENT AUTHORITY

Penrith City Council is the local government consent authority. Development of the site is controlled by the *Penrith Local Environmental Plan (LEP) 2010* and the relevant development guidelines of the *Penrith Development Control Plan (DCP) 2014*.

3.0 HERITAGE SIGNIFICANCE

3.1 HERITAGE LISTINGS

There are three items of local heritage significance within the boundaries of the Rezoning Area, with one additional item of heritage significance within the wider Structure Plan Area. These items are listed on the *Penrith Local Environmental Plan (LEP) 2010*.



Figure 4 - Excerpt from the *Penrith Local Environmental Plan (LEP) 2010*, Heritage Map. The subject site is outlined in red (Source: *Penrith LEP 2010 HER_013*).

The following lots are included in the site. There are three heritage items included in the Rezoning Area. These items are shaded in grey.

Property Address	Title
190-226 Caddens Road	1/DP863335
182-188 Caddens Road	1/DP8583439
148-180 Caddens Road	14,15,16,17/DP1344
140-146 Caddens Road	13/DP1344
132-138 Caddens Road	12/DP1344
124-130 Caddens Road	101/DP700141
114-122 Caddens Road	100/DP700141
106-112 Caddens Road	9/DP1344
98-104 Caddens Road	8/DP1344
90-96 Caddens Road	7/DP1344
80-88 Caddens Road	6/DP1344
26-48 Kingswood Road	43/DP811320
149-155 Castle Road	42/DP1344
141-147 Castle Road	41/DP1344
133-139 Castle Road	40/DP1344
125-131 Castle Road	39/DP1344
117-123 Castle Road	38/DP1344
107 Castle Road	37/DP1344

99 Castle Road	36/DP1344
91-97 Castle Road	35/DP1344
83-89 Castle Road	34/DP1344
75 Castle Road	33/DP1344
65-73 Castle Road	32/DP1344
53-61 Castle Road	31/DP1344
4 Castle Road	15/DP239091
26-34 Castle Road	14/DP239091
36-40 Castle Road	9/DP239091
42-48 Castle Road	8/DP239091
50-56 Castle Road	7/DP239091
58-64 Castle Road	6/DP239091
66-70 Castle Road	5/DP239091
72-76 Castle Road	43/DP881960
78-88 Castle Road	42/DP881960
90 Castle Road	41/DP881960
96-104 Castle Road	33/DP1056800
106-108 Castle Road	34/DP1056800
110-112 Castle Road	101/DP805778
114 Castle Road	105/DP825993
116-118 Castle Road	41/DP879632
120-124 Castle Road	42/DP879632
126-164 Castle Road	1/DP239091
166-204 Castle Road	8/DP857982
3 Frogmore Road	101/DP128254

3.2 HERITAGE ITEMS IN THE REZONING AREA

The following heritage items are included in the subject site:

Item	Item Description	Heritage Significance
1155 – 80-88 Caddens Road, Orchard Hills	Brick Farmhouse	Local
1845 – 182-188 Caddens Road, Orchard Hills	Lindfield	Local
1156 – 3 Frogmore Road, Orchard Hills	Orchard Hills Uniting Church	Local

3.3 HERITAGE ITEMS IN THE WIDER STRUCTURE PLAN AREA

The following heritage item is included in the wider Structure Plan Area:

Item	Item Description	Heritage Significance
1657 – 197-207 Castle Road, Orchard Hills	Water Reservoir	Local

3.4 STATEMENT OF SIGNIFICANCE

3.4.1 ITEM I155

The following Statement of Significance for the Farmhouse at 80-88 Caddens Road, Orchard Hills, is sourced from the NSW Office of Environment and Heritage database, reference no 2260155:

It is one of the few relatively intact farmhouses remaining with this area.

3.4.2 ITEM I156

The following Statement of Significance for the Orchard Hills Uniting Church at 3 Frogmore Road, Orchard Hills, is sourced from the NSW Office of Environment and Heritage database, reference no 2260156:

Local significance as a symbol of the development of this rural community in the early 20th Century.

3.4.3 ITEM I845

There are no Statements of Significance for 182-188 Caddens Road, Orchard Hills, available on the NSW Office of Environment and Heritage database.

3.4.4 ITEM I657

The following Statement of Significance for the Water Reservoir at 197-207 Caddens Road, Orchard Hills, is sourced from the NSW Office of Environment and Heritage database, reference no 4575813:

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.

4.0 DOCUMENTARY EVIDENCE

4.1 ORCHARD HILLS

The following history of Orchard Hills is reproduced in full from *Penrith Heritage Study Vol. 3 - Locality Assessment* by Paul Davies Pty Ltd, November 2007 (shown in *Italics*).

The area initially was settled by Europeans through land grants made from 1804. With its undulating landscape, creeklines and Ashfield and Bringelly shale derived soils the area was considered suitable for grazing stock and the land grants were accordingly large. Small agricultural grants were made in pockets of alluvial soil along the creek beds.

The first grants were made in August 1804 by Governor King to Rev. Samuel Marsden and Captain William Kent. Both grants were sited on South Creek. Rev. Marsden's grant of 1030 acres was later developed into Mamre (SM-28). Captain Kent was the nephew of Governor John Hunter and arrived in the colony in 1795. Kent's grant, of 500 acres was made in 1804 a year before Kent left the colony. By the 1830s this grant was owned by the King family.

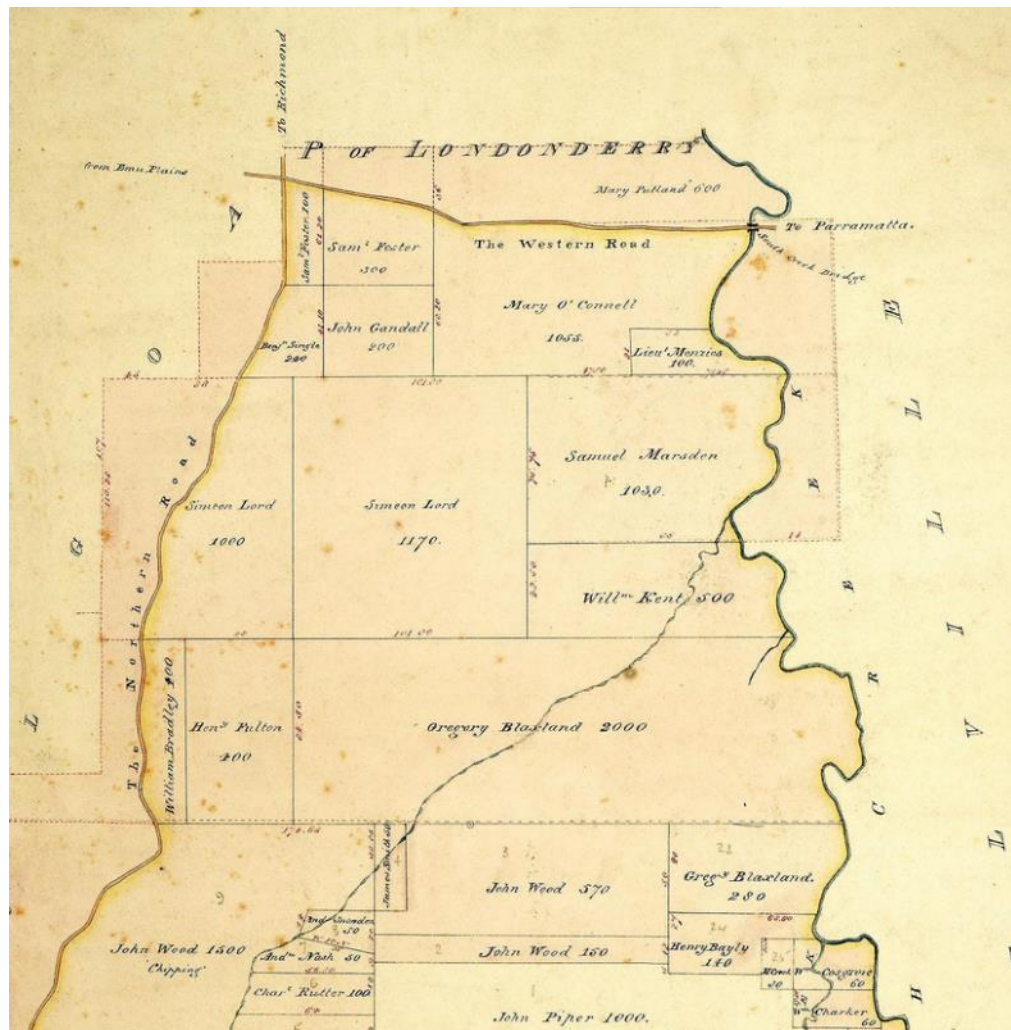


Figure 5 – Extract from Parish of Claremont, County Cumberland. (Source: NSW Land Registry Services, HLRV, Preservation Project Claremont Parish Sheet 1 ref: 14070201).

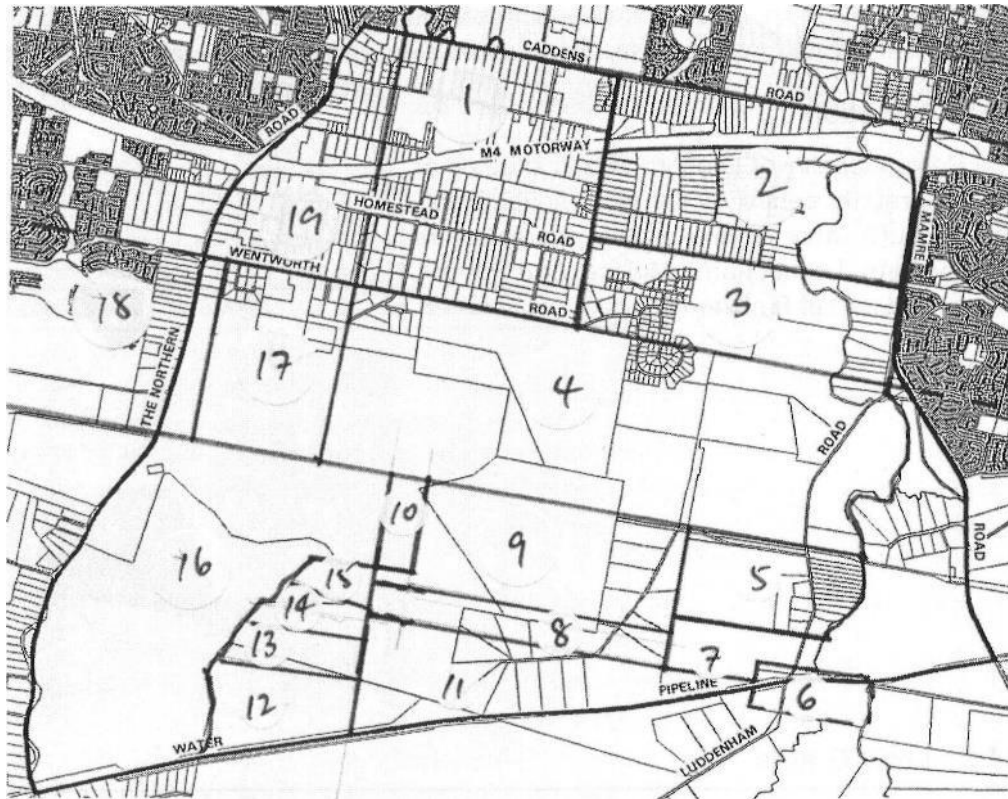


Figure 6 - Crown land grants in the suburb of Orchard Hills, parish of Claremont, county of Cumberland. (Base drawing supplied by Penrith City Council)

Map No.	Grantee	Name of Farm	Area	Date of Grant
1	Simeon Lord	Lord's Folly	1170 acres	8/8/1809
2	Samuel Marsden	Mamre	1030 acres	15/8/1804
3	William Kent	Landsdowne Place	500 acres	178/1804
4	Gregory Blaxland	Lee Holme	2000 acres	April 1809
5	Gregory Blaxland	Villiers Farm	280 acres	April 1809
6	Mary Crooke		30 acres	Not determined
7	Henry Bayly		140 acres	27/ 1/1 823
8	John Wood		150 acres	13/6/1 823
9	John Wood		570 acres	Not determined
10	James Smith		50 acres	31/8/1 819
11	John Piper		840 acres	Not determined
12	Francis Oakes	George's Farm	200 acres	10/6/1 815
13	Charlotte Rutter	Charlotte's Farm	100 acres	10/6/1 81 5
14	Andrew Nash	Andrew's Farm	50 acres	10/6/1 815
15	Andrew Snowdon	Snowdon's Farm	50 acres	10/6/1 815
16	John Wood	Chipping	1500 acres	31/8/1 819
17	Henry Fulton		400 acres	Not determined
18	Samuel Bradley		400 acres	ca1814
19	Simeon Lord		1080 acres	Not determined

The Rev. Samuel Marsden had arrived in the colony in 1794 as chaplain to the parish of St. John at Parramatta. By the late 1790s Marsden had acquired land at South Creek near its confluence

with the Hawkesbury River. By 1802 Marsden's total land holdings at South Creek amounted to 333 acres. Marsden was interested in the development of a wool industry in the colony and the grant of 1030 acres of 1804 is associated with this development. In 1807 Marsden took to England wool produced at this estate, which was named Mamre after the Plains of Mamre in Genesis 13:18. Experimental crops of hemp and flax were also grown here. The extant homestead at Mamre was built between 1822 and 1832. On the death of Marsden in 1838 the property passed to his only surviving son, Charles, who had resided there since the late 1820s. Charles' nephew described it in the 1830s "as a two storey brick building with a gravel drive in front. Beyond ... was a splendid orchard of twenty acres. The fruit surpassed any that I have seen ... The grapes, chiefly muscatel, were very fine. Peaches, apples, pears, oranges, apricots and nectarines were in abundance ... Large crops of wheat and oaten hay were produced on the farm. The horses bred at Mamre were very good and sold at high prices. The farm and orchard were worked by assigned servants (convicts), numbering ... from twenty to thirty hands".

In 1840 Mamre was sold to Richard Rouse of Rouse Hill. Rouse gave the farm to his daughter, Elizabeth Henrietta, upon her marriage to Robert Fitzgerald in 1841. Fitzgerald's descendants owned the property until 1975, when it was purchased by the former NSW Planning and Environment Commission. Within these years the house and garden setting were gradually left in disrepair. Janes Fairfax noted the house in the late 1920s with its relics of a drive and one or two trees of the old orchard.

The second round of land grants was made in 1809 by acting governor Paterson. These grants were also large, the largest, 2,000 acres, was made to Gregory Blaxland. Simeon Lord also received a grant 1170 acres. Lord's grant, named Lords Folly, and another grant of 1000 acres to the west by Governor Macquarie were acquired by Sir John Jamison in 1816 and absorbed into the Regentville estate. Blaxland's grant was named Lee Holme. Blaxland also acquired in 1809 a grant of 280 acres which had been promised to Lieutenant C. Villiers of the 102nd Regiment, but was assigned to Blaxland prior to issue. Blaxland's grants had frontage to South Creek, but the main use of the estate was grazing. A farmhouse was established and it was from here that Blaxland in the company of Henry Lawson and Charles Wentworth set out in May 1813 to cross the Blue Mountains, an event later commemorated by placement of a memorial (SM-30).

The other grants in the locality were authorised by Governor Macquarie and characteristically are a mix of small and large made to free settlers, public servants and emancipists. Large grants went to John Wood (1650 acres in two parcels, the largest named Chipping), a free settler who arrived in 1818. A member of Agricultural Society of NSW, Wood developed a large pastoral empire west of the Blue Mountains, and by 1828 had 4,840 acres in the colony running large stocks of cattle and sheep. 184 Rev. Henry Fulton, chaplain at Castlereagh and local magistrate received 400 acres. Francis Oakes, the chief constable of Parramatta and superintendent of the Female Factory, received 200 acres.

The smaller grants are clustered at the head of Blaxland Creek. These included Parramatta publican Andrew Snowden's 50 acres, Andrew Nash's 50 acres, Janes Smith's 50 acres and Charlotte Rutter's 100 acres. These grants were enclosed by the larger landholders and had no frontage to a public road, circumstances which do not encourage settlement. However, Snowden, who had arrived in the colony in 1792 to serve seven years' transportation, was resident at his farm in 1822 and had cleared seven acres, with 16 head of cattle and a hog. Similarly to the east on South Creek, Mary Crooke received a small grant of 30 acres. By 1828 she held 90 acres known Mount Pleasant, 60 acres of which were cleared and 40 acres under cultivation. Inexplicably given the size the grant she also had 800 sheep and 150 cattle. She received a convict mechanic in 1824.

With the exception of Marsden's Mamre and Blaxland's land the northern half of the locality was absorbed into the Regentville estate. Sir John Jamison's Regentville (R3) was established in 1811 by a grant of 1,000 acres (442 hectares) to his father Thomas, which was enlarged to an area of 3,890 hectares by 1834. The eastern lands of the estate, which provided frontage to South Creek, were acquired by Jamieson as follows.

- Simeon Lord's 2170 acres in October 1816
- William Bradley's 400 acres in June 1821
- Reverend Henry Fulton's 400 acres in January 1823
- Kent's 500 acres in December 1834 from Parker King

Within Simeon Lord's grant, Captain William Russell established a homestead on land give to him on his marriage to Jamison's daughter Jane in 1841. Russell was still resident in the region in 1860.

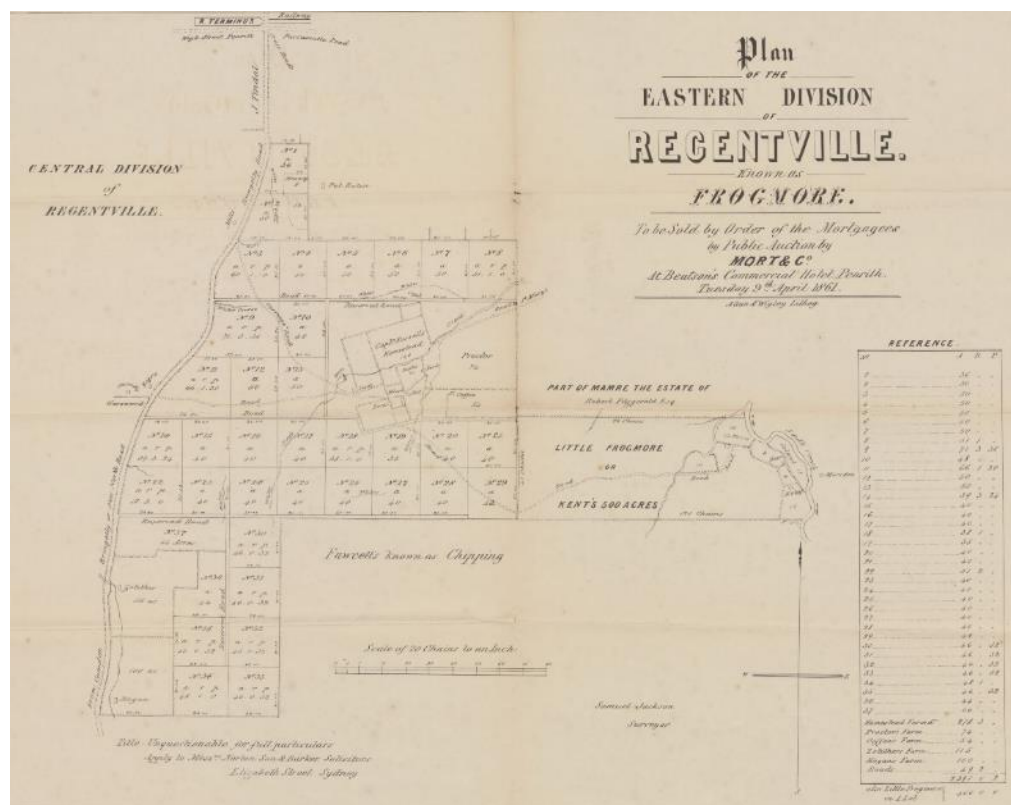


Figure 7 – Plan of eastern division of Regentville known as Frogmore to be sold by order of the mortgagees by public auction...on Tuesday 9th April 1861. (Source: NLA, <http://nla.gov.au/nla.obj-230446465>)

With the breakup of the Regentville estate, the eastern Division, also known as Frogmore, was put up for sale in 1844 and again in 1861 (Figure 7).

A substantial part of the Regentville estate and other large grants were acquired by the York family, father William and sons James T and Charles, and was evidently used for grazing cattle; William York being one of the largest cattle dealers in the colony while son Charles ran a large carcass butchering enterprise. Known as the Yorks Estates, the land holding comprised the grants:

- Frogmore, being Simeon Lord's grant of 1170 acres and later being Captain Richard's 'The Homestead' estate with 1300 acres.
- Garswood

- Enfield
- Chipping, being John Wood's grant of 1500 acres
- Filly Paddock, being Michael Henderson's grant of 500 acres
- Claremont, being 700 acres of George Panton's grant of 1000 acres

The whole of the York Estates was acquired in 1888 by the Metropolitan Mutual Permanent Building & Investment Association Limited for the purpose of subdivision into farms of various sizes for the reputed sum of 245,000. Part of this area was re-subdivided in the 1889 as the York's Estate Farrs (DP2197), 195 and the estates Penrith Hall (DPI 344) and Frog more would seem to be contemporary.

These subdivisions proved popular and by 1902 nearly 100 people were registered in the Commonwealth electoral roll with a York estate address (which continues into present day South Penrith.) The families included Abbott, Andrews, Bell, Bennett, Boat, Bradley, Brown, Carey, Carroll, Collam, Easterbrook, Edwards, Evans, Frager, Garret, Giddy, Haines, Han-on, Harvey, Hemming, Holier, Hollin, Howard, How left, Jones, Kernahan, Kerry, Lancaster, Lavender, Merz, Messer, Miller, Neville, Page, Pitcher, Reed, Richmond, Riley, Roots, Snelley, Smith, Staggs, Starling, Stewart, Sutton, Symes, Venn, Wilson, Winder. While a number of the residents were farmers (15 no.), a dairyman, and orchardist, a fair number (11 no) were railway employees. While no village area developed to service this community, a public school was opened in 1910, and a Methodist Church in 1904 (OH-03). These institutions were initially named after the late nineteenth subdivision estates. The name Orchard Hills was adopted in 1911. This area today retains largely agricultural and its many creek lines have proved suitable for market garden and orchards. Vineyards have also been established in areas, and the area is associated with the Basedow family of German migrant vinedressers.

The southern half of the locality developed quite differently to the north, for prior to Commonwealth acquisition for the establishment of the RAAF's No. 1 Central Ammunition Depot, the area was held in two titles. Blaxland's Lee Holme (2000 acres) and Villier (280 acres) were owned by the Wentworth family throughout the nineteenth century and leased, in 1879 by John Lackey. The land to the south of this formed part of Sir Daniel Cooper's estate of 4,000 acres centred on Panton's Claremont estate. This estate extended into the present day locality of Luddenham.

The RAAF established its No. 1 Central Ammunition Depot in the 1950s and was developed simultaneously with the completion of the new filling factory at St. Marys and was opened in January 1960. In 1967 it became known as ICAD but was originally called ICR (Central Reserve). The depot had initially been used by the RAAF and RAN in a limited capacity in the mid-1940s. While excess ordnance was transferred to a new long term storage facility at Bogan Gate in 1993, the depot continues to store munitions and maintains facilities for the development of expertise in handling and storage of munitions and a training centre for engineers and armorers. It is now known as "Defence establishment Orchard Hills".

This area and the York Estate to the north were within the proposed Mulgoa irrigation scheme. The scheme was promoted by George Chaffey, the Californian irrigator who had successfully completed the irrigation scheme at Mildura, Henry Gorman of Gorman and Hardie, estate agent and property speculator, and probably also Arthur Winbourn Stephen of Mulgoa. The private parliamentary authorising act for the irrigation scheme, the Mulgoa Irrigation Act, was passed in December 1890 which permitted the promoters to acquire land, erect plant, and use and distribute the waters of the Warragamba River through to South Creek as far north as St. Marys. The proposal was contemporary with the Wentworth irrigation scheme. An area of 18,610 acres was proposed to be acquired and subdivided into orchard and township lots.

Post 1960 developments in the area include the completion of the Warragamba water pipeline (the first of the pipe pair was completed in 1943), the Water Board's Orchard Hills water filtration plant (1990s), and the Western freeway (PC-06) (1970s). The water filtration plant supplies water to the Penrith area, St Marys and the lower Blue Mountains as far as Springwood. The water is drawn from the Warragamba/Prospect pipeline. The treated water is distributed to 22 local reservoirs.

4.2 HISTORY OF THE SUBJECT SITE

The study site is located within the 1170 acres granted to Simeon Lord in 1809 and numbered 1 in the drawing at Figure 6 (Lords Folly). Lord was subsequently granted a further 1080 acres to the west. The two land grants were acquired by Sir John Jamison in 1816 and consolidated into the Regentville Estate, which also included Bradley's 400 acres, Fulton's 400 acres and Kent's 500 acres.

4.2.1 REGENTVILLE (DP 1344)

The Eastern Division of Regentville Penrith (known as Frogmore) was subdivided into 37 large allotments which were advertised for auction sale by order of the mortgagee on 9 April 1861.¹ William James and Charles York, cattle dealers and butchers, acquired large portions of this estate, consolidating the Regentville estate and several land grants as the Yorks Estates.

The northern portion of the study area, bounded by Kingswood Road, Caddens Road, Hermitage Court and Castle Road, formed part of a re-subdivision of Lots 4 to 8 inclusive and a (miniscule) part of Lot 2 of the Eastern Division of Regentville (Frogmore Estate). In March 1882, Thomas John Fuller Cadden and William Beacroft conveyed 259 acres 2 roods and 28 perches of land to Robert Barclay Wallace of Newcastle. He lodged an application the same year to convert the land to Torrens title. At this date, the land (including all improvements) was valued at £1170 and was in the occupation of W Heaton as a yearly tenant.² The accompanying survey plan is reproduced at Figure 8 below.

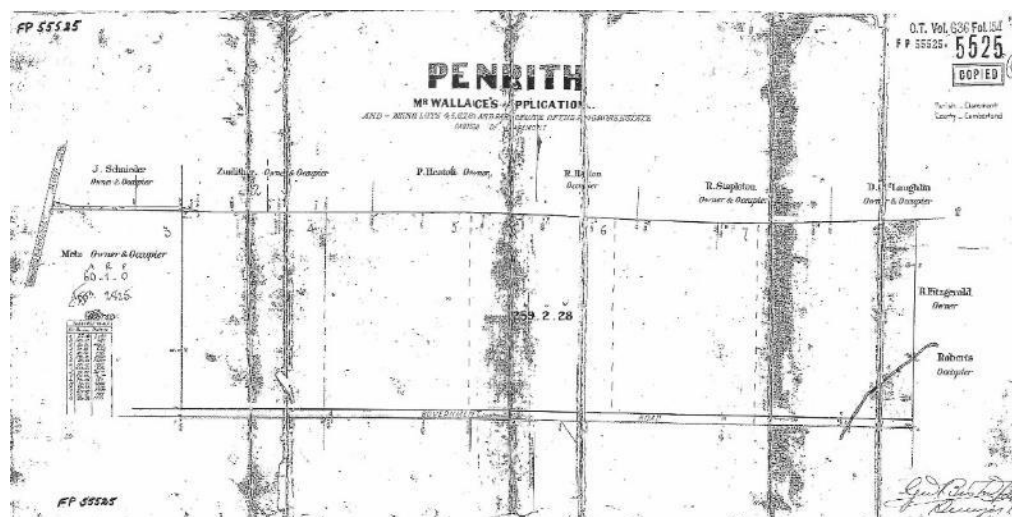


Figure 8 – Penrith, Mr Wallace's Application and being lots 4,5,6,7,8 and part of Lot 2 of the Frogmore Estate Parish of Claremont, 1882? (Source: NSW Land Registry Services, DP 55525)

¹ SOURCE?

² Primary Application 5525, NSW Land Registry Services

In 1884, Wallace re-subdivided his land into 48 orchard allotments as the Penrith Hill Estate (DP 1344 - Figure 9). Sales in the estate commenced in October the same year. In some instances, several buyers purchased multiple allotments, and yet others bought single lots. Since that date, these parcels of land have been further re-subdivided resulting in the present lot boundary layout (Figure 10; Figure 11 and Figure 14).

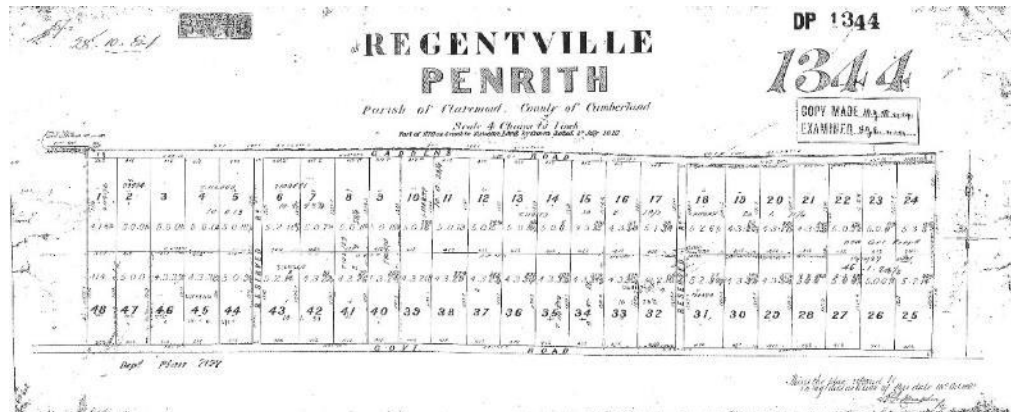


Figure 9 – At Regentville Penrith Parish of Claremont County of Cumberland, 1884. The reserved road at right is now Ulm Street. The reserved road to the left is Kingswood Road. (Source: NSW Land Registry Services, DP 1344)

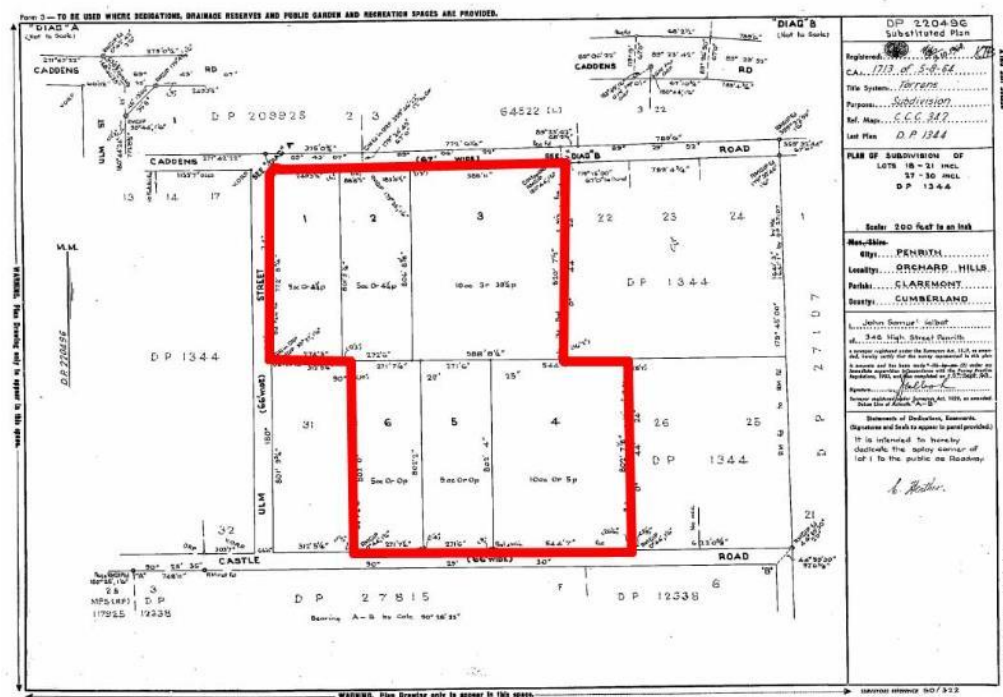


Figure 10 – Plan of subdivision of Lots 18-21 incl 27-30 incl DP1344, 1964. Lots 1-6 in DP 220496 outlined in red therein. (Source: NSW Land Registry Services)

A good homestead with elaborate piggeries, sheds, stables, dairy and bails – water laid on to every sty. Extensive dam – also cottage.⁷

A second advertisement notes that “the homestead block of 79 acres contains up-to-date pig-farming equipment, including 36 styes and yards, and several pig paddocks – with water laid-on-boiler and engine and every equipment, capable of accommodating 750 pigs – also dairy, bails and sheds – large and small dams – also on Farm 2 there is a W.B. cottage and 6 cemented styes.”⁸ For unknown reasons, Sloan did not sell any allotments in the Aberfeldie Estate and continued to operate the piggery and dairy thereon to supply meat for his meat canning business in the City.

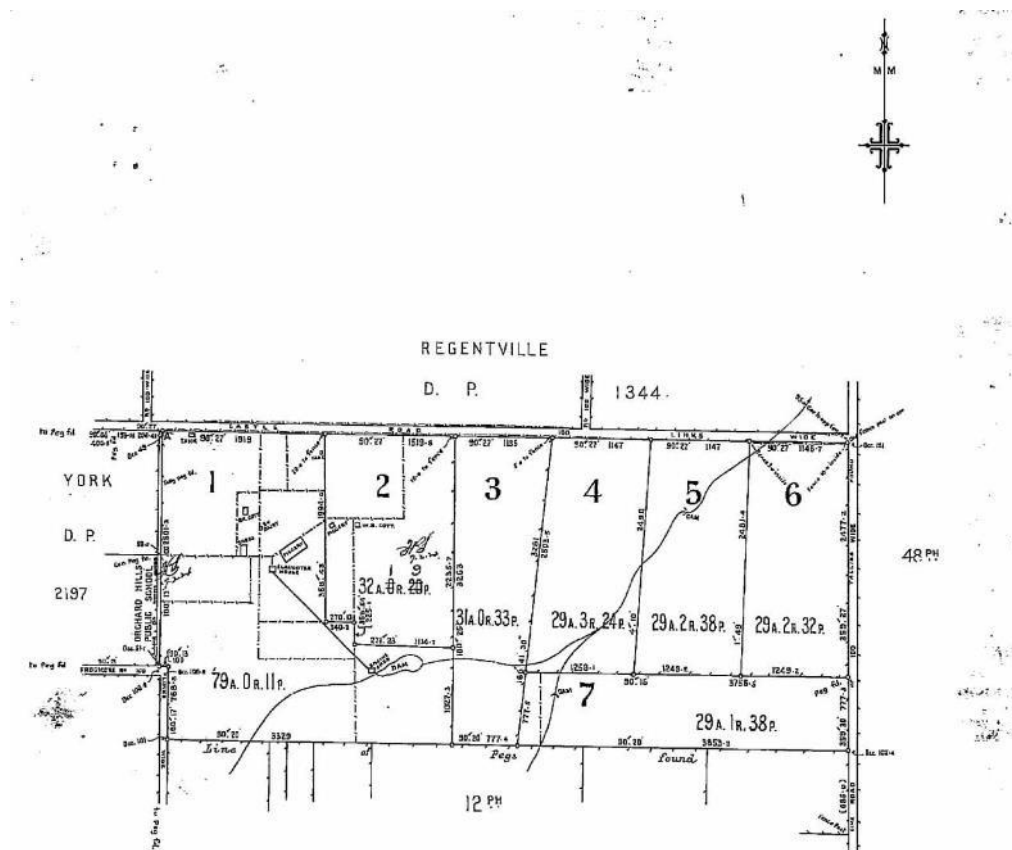


Figure 12 – Plan of subdivision of land comprised in Certificate of Title Vol 1172 Fol 164, 1923. (Source: NSW Land Registry Services, DP 12338)

Between 1946 and 1953, Sloan sold the various farm allotments in his 1923 subdivision as follows:

- Lots 1 & 2 to John Camillo (January 1947)
- Lot 3 to Francis Joseph O'Brien (October 1947)
- Lots 4 & 5 to Eunice Irene Fitzgerald (July 1953)
- Lots 6 & 7 to Edward Reginald Silk (November 1946)

Lots 1 to 6 in DP 12338 were in part resumed for the Great Western Motorway and the residue re-subdivided as per the plan at Figure 13. The subject site includes Lots 1 to 9 thereof, featuring a mix of variously sized farms. Note the group of four poultry sheds sited

⁷ "Aberfeldie Estate", *Nepean Times*, 3 November 1923, p5

⁸ "Orchard Hills, Aberfeldie Estate", *The Sun*, 9 November 1923, p11

on Lot 7. Simultaneously, in January 1947 Sloan advertised the clearance sale of dairy herd, horses, farm and dairy plant.⁹

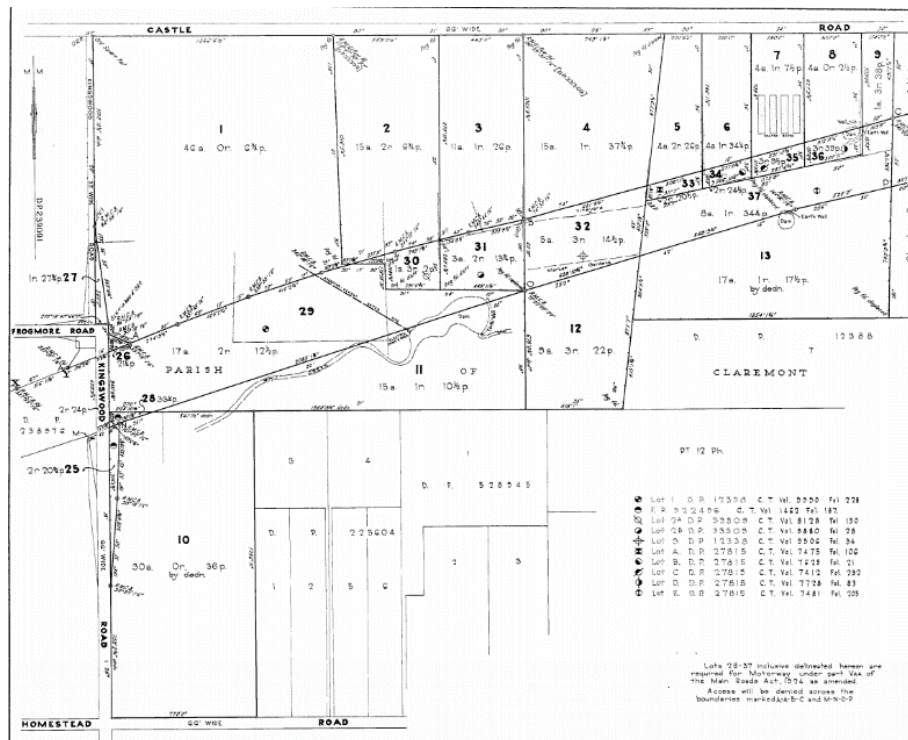


Figure 13 – Plan of land to be acquired in connection with the proposed Motorway between Orchard Hills and St Marys and residues, 1970. (Source: NSW Land Registry Services, DP 239091)

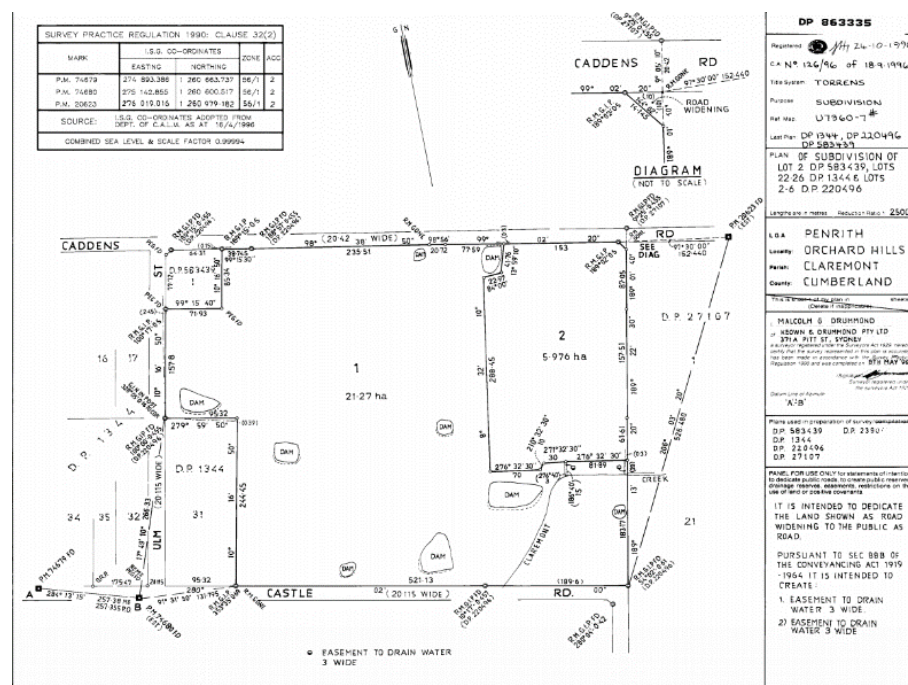


Figure 14 – Plan of subdivision of Lot 2 DP 584439, Lots 22-26 DP 1344 & Lots 2-6 DP 220496, 1996. Lot 2 is outside study area. Lot 1 thereon is known as 190-226 Caddens Road. (Source: NSW Land Registry Services, DP 863335)

⁹ Nepean Times, 2 January 1947, p15

5.0 VISUAL ANALYSIS

A visual inspection of the Orchard Hills North site and the surrounding context was carried out by NBRSArchitecture to identify any significant views and vistas to and from the heritage items located within the boundary of the proposed Rezoning Area and the wider Structure Plan Area.

Due to the open rural character of the area, the undulating topography of the site, the heritage items are visible in the landscape setting from a distance. Whilst these heritage items are set back from the road boundaries, they are still partially visible from the streetscape and retention of their contribution to the character of the area should be considered in the Master Plan Concept. The curtilage of the heritage items should be retained on the existing lot to retain gardens, landscape elements and the semi-rural setting. Landscaping elements and appropriate curtilages should be introduced within the immediate setting of the heritage items where possible.

5.1 IMPORTANT VIEWS

The following section includes commentary based on the initial site investigation carried out by NBRSArchitecture, with relevant comments sourced from the Landscape and Visual Assessment (LVA) report prepared by Place Design Group, March 2018. The following description of the context has been sourced from the LVA report:

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 suburbs of the South Creek riparian corridor, St Marys, and 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 key issue with regard to these extensive views is that, in conjunction with the gentle grades, most current views will be lost once development takes place...

Sensitivity of the landscape from various vantage points within the Orchard Hills North area have been identified in the LVA report. Important Views identified in the LVA report relating to the heritage items have been included in this report. Refer to Figure 15 below.

Views to the heritage items are partially available 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. Views are partially obscured by the undulating topography, trees and distance from the road.

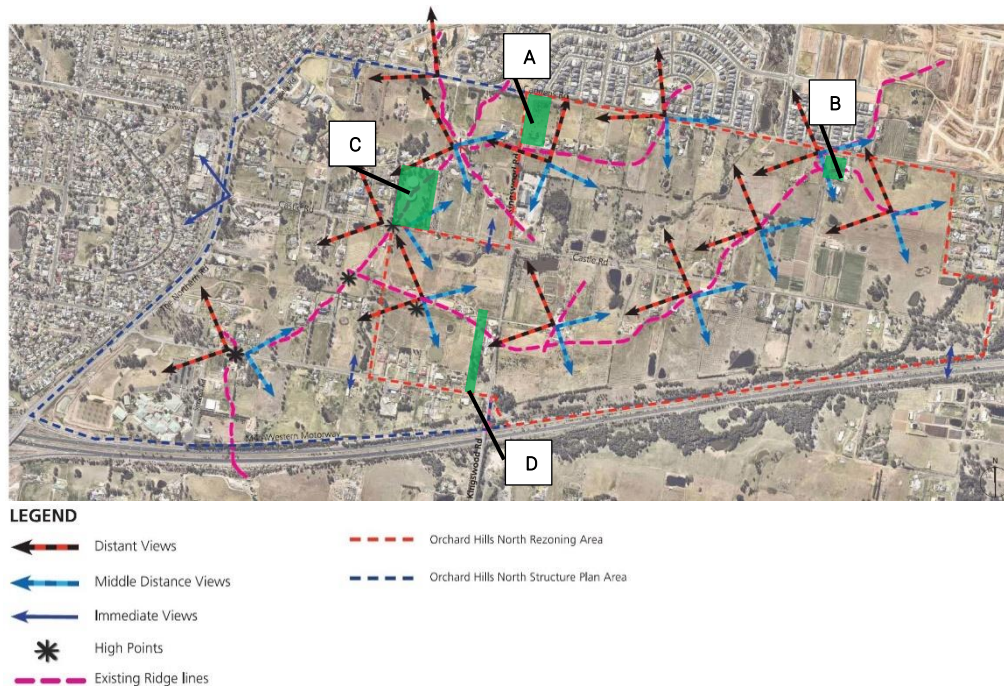


Figure 15 – The diagram above indicates, immediate, distant and middle distant views within the Orchard Hills North Precinct Boundary. The approximate location of the heritage items have been overlaid in green and labelled A, B C and D, added by **NBR**Architecture. (Source: Place Design Group, Landscape & Visual Assessment, March 2018).

Heritage Item	Address
A – Brick Farmhouse (Lincolngrove)	80-88 Caddens Road, Orchard Hills
B – Lindfield	182-188 Caddens Road, Orchard Hills
C – Water Reservoir	197-207 Castle Road, Orchard Hills
D – Orchard Hills Uniting Church	3 Frogmore Road, Orchard Hills

Comment:

The visual sensitivity of views to and from the heritage items have been assessed as being middle distant to distant views. These views have been assessed based on the impact of larger scale development and its visual effect on the visual sensitivity of the site. Refer to the LVA report for further details.

The following images have been extracted from the LVA report which describe the development potential of the area. **NBR**Architecture have provided comments in terms of heritage impacts in Section 6.0 Heritage Constraints & Opportunities in conjunction with the LVA report findings and comments.

182 -188 Caddens Road, Orchard Hills

Visual sensitivity and visual effect for 'Lindfield' at 182-188 Caddens Road, Orchard Hills, has been assessed in the LVA report as follows:



Figure 16 – View looking north towards Caddens Hill development and farmland. The heritage property 'Lindfield' located at 182-188 Caddens Road is seen in the distance, circled in red, and is identified as location B on the View Diagram in Figure 15 above (Source: Place Design Group, Landscape & Visual Assessment, March 2018).

Visual Sensitivity

Due to the locations elevated topography which is highly visible to surrounding suburbs and its largely cleared, pastoral character, this location has been classified as having Medium High visual sensitivity. Downslope of the ridge line on its southern and northern sides there is a reduction in visibility to surrounding properties. These down slope locations are defined as Medium sensitivity.

Visual Effect

Any significant future development that occurs on the ridge line is assessed as Medium High. With views to the ridge line from surrounding areas it is necessary to ensure views to the highest points on site are maintained through views, street corridors, public space or high quality art/built form which reinforces the elevation of the site as a point of reference.

Development Potential of Area

The ridge line location does not lend itself to large scale future development and would be better suited as a linear public space with far ranging views to and from the location. There presents the opportunity for either public open space, trails and cycle ways or view spot from the highest point of the ridge.

The downslopes of the immediate ridge line, with its less elevated prominence, the location is defined as medium sensitivity and lends itself to development.

Comment by **NBR**SArchitecture:

- The ridgeline has been assessed in the LVA report as medium to high sensitivity. The heritage item is located in the vicinity of the Caddens Hill development, which will alter the open rural setting along Caddens Road, changing the character surrounding the heritage item.
- The heritage item is located on the higher point of Caddens Road. Due to its prominent location the existing Lot boundary should be retained to ensure an appropriate visual curtilage between the heritage item and the new development.
- Future development surrounding the heritage item should ensure roads and pedestrian/cycle paths are aligned to retain an appropriate visual curtilage.

- The Indicative Layout Master Plan indicates standard residential development surrounding the heritage item. Single to two storey development within the garden settings should be considered on the interface between the heritage item and future development;
- Avoid built forms within the existing curtilage of the heritage item.
- Adaptive re-use of the heritage item should be considered at a future date to determine an appropriate use that is consistent with the Master Plan layout.
- Opportunities for interpretation should be explored in future phases of the development, in consultation with a Heritage Consultant. Interpretation of road names and the development setting out the history of the site could be implemented through a street naming strategy and plaques in surrounding parks.

80-88 Caddens Road, Orchard Hills

Visual sensitivity and visual effect for 80-88 Caddens Road, Orchard Hills, has been assessed in the LVA report as being highly elevated, with distant and expansive views to the Blue Mountains, including middle distant views to Caddens and Western Sydney University.



Figure 17 – View from 80-88 Caddens Road also known as 'Lincolngrove', identified as location A on the View Diagram in Figure 15 above (Source: Place Design Group, Landscape & Visual Assessment, March 2018).

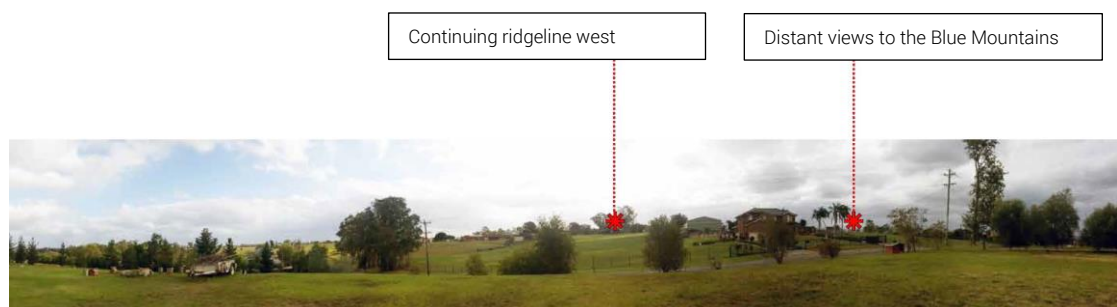


Figure 18 – View from 80-88 Caddens Road showing the undulating topography of the site (Source: Place Design Group, Landscape & Visual Assessment, March 2018).

Visual sensitivity and visual effect has been assessed in the LVA report as follows:

Description of Views:

The property is on a highly elevated position with distant and expansive views to the Blue Mountains (partially visible due to cloud cover), middle distant views to Caddens and Western Sydney University and beyond.

Visual Sensitivity:

Due to the locations elevated topography which is visible to surrounding suburbs and its heritage listing, this location has been classified as having a medium to high visual sensitivity.

However, there is a reduction on visual sensitivity on the downslope of the ridge line. These areas are defined as having a medium visual sensitivity level.

Visual Effect:

Any future development that occurs on the site is assessed as having a medium to high visual effect due to its elevated location and heritage value.

Development Potential of Area:

Given the location of the Caddens Road development the location lends itself to future development within the existing pastoral land. However, the heritage building within view does not lend itself to future development and would be better to be retained.

The downslopes of the immediate ridge line, with its less elevated prominence, is defined as medium sensitivity and lends itself to low density residential development.

Comment by **NBRS**Architecture:

- The heritage item is set back from the road, with distant views of the heritage item available from the public domain. Due to its elevated position on the site, the existing Lot boundary should be retained to ensure an appropriate visual curtilage between the heritage item and the new development.
- Adaptive re-use of the heritage item should be considered at a future date to determine an appropriate use that is consistent with the Master Plan layout.
- The existing Lot boundary of the site should be retained to ensure an appropriate visual curtilage and landscape setting around the heritage item following any new development/adaptive re-use;
- The Indicative Layout Master Plan indicates standard residential development surrounding the heritage item. Single to two storey development within the garden settings should be considered on the interface between the heritage item and future development;
- Avoid built forms within the existing curtilage of the heritage item. New development should be limited to low density residential development, ranging between one and two storeys. Upper levels should be setback from the primary building form;
- Opportunities for interpretation should be explored in future phases of the development, in consultation with a Heritage Consultant. Interpretation of road

names and the development setting out the history of the site could be implemented through a street naming strategy and plaques in surrounding parks or within the heritage item.

- A further level of detail is required to develop an appropriate interface with the curtilage of the heritage item. Refer to Section 6.2.2 for further comments.

3 Frogmore Road, Orchard Hills - Orchard Hills Uniting Church (Heritage Items).

Visual sensitivity and visual effects of the landscape featuring the Water Tanks and Orchard Hills Uniting Church have been assessed in the LVA report as follows:

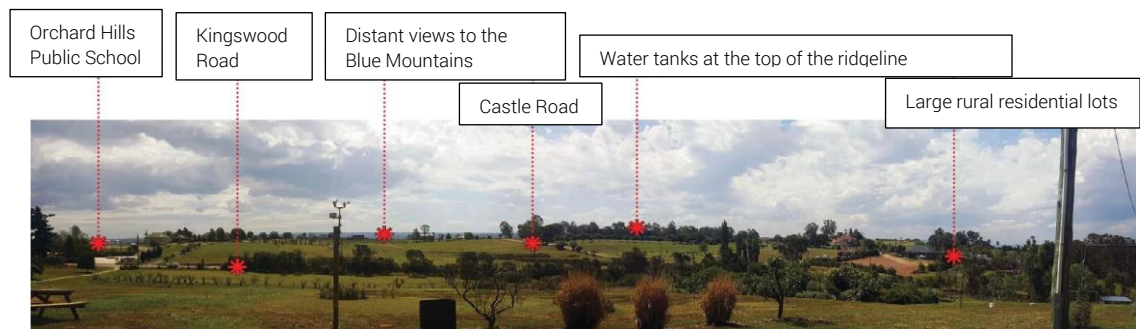


Figure 19 - View from Cana Farm opposite the Orchard Hills Public School site looking north. The Orchard Hills Uniting Church (heritage item) is set back from Kingswood Road behind the School. The heritage items are identified as C and D on the View Diagram in Figure 15 above (Source: Place Design Group, Landscape & Visual Assessment, March 2018).

Visual Sensitivity:

Due to the areas dominantly rural farmland and rural residential character and its views to the ridge lines, the sensitivity of this view shed is considered to be low-medium.

Visual Effect:

Any future development at this location has been assessed as having a Medium visual effect due to its elevated location.

Development Potential of Area:

The location in view lends itself to future development.

The elevated areas within the view lend themselves to low density.

The low lying areas to the north of the view is in the centre of the proposed Orchard Hills North development and would be ideal for medium residential development and potentially the town centre.

However, provisions should also be made to address the low-lying land and the current overland water flow, with if necessary, the creation of a new water management system in a new open public space to the lower parts of the area.

Comment by **NBR**Architecture:

- Whilst the Church is set back from Kingswood Road and Frogmore Road, distant views of the heritage item are available from the public domain. Due to its elevated position on the site, the existing Lot boundary should be retained to ensure an appropriate visual curtilage between the heritage item and the new development.

- The Indicative Layout Master Plan indicates Community/Infrastructure surrounding the heritage item. If the School is proposed to be relocated, the Lot boundary curtilage of the heritage item should be retained on the interface between the heritage item and any future development;
- It is understood that adaptive re-use of the Church has previously been carried out. Adaptive re-use of the Church in line with the proposed Master Plan layout will allow for a continued understanding of the Church within its altered setting;
- Opportunities for interpretation should be explored in future phases of the development, in consultation with a Heritage Consultant.
- Interpretation of the history of the church and its development could be displayed through signage in the surrounding park labelled as OS6 on the Master Plan and throughout the community centre. This will ensure a continued understanding of the heritage item within the altered setting of any new development.
- The large open landscape/scenic setting of the site should be retained to ensure an appropriate visual curtilage around the heritage item following any new development. Avoid built forms/large scale development within the existing curtilage of the heritage item.
- Pedestrian paths and cycleways will encourage pedestrian traffic around the heritage item for interpretation of the signage.

197 – 207 Castle Road, Orchard Hills - Water Tanks (Heritage Items)

Visual sensitivity and visual effects of the landscape featuring the Water Tanks has been assessed in the LVA report as follows:

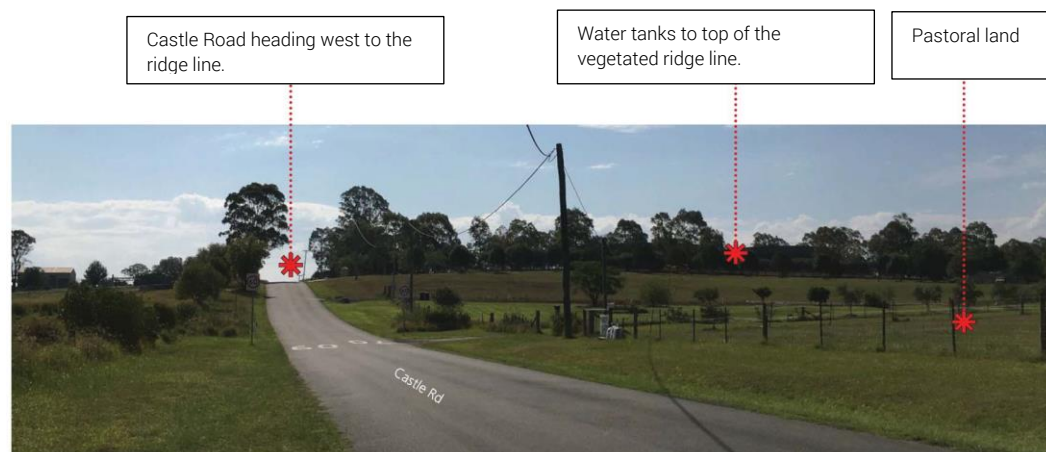


Figure 20 - View along Castle Road looking west towards the Water Tanks which are set back from the road. The heritage item is identified as C on the View Diagram in Figure 15 above (Source: Place Design Group, Landscape & Visual Assessment, March 2018).

Visual Sensitivity:

With its mix of pastoral land and views to the water tanks upon the ridge line this location is defined as having a low sensitivity.

Visual Effect:

Any future development at this location has been assessed as having a low visual effect due to its rural character, cleared lots and views to the ridge line.

Development Potential of Area:

Given the low sensitivity of views the location lends itself to low density residential development. Medium density could be focused in the low-lying areas to allow for maintained long distant views from ridge lines.

Provisions should be made to address the low-lying land and the current overland water flow, with if necessary, the creation of a new water management system in a new open public space to the lower parts of the area.

Comment by **NBRS**Architecture:

- Views of the water tanks should be retained from the public domain, either through nearby parks/landscape elements or from the public road (Castle Road) bordering the site;
- The Indicative Layout Master Plan indicates a large park adjacent to the site on the north, with landscaping elements along the south site boundary. This will ensure an appropriate visual curtilage around the heritage items, as standard residential development is proposed to the west, and a large Lot to the west;
- There are no notable views from the water tanks. Views from the water tanks do not substantially contribute to an understanding of the area.

5.2 CURTILAGE

The visual curtilage around the heritage items should be retained, with an appropriate lot boundary curtilage. New development should not be located within the lot boundary of the heritage items. Retaining a visual curtilage around the heritage items will ensure an appropriate scale is balanced at the interface line with others in the vicinity. This will need to be developed in collaboration with urban designers and landscaping during the detailed design development phase.

Due to the sloping topography, the heritage items are generally elevated in their context, and are set back from the lot boundaries. The visual curtilage of the heritage items should be considered in terms of views and vistas during the detailed design development of the Master Plan. The heritage items should be retained and incorporated into the future development patterns of the site. An appropriate sized lot boundary should be considered to retain a garden/landscape and semi-rural setting adjacent to new development.

6.0 HERITAGE CONSTRAINTS & OPPORTUNITIES

The following Section provides a discussion of constraints and opportunities for development on the subject site pertaining to heritage issues. These have been discussed in consideration of the key elements of the Concept Master Plan prepared by Design + Planning.

6.1.1 KEY ELEMENTS – CONCEPT MASTER PLAN

- *Identification of key green corridors to enhance riparian quality and provide walking and cycling connections as part of wider regional links;*
- *Approximately 18 hectares of the Site (rezoning area) identified for green space;*
- *A logical and efficient collector road network that negates the function of existing roads where there are significant grade/sight line issues (Castle Road, Caddens Road, Kingswood Road);*
- *Approximately 97 hectares of developable residential land, with the potential to yield approximately 1,700 – 1,800 dwellings;*
- *Potential for a local centre to service the needs of the new community*

6.1.2 POINTS OF CONSIDERATION

The following points of consideration have been included for each heritage item providing recommendations for opportunities and constraints in the proposed rezoning and redevelopment of the Orchard Hills North site:

- Views and Vistas;
- Curtilage;
- Adaptive Re-use;
- Landscape elements.

6.1.3 VIEWS AND VISTAS

A large part of the site is classified as Scenic and Landscape Values Land under the *Penrith LEP 2010*. The following extract is sourced from Clause 7.5.3 of *Penrith LEP 2010*:

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.

In terms of siting and orientation of dwellings and outbuildings, future development of the site will need to consider the visual impact of any new development in terms of the context surrounding the identified heritage items. This includes the visual impact from major roads and other public places.

The detailed design development needs to consider the visual impact on the heritage items in terms of their visual curtilage. The existing lot boundaries should be retained. Future development should ensure that the visual setting and the landscaping surrounding the heritage items, are not adversely altered. Heritage items should not be dominated by new development. Avoid built forms/large scale development within the existing curtilage of the heritage item.

The Master Plan includes key green corridors to enhance the riparian quality and enhance the walking and cycling connections. There is opportunity to maintain an appropriate visual curtilage around the heritage items through landscaping and the creation of parks, pedestrian paths and cycleways.

Parks have been incorporated adjacent to or in the vicinity of the heritage items as part of the Master Plan layout, with standard residential development, providing an appropriate curtilage. The scale of development surrounding the heritage items should be limited to one and two storeys.

6.2 HERITAGE ITEMS

The following images were taken in December 2017 and include the three heritage items in the proposed Rezoning Area and the Water Tanks included in the wider Structure Plan Area.

6.2.1 182 – 188 CADDENS ROAD, ORCHARD HILLS - LINDFIELD



Figure 21 – View of the heritage item 'Lindfield' as seen from Caddens Road looking south.



Figure 22 – View of the heritage item from Caddens Road looking west.



Figure 23 – View of the large shed adjacent to the heritage item looking southwest.



Figure 24 – View of the heritage item from the corner of Caddens Road and Ulm Road looking east.



Figure 25 – View from Caddens Road looking west towards new development in the vicinity of the heritage item. The land further east along Caddens Road is being developed.

Recommendations:

The topography of Caddens Road slopes up from the east to the west to a point, and continues to slope down further west of the subject site. The heritage item at 182 – 188 Caddens Road is located at the higher point of Caddens Road.

Proposals for development should aim to conserve the heritage significance of the heritage item through the development of an appropriate relationship between the physical and visual curtilage and the new development, ideally by retaining the existing lot boundaries and introducing landscaping elements within the immediate setting. The Master Plan indicates standard residential development surrounding the heritage item. New development should not be located within the existing Lot boundary of the heritage item.

- Any new development should retain an appropriate scale at the interface line of the heritage item in terms of its setting and character within the visual curtilage;
- Views to the heritage item from Caddens Road and Ulm Road should be retained to understand its setting;
- Detailed design development should consider an appropriate scale of development and character through setbacks, materials and finishes located within the setting of the heritage item.

Opportunities:

1. There is opportunity to develop some of the surrounding landscaping for use as a park, with potential to retain aspects of a rural setting in the immediate vicinity of the heritage item and its setting.
2. The visual curtilage of the existing lot boundary should be retained, with opportunity to increase the visual curtilage, due to its prominent location on the site and potential future use. The Caddens Road development adjacent to the heritage item will result in an altered setting along Caddens Road.
3. Adaptive re-use of the heritage item is recommended due to its close proximity to the Caddens Road development and surrounding standard residential development proposed in the Master Plan layout. Adaptive re-use of the heritage item would make a suitable location for recreational spaces and activities.

Constraints:

- The proposed rezoning within the Structure Plan Area is likely to impact distant views from the heritage item.
- Appropriate land use zoning and building height controls around the heritage item is required to ensure the visual curtilage of the heritage item is retained.
- New development should not be placed on the ridgeline or peak of the hill where it would adversely impact on the lot boundary curtilage of the heritage item.

6.2.2 80-88 CADDENS ROAD, ORCHARD HILLS – BRICK FARMHOUSE



Figure 26 – View of the heritage item at 80-88 Caddens Road 'Lincolngrove', which is set back from the lot boundary.



Figure 27 – View of the heritage item looking east from Kingswood Road. The dwelling is setback from the lot boundary.



Figure 28 – View from the corner of Kingswood Road looking east along Caddens Road. The site boundary is outlined in red. New development is located to the north of the site.



Figure 29 – View from Caddens Road looking southeast towards the heritage item. The topography of the site slopes up towards the south.



Figure 30 – View from Kingswood Road looking south towards Castle Road. The Orchard Hills Uniting Church is seen in the distance.



Figure 31 – View from Caddens Road looking southeast towards the heritage item. The topography of the site slopes up towards the south.

Recommendations:

The heritage item is set well back from Kingswood Road with views obscured by other development on the site.

- The general setting of the heritage item retains a rural landscape character and should be considered as an option for adaptive re-use in terms of its location.
- It may provide an opportunity to serve well as a community centre and other recreational activities.

Opportunities:

The visual setting surrounding the heritage item should be conserved. Built development/large scale development should not be included in the existing lot boundary

- There is potential for interpretation of road names and the development setting out the history of the site through, for example, a series of plaques, which could be appropriately displayed throughout the community centre and across the park or through a street naming strategy.

Constraints:

- The proposed rezoning within the Structure Plan Area has the potential to impact distant views from the heritage item.

- Appropriate land use zoning and building height controls around the heritage items is required to ensure the visual curtilage of the heritage item is maintained.
- Low density residential, one and two storey development should be considered surrounding the heritage item, acting as a buffer zone between the curtilage and other forms of development proposed.

6.2.3 3 FROGMORE ROAD, ORCHARD HILLS – ORCHARD HILLS UNITING CHURCH



Figure 32 – Orchard Hills Uniting Church. The heritage item is setback from Kingswood Road. Orchard Hills Public School is located along the lot boundary, forward of the heritage item.



Figure 33 – Entrance to the site from Kingswood Road. The heritage item is not visible from this point and is setback behind Orchard Hills Public School.



Figure 34 – View looking south along Kingswood Road. The entrance to the site is obscured by trees.



Figure 35 – View of the subject site looking southwest from Castle Road. The heritage item is seen in the distance.



Figure 36 – View of the heritage item in its surrounding context.

Recommendations:

The location of the Orchard Hills Uniting Church is set well back from Kingswood Road with views obscured from Frogmore Road due to its distance from the road and mature trees surrounding the item. The topography of the site slopes up from Kingswood Road to the west, providing a prominent location for the heritage item in its setting. The Church is located in close proximity to the Orchard Hills Public School, which fronts the site boundary along Kingswood Road.

Opportunities:

- The open landscape character surrounding the heritage item will be retained, due to the provision of a park (OS6) adjacent to the Church along the south. The Master Plan layout also includes community/infrastructure and standard residential development surrounding the existing lot boundary of the Church. Landscaping elements could be introduced to provide a buffer zone between the curtilage and other forms of development proposed.
- It is understood that the Church is already being used as a community centre. Active open space and smaller scale development will provide focal points for the community centre.
- Interpretation of the history of the church and its development could be displayed through signage in the surrounding park and community centre. This will ensure a continued understanding of the heritage item within the altered setting of any new development.

Constraints:

- New development should respond to topographical constraints, minimising the height, bulk and scale of development on higher ground surrounding the heritage item;
- An appropriate visual curtilage around the heritage item should be retained by lower rise development and landscaping elements acting as a buffer between the heritage item and the new development. The existing lot boundary should be retained, with new/large scale development not set within the existing lot boundary;

6.2.4 197-207 CASTLE ROAD, ORCHARD HILLS – WATER RESERVOIR



Figure 37 – The Water Reservoir at 197-207 Castle Road, Orchard Hills is set well back from the road.



Figure 38 – View looking northeast along Castle Road towards the water reservoir.



Figure 39 – View looking north towards the heritage item from Castle Road.



Figure 40 – View looking east along Castle Road.



Figure 41 – View of surrounding development from the subject site looking south.

Recommendations:

The Water Reservoir is set well back from Castle Road. The open landscape character and visual setting is being retained and has been considered as part of the Master Plan layout which includes a large open park further north of the Water Tank site boundary and a large lot to the west.

Opportunities:

- There are no distant views of the tanks which should be retained, providing opportunity for larger development; however, views of the tanks should be retained from any public roads bordering the site.
- Due to the use of the structures, there are no notable views from the water tanks, and views of the structures do not substantially contribute to an understanding of the area;

Constraints:

- The water tanks, whilst identified as heritage items, are operational, and as such are not available for adaptive re-use;
- Views of the tanks should be retained from any public roads bordering the site.

7.0 HERITAGE PLANNING CONTROLS FOR FUTURE DEVELOPMENT

Development of the site is subject to consent from Penrith City Council, and is assessed based on compliance with the following regulatory documents:

- *Penrith Local Environmental Plan (LEP) 2010;*
- *Penrith Development Control Plan (DCP) 2014;*
- *Draft Western City District Plan (DWCDP) 2017.*

7.1.1 STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)

Prior to rezoning of the site, the following *State Environmental Planning Policies (SEPP)* should be taken into consideration:

1. *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP);*

Part 2, Division 1, Clause 14,

14 Consultation with councils—development with impacts on local heritage

(1) This clause applies to development carried out by or on behalf of a public authority if the development:

(a) is likely to affect the heritage significance of a local heritage item, or of a heritage conservation area, that is not also a State heritage item in a way that is more than minor or inconsequential, and

(b) is development that this Policy provides may be carried out without consent.

(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies unless the authority or the person has:

(a) had an assessment of the impact prepared, and

(b) given written notice of the intention to carry out the development, with a copy of the assessment and a scope of works, to the council for the area in which the heritage item or heritage conservation area (or the relevant part of such an area) is located, and

(c) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.

7.2 **PENRITH DEVELOPMENT CONTROL PLAN (DCP) 2014 - ORCHARD HILLS**

Section E10 of the *Penrith DCP 2014* outlines Council's vision for the Orchard Hills as an area of rural character with undulating hills and scenic vistas. General objectives for Orchard Hills include the following:

- a) To ensure that development does not adversely affect the scenic qualities, character and amenity of this precinct;*
- b) To promote the continuation of the open, semi-rural character and regionally significant landscape setting of Orchard Hills and minimise the visual impact of development from major roads and public places;*
- c) To recognise that Orchard Hills forms part of an important entry to the residential areas of Penrith, and that careful management of development in this location is critical to conserving the values of this City entry;*
- d) To ensure that development does not unreasonably increase the demand for public infrastructure and public services;*
- e) To ensure that non-residential activities do not:*
 - i) Alter the character or scenic quality of the locality;*
 - ii) Detract from the existing landscape setting;*
 - iii) Promote the commercialisation of lands adjoining The Northern Road; or*
 - iv) Generate traffic volumes which cannot be readily accommodated within the existing road pattern, or which create a traffic safety problem.*

This section also includes development controls for Orchard Hills which include the following:

- Siting and orientation of dwellings and outbuildings;
- Building form, materials and colours;
- Vegetation and plantings;
- Access and parking services;
- Fences and entrances;
- Signage.

7.3 **DRAFT WESTERN CITY DISTRICT PLAN (DRAFT WCDP) 2017**

The draft WCDP 2017 is a guide for implementing the draft Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The draft WCDP 2017 replaces the draft South West District and West District Plans released in November 2016 and sets out planning priorities and actions for growth and development in the Western City District.

Planning Priority W6

Creating and renewing great places and local centres and respecting the District's heritage.

Actions	Responsibility
18. Conserve and enhance environmental heritage by: <i>Engaging with the community early in the planning process to understand Aboriginal, European and natural heritage values;</i> <i>Conserving and interpreting Aboriginal, European and natural heritage to foster distinctive local places.</i>	<i>Councils, other planning authorities, State agencies and State-owned corporations.</i>

Comment:

- Any future DA submissions should include a more detailed design development;
- Opportunities for interpretation should be explored in future phases of the development, in consultation with a Heritage Consultant;
- Future development should be in consultation with the local Community, as well as Councils, other planning authorities, State agencies and State-owned corporations

8.0 CONCLUSION

The proposed rezoning and development proposal for Orchard Hills North, upon which this report was based, has the potential to retain and enhance the heritage significance of the four heritage items that lie within the Structure Plan Area. The proposed rezoning has the ability to retain appropriate lot curtilage boundaries and visual sensitivity of the heritage items. The Master Plan layout provides an appropriate layout of mixed use development and landscaping for future growth of the area. As such there are no heritage constraints to rezoning the site.



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