

# PENRITH CITY

## ORCHARD HILLS NORTH – AREA A

### DEVELOPMENT CONTRIBUTIONS PLAN 2022

(Under Section 7.11 of the Environmental Planning and Assessment Act, 1979 amended)

[PUBLIC EXHIBITION DRAFT \(prepared 19 April 2022\)](#)

Adopted by council on [insert date]

Effective from on [insert date]

**PENRITH**  
CITY COUNCIL

[penrithcity.nsw.gov.au](http://penrithcity.nsw.gov.au)

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# 1. CONTRIBUTIONS SUMMARY

## 1.1 EXECUTIVE SUMMARY

The City of Penrith is transforming into the New West and forms an important part of the Western Parkland City objective to reach a catchment of 1 million people by 2031. Penrith City's growing importance in the region reflects its proximity to the new Western Sydney International Airport, its key role as a transport and service hub and other major developments such as the Western Sydney Priority Growth Area, Penrith Health and Education Precinct and Sydney Science Park.

Penrith City is forecast to accommodate more than 40,000 new jobs over the 15 years to 2036. Over the same period, the resident population is expected to grow by around 57,000 to reach almost 260,000 (forecast.id data). This growth is based on a forecast of nearly 25,000 or 35% more dwellings. New dwellings are anticipated in various existing and new release areas, and the other established areas of the LGA.

To meet the infrastructure demands caused by this growth, Council has developed a new contributions framework comprising a suite of new and updated contributions plans. These plans set out the development contributions required to fund the program of new and augmented local infrastructure to accommodate the demand of the new residents and workers.

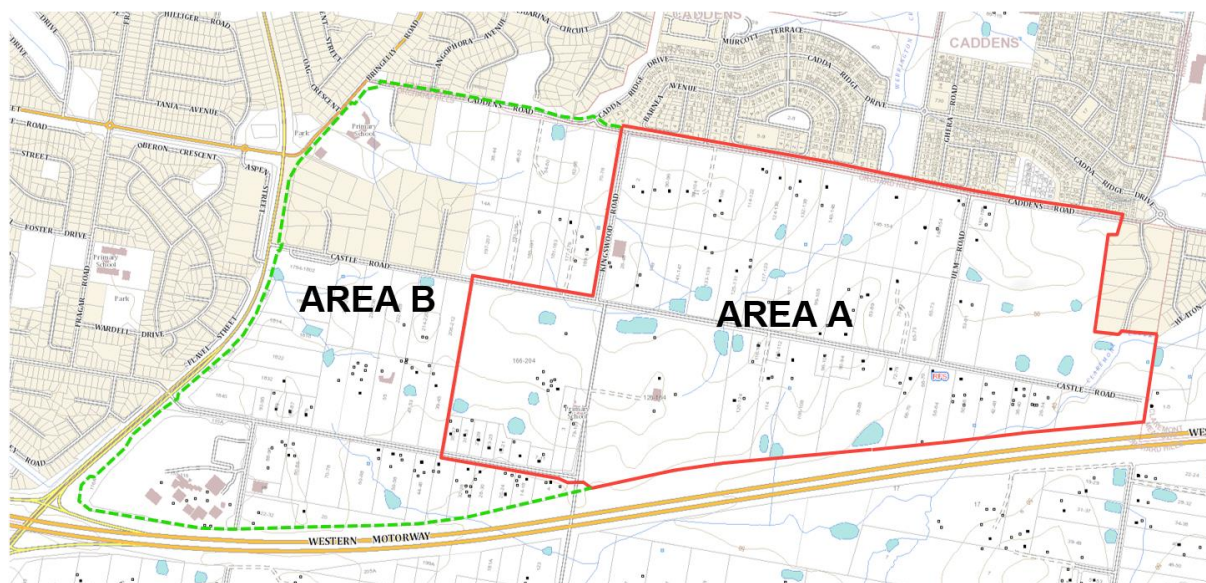
This contributions plan (the Plan) applies to Orchard Hills North Rezoning Area ("**Area A**"). It also lays the foundation, in part, for an additional contributions plan to be prepared the adjoining Orchard Hills North Structure Plan Area ("**Area B**"), at the time that land is rezoned (refer Figure 1). In the interim, any minor development in Area B that relates to the existing rural zone will not be subject to the local contributions identified in this Plan.

The contributions described in this Plan relate to local infrastructure and not State or regional infrastructure which is funded through other state-based contributions.

The contribution rates that apply to development in Orchard Hills North Area A are summarised in **Table 1** (subject to **Section 2.2.3**).

In addition to these rates, it should be noted that the Penrith District Open Space Contribution Plan (Dec 2007) will also apply, in part, to the lands at Orchard Hills North Area A and Area B. Refer **Table 6** and **Section 3.1**).

**Figure 1 Orchard Hills North: Rezoning Area A and Structure Plan Area B**



Source: SixMaps (Dec 2021)

Figure 1 shows the Orchard Hills North Rezoning Area (“Area A”) and the Orchard Hills North Structure Plan Area (“Area B”).

**Table 1 Orchard Hills North Area A: Residential and Non-residential development contributions (\$ Oct Q21)**

Infrastructure category	Residential (per Ha NDA)	Non-Residential (per Ha NDA)
Transport	\$605,978	\$605,978
Open space, recreation and shared paths	\$679,748	\$0
Water cycle management (*),	\$428,474	\$428,474
Plan administration (1.5% of works)	\$10,652	\$7,176
<b>Total local infrastructure (\$) per Ha NDA</b>	<b>\$1,724,851</b>	<b>\$1,041,628</b>

Notes: (\*) water cycle management includes detention basins, raingardens and trunk drainage

## 1.2 ORCHARD HILLS NORTH

The Orchard Hills North release area (known as the Rezoning Area or ‘**Area A**’) comprises approximately 151.92 hectares of land with a net developable area (NDA) of 102.3 hectares. The area includes Caddens Road to the north, together with elements of Kingswood Road, Castle Road and Frogmore Road in the west. The M4 Western Motorway forms the boundary to the south and Claremont Meadows residential lots to the east.

Area A is the subject of planning proposal / rezoning application for urban development and is expected to yield 1,729 new residential dwellings. A proposed neighbourhood centre, comprising 6,000m<sup>2</sup> to 8,000m<sup>2</sup> of retail space, with capacity for an estimated 174 jobs.

The land located immediately west of Area A (and known as the Structure Plan Area or ‘**Area B**’) is approximately 116.14 hectares in area and also includes Caddens Road to the north. The Northern Road and Bringelly Road forms the western boundary to the area. The M4 Western Motorway forms the boundary to the south.

Once rezoned, Area B has the potential to deliver approximately 1,146 additional dwellings and employment lands with capacity for an estimated 1,100 jobs.

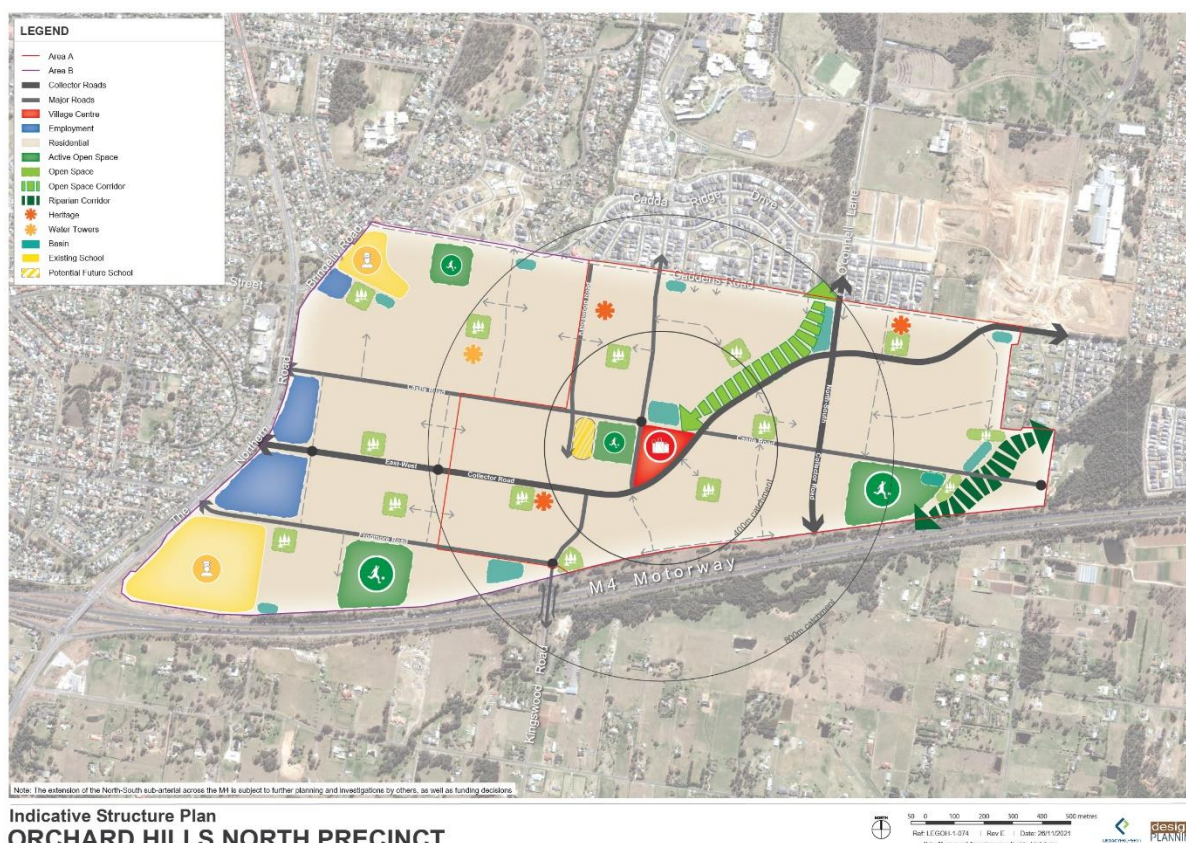
For ease of reference in this Section 7.11 Plan we will be referring to the Orchard Hills North Rezoning Area as **Area A**, and the land to the west identified as the Structure Plan Area, as **Area B**.

On the basis of an average Penrith household size of 3.0 persons per dwelling, Area A is forecast to result in a population of 5,187 new residents in a mix of low and medium density housing types. Area B is forecast to result in a population of 3,438 new residents. Area A and Area B combined is forecast to have a total new population of around 8,625 people.

**Figure 1** shows the Orchard Hills North area to which this Plan applies.

The Plan applies to residential development and non-residential development in the Orchard Hills North area.

**Figure 2 Orchard Hills North: Indicative Structure Plan**



Source: Design and Planning (Nov 2021)

Figure 2 shows the Indicative Structure Plan for the Orchard Hills North area and where different types of residential and non-residential development are expected to occur.

### 1.3 SUMMARY OF LOCAL INFRASTRUCTURE NEEDS

The additional population and employment growth within Orchard Hills North will generate new demand for a range of local infrastructure including:

- open space and recreation facilities, such as sports fields, parks, playgrounds, walking trails and bike paths.
- traffic and transport management facilities, such as new roads, road upgrades and intersections, as well as bus shelters.
- water cycle management facilities such as detention basins, water quality devices and trunk drainage works.

This Plan addresses the local infrastructure needs generated by the new development of Orchard Hills North Area A. Where relevant, it has apportioned costs for major infrastructure (specifically the East-West and the North-South Sub-Arterial roads, drainage basin B7, and district open space) between Area A and Area B on the basis of nexus with the expected level of demand.

Contributions of land, works and money from the developers of land in Orchard Hills North Area A will be a key source of funding for the new and upgraded infrastructure that is not otherwise provided directly by developers under conditions of consent.

The contributions that are made by developers under this Plan will be applied by Council to deliver the schedule of local infrastructure altogether valued at **\$176,431,400** (refer **Table 2** for the more detailed Works Schedule).

**Table 2 Orchard Hills North Area A: local infrastructure costs (\$ Oct Q21)**

Infrastructure category	Works Cost	Land Cost	Total cost
Roads and transport	\$27,477,658	\$34,501,783	<b>\$61,979,4427</b>
Open space	\$23,692,658	\$45,845,535	<b>\$69,538,193</b>
Stormwater drainage (*)	\$21,462,314	\$22,361,962	<b>\$43,824,276</b>
Plan administration (1.5% of works)	\$1,089,489	N/A	<b>\$1,089,489</b>
<b>Total local infrastructure \$</b>	<b>\$73,722,121</b>	<b>\$102,709,280</b>	<b>\$176,431,400</b>

**Notes:** (\*) includes detention basins, raingardens and trunk drainage

## 1.4 SUMMARY OF CONTRIBUTION RATES

### 1.4.1 RESIDENTIAL DEVELOPMENT

**Table 3** contains the section 7.11 contribution rate per hectare (Ha) of net developable area (NDA) for residential development in Orchard Hills North Area A under this Plan (subject to **Section 2.2.3**).

**Table 3 Orchard Hills North Area A: Residential development contributions per Ha NDA (\$ Oct Q21)**

Infrastructure category	Residential (per Ha NDA)
Roads and transport	\$605,978
Open space	\$679,748
Stormwater drainage (*)	\$428,474
Plan administration (1.5% of works)	\$10,652
<b>Total local infrastructure \$ per NDA</b>	<b>\$1,724,851</b>

**Notes:** (\*) includes detention basins, raingardens and trunk drainage

**Table 4** contains the section 7.11 contribution rate per dwelling for Orchard Hills North Area A under this Plan (subject to **Section 2.2.3**).



**Table 4 Orchard Hills North Area A: Residential development contributions per dwelling (\$ Oct Q21)**

Dwelling type	Dwelling houses in Environmental Management (E3)	Dwelling houses in General Residential (R1)	Dwellings in Local Centre (B2)
Assumed development density (dwellings/ha)	0	17	0
Assumed occupancy rate	3.00	3.00	3.00
Local Infrastructure Item			
Roads and transport	\$36,266	\$36,266	\$36,266
Open space	\$24,739	\$24,739	\$24,739
Stormwater drainage (*)	\$40,689	\$40,689	\$40,689
Plan administration (1.5% of works)	\$615	\$615	\$615
<b>Total local infrastructure per dwelling</b>	<b>\$102,310</b>	<b>\$102,310</b>	<b>\$102,310</b>

**Notes:** (\*) water cycle management includes detention basins, raingardens and trunk drainage

#### 1.4.2 NON-RESIDENTIAL DEVELOPMENT

This Plan also levies contributions on non-residential development in the Orchard Hills North catchment for transport, stormwater management and plan administration costs.

**Table 5** contains the contribution rate per hectare (Ha) of net developable area (NDA) for non-residential developments in Orchard Hills North - Area A under this Plan.

**Table 5 Orchard Hills North Area A: Non-residential development contributions (\$ Oct Q21)**

Infrastructure category	Non-Residential (per Ha NDA)
Roads and transport	\$605,978
Open space	\$0
Stormwater drainage (*)	\$428,474
Plan administration (1.5% of works)	\$7,176
<b>Total local infrastructure \$ per NDA</b>	<b>\$1,041,628</b>

**Notes:** (\*) includes detention basins, raingardens and trunk drainage

### 1.4.3 LATEST INDEXED RATES

Contributions in **Tables 1 to 4** are expressed in October 2021 dollars, representing the base period of the Plan.

The section 7.11 contribution to be imposed on a development will reflect the latest, indexed contributions rates authorised by this Plan.

**Section 2.2.4** establishes how the rates to be levied must be indexed (with the works cost share of contributions indexed by the CPI and the cost of land to be acquired indexed by the Established House Price Index).

At the time of payment, it is also necessary for monetary contributions to be updated for any further inflation that occurs from the consent date (see **Section 2.4.3**).

The latest contribution rates will also be published each quarter on Council's website and applicants and accredited certifiers can access the link to the latest contribution rates here.

### 1.4.4 ALLOWANCE FOR EXISTING DEVELOPMENT

An allowance for existing development is made in determining the contributions payable by a development such that existing development is provided with a credit for its existing local infrastructure needs. **Section 2.2.1** explains how to calculate the contribution for this adjustment.

### 1.4.5 DEVELOPMENT EXEMPT FROM CONTRIBUTIONS

This Plan does not apply to the following types of developments:

- development for the sole purpose of affordable or social housing;
- development for the sole purpose of the adaptive reuse of an item of environmental heritage;
- development for the purpose of infrastructure provided by Council or any other public authority;
- development exempted from s7.11 contributions by a direction made by the Minister for Planning under s7.17 of the EP&A Act;<sup>1</sup>
- development for the purpose of any form of seniors housing defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that is provided by a social housing provider; and
- development that in Council's opinion does not increase the demand for the categories of public facilities and services addressed by this Plan (such as

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<sup>1</sup> or the corresponding sections 94 and 94A of the EP&A Act that existed immediately before the commencement of the *Environmental Planning and Assessment Amendment Act 2017*. Refer to the DPE website for all current directions and exclusions.

alterations and additions or a new dwelling where the original subdivision has already incurred contributions for the single lot).

Developers are encouraged to contact Council if they are unsure whether or not a contribution would apply to their development. In certain cases, developers might need to include a submission arguing the case for exemption with a development application (DA).

## 1.5 SUMMARY OF PAYMENT TIMING AND SETTLEMENT OPTIONS

Council's policy in relation to the timing of payments of monetary contributions is as follows:

- DAs involving subdivision works: payment to be made prior to release of a Subdivision Certificate (linen plan).
- DAs involving building works: payment to be made prior to the release of a Construction Certificate.
- Complying Development works: payment to be made prior to the works authorised in a Complying Development Certificate commencing.

More detail about the timing of payments is contained in **Section 2.4.1**.

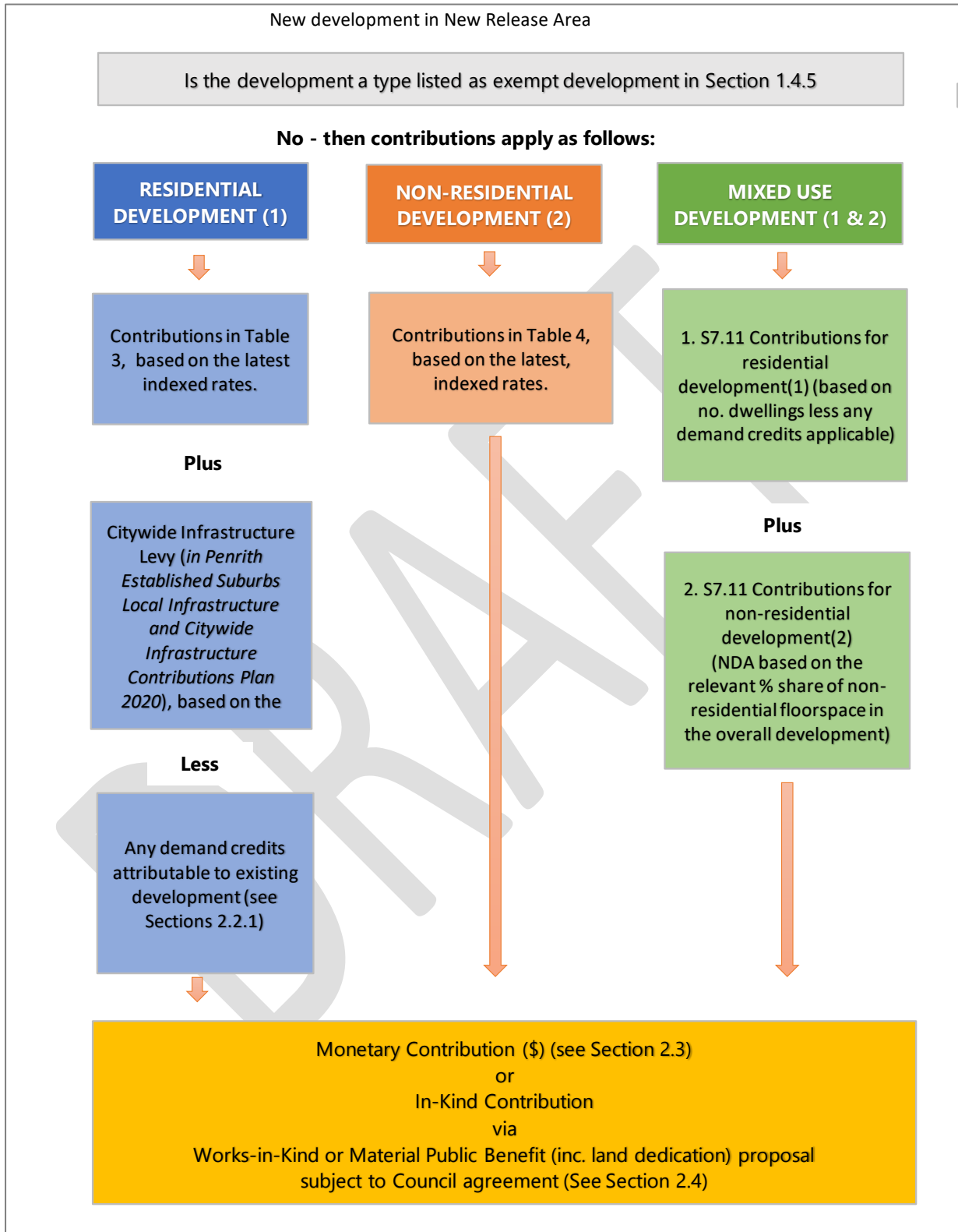
Deferred payments are only allowed in special circumstances and on written request to Council, as outlined in **Section 2.4.4**.

Instead of paying monetary contributions, a developer may choose to provide, subject to the agreement of the Council, one or more infrastructure items identified in this Plan as works-in-kind or as a land dedication.

Developers can also propose to provide another type of material public benefit (MPB) as means of satisfying development contributions required under the Plan, which is also subject to the agreement of Council. More detail on alternative settlement options is explained in **Section 2.5**.

A summary of the contributions rates and settlement options for different types of development is in **Figure 3**.

**Figure 3 Summary of contributions applicable to Orchard Hills North development**





## 2. HOW TO USE THIS PLAN

### 2.1 ABOUT THE PLAN

#### 2.1.1 NAME OF THE PLAN

This Plan is called the Orchard Hills North Area A Development Contributions Plan 2022.

#### 2.1.2 PURPOSE OF THE PLAN

Section 7.11 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* authorises councils and other consent authorities to require contributions from developers for local infrastructure as part of their development approvals. Councils and accredited certifiers may only impose a contribution if it is of a kind allowed by and determined in accordance with a contributions plan, such as this Plan.

The primary purpose of the Plan is to authorise:

- Council or a planning panel, when granting consent to a DA to carry out development in the Orchard Hills North area; or
- an accredited certifier, when issuing a complying development certificate (CDC) for development in the Orchard Hills North area, to impose conditions on the development consents which require a contribution to be made towards either/both:
  - the provision, extension or augmentation of public amenities and public services only where development is likely to require the provision of or increase the demand for those amenities and services; and
  - the recoupment of the cost of providing existing public amenities and public services within the area to which this Plan applies.

Other purposes of the Plan are as follows:

- To provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of public amenities and public services generated by development within the Orchard Hills North area.
- To determine the demand for public facilities generated by the incoming population to the Penrith LGA and ensure that development makes a reasonable contribution toward the provision of public amenities and public services that are required for that population.
- To ensure that the existing community is not unreasonably burdened by the provision of public amenities and public services required (either partly or fully) as a result of development in the Orchard Hills North area.
- To ensure Council's management of development contributions complies with relevant legislation and guidelines and achieves best practice in plan format and management.

### 2.1.3 STRUCTURE OF THE PLAN

This Plan provides summary information about the local infrastructure contributions payable, how to impose, pay and settle contributions, and other administrative matters.

**Appendix A** of the Plan provides more detail about the local infrastructure strategies for Orchard Hills North and how contributions have been determined to fund the infrastructure requirements.

### 2.1.4 PLAN COMMENCEMENT

This Plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

### 2.1.5 LAND AND DEVELOPMENT TO WHICH THE PLAN APPLIES

The Orchard Hills North release area (known as the Rezoning Area or 'Area A') comprises approximately 151.92 hectares of land with a net developable area (NDA) of 102.3 hectares. The area includes Caddens Caddens Road to the north, together with elements of Kingswood Road, Castle Road and Frogmore Road in the west. The M4 Western Motorway forms the boundary to the south and Claremont Meadows residential lots to the east.

Area A is the subject of planning proposal / rezoning application for urban development and is expected to yield 1,729 new residential dwellings. A proposed neighbourhood centre, comprising 6,000m<sup>2</sup> to 8,000m<sup>2</sup> of retail space, with capacity for an estimated 174 jobs.

The land located immediately west of Area A (and known as the Structure Plan Area or 'Area B') is approximately 116.14 hectares in area and also includes Caddens Road to the north. The Northern Road and Bringelly Road forms the western boundary to the area. The M4 Western Motorway forms the boundary to the south.

Once rezoned, Area B has the potential to deliver approximately 1,146 additional dwellings and employment lands with capacity for an estimated 1,100 jobs.

For ease of reference in this Section 7.11 Plan we will be referring to the Orchard Hills North Rezoning Area as **Area A**, and the land to the west identified as the Structure Plan Area, as **Area B**.

This Plan applies to Area A and to Area B only for the purpose of residential or non-residential development (unless specifically exempted under **Section 1.4.5**) within Orchard Hills North, as identified in **Figure 1**.

## 2.2 CALCULATING THE CONTRIBUTION

### 2.2.1 CONTRIBUTION FOR RESIDENTIAL DEVELOPMENT

The contribution that applies to residential development is calculated using the rates shown in **Table 3**, less any allowances for assumed infrastructure demand arising from existing developments, if applicable.

## 2.2.2 CONTRIBUTION FOR NON-RESIDENTIAL DEVELOPMENT

The contribution that applies to non-residential development is calculated using the rates shown in **Table 4** applied to the NDA of the site.

There are no demand credits applicable to non-residential development however contributions are only incurred under this Plan on the original subdivision for non-residential development (and not changes of use, for example).

## 2.2.3 INDEXING CONTRIBUTION AMOUNTS IN THE CONDITION OF CONSENT

The contributions stated in a development consent or CDC are calculated using the indexed section 7.11 contribution rates determined in accordance with this Plan.

The component of the contribution rate for works schedule items (other than land yet to be acquired) will be indexed, subject to the Note below, as follows:

$$\frac{\$C_w \quad X \quad \text{Current CPI}}{\text{Base CPI}}$$

Where:

- \$C<sub>w</sub>** is the contribution rate for works schedule items (other than land yet to be acquired) at the time of adoption of the Plan  
 = \$ x per hectare of NDA for residential development, and  
 = \$ x per hectare of NDA for non-residential development
- Current CPI** is the most recent quarterly CPI as published by the ABS at the time of the development consent
- Base CPI** is the CPI in the quarter of the date of adoption of this Plan, or the previous quarter if this is not yet published

The component of the contribution rate for works schedule items involving land yet to be acquired will be indexed, subject to the Note below, as follows:

$$\frac{\$C_L \quad X \quad \text{Current EHPI}}{\text{Base EHPI}}$$

Where:



**\$CL** is the contribution rate for land yet to be acquired at the time of adoption of the Plan

= \$ x per hectare of NDA for residential development, and

= \$ x per hectare of NDA for non-residential development

**Current EHPI** is the most recent quarterly Established House Price Index for Sydney (EHPI) published by the ABS at the time of the development consent

**Base EHPI** is the EHPI in the quarter of the date of adoption of this Plan, or the previous quarter if this is not yet published

Note: The contribution amount in the consent will not be less than the contribution amount specified at the date of the adoption of this Plan.

If the contributions are not paid within the quarter in which consent (or the CDC) is issued, the contributions payable will be adjusted further in accordance with **Section 2.4.3**.

The current indexed contributions are published by Council on its website and are also available from Council offices.

## **2.3 IMPOSING THE CONTRIBUTION**

### **2.3.1 MONETARY CONTRIBUTIONS**

This Plan authorises the Council or a planning panel, when granting consent to a DA to which this Plan applies, to impose a condition under section 7.11 of the EP&A Act requiring the payment of a monetary contribution to the Council towards:

- the provision of public amenities and public services as specified in the works schedule to meet the demands of the development; or
- the recoupment of the cost of public amenities and public services previously provided in advance of development within the area.

This Plan requires the Council or an accredited certifier, when determining an application for a CDC relating to development to which this Plan applies, to impose a condition under section 7.11 of the EP&A Act requiring the payment of a monetary contribution towards:

- the provision of public amenities and public services as specified in the works schedule to meet the demands of the development; or
- the recoupment of the cost of public amenities and public services previously provided in advance of development within the area.

### **2.3.2 LAND CONTRIBUTIONS**

This Plan authorises the Council or a planning panel, by imposition of a condition of development consent, to require in connection with any development on land to which this Plan applies (and in addition to any monetary contribution that may be sought) the

dedication free of cost to the Council of any part of the development site that is land that is to be acquired under this Plan.

The area of land that may be required in the consent shall not exceed the area equivalent to the monetary contribution otherwise authorised by this Plan.

For the purposes of this section, the value of the land is to be calculated in accordance with the value of the land, as indexed by the EHPI in accordance with this Plan.

Council will, wherever appropriate, require developers to dedicate land free of cost for the facilities identified in this Plan. Where the development does not or cannot provide the full (land) area required as a contribution, the shortfall will be required as a monetary contribution. The contribution rates included in this Plan reflect the monetary contribution required where land is not dedicated free of cost.

Where the value of the land exceeds the monetary development contribution otherwise authorised by this Plan, the developer may offer to enter into a voluntary Planning Agreement dealing with an appropriate settle-up in exchange for the dedication of the remainder.

### **2.3.3 CAP ON CONTRIBUTIONS FOR RESIDENTIAL DEVELOPMENT**

The Minister for Planning has issued a Direction in relation to the maximum contribution amounts that could be imposed on DAs or CDCs for residential development as a condition of consent (see Plan References at the end of this Plan).

Under the current policy, a capped amount of \$30,000 per dwelling or residential lot applies to designated greenfield areas. Orchard Hills North Area A is not a designated greenfield area and thus a capped amount of \$20,000 per dwelling or residential lot applies.

Councils can only levy contributions above the cap if the contributions plan has been reviewed by IPART and Council has implemented any subsequent advice given by the Minister. An essential works list applies (excluding any capital works for community facilities) when councils are seeking local infrastructure contributions above these caps.

This Plan has not yet been reviewed by IPART and complies with the Minister's subsequent advice to Council. Accordingly, at this stage in time the \$20,000 per lot cap/contributions will apply to new Residential development, as opposed to the \$ figures identified in **Table 3**, until such time as a review by IPART has been undertaken and completed.

### **2.3.4 OBLIGATIONS OF ACCREDITED CERTIFIERS**

A section 7.11 contribution condition would not generally be required to be imposed on a CDC unless the complying development will or is likely to require the provision of or increase the demand for the specific local infrastructure included in this Plan.

For example, a new dwelling on a vacant lot of land would not be subject to section 7.11 contributions because the contributions would likely have been imposed and paid at the subdivision stage. However, a secondary dwelling CDC would be subject to a section

7.11 contribution under this Plan, because the development increases the demand for local infrastructure (as the assumed population of the lot is increased) beyond the demand attributable to the original lot.

### **Complying Development Certificates**

This Plan requires that, in relation to an application made to an Accredited Certifier for a CDC:

- the Accredited Certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this Plan.
- the amount of the monetary contribution that the Accredited Certifier must impose is the amount determined in accordance with this section.
- the terms of the condition be in accordance with this section.

### **Procedure for determining the contribution amount**

The procedure for an Accredited Certifier to determine the amount of the section 7.11 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested a credit under section 7.11(6) of the EP&A Act or an exemption for part or the whole of the development under **Section 1.4.5** of this Plan, the Accredited Certifier must:
  - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
  - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC, refuse the applicant's request.
2. Determine the unadjusted contributions in accordance with the rates included in **Tables 3** or **4** of this Plan, taking into account any exempt development specified in **Section 1.4.5** and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with **Sections 2.2.4** and **2.4.3** to reflect the indexed charge for the provision of infrastructure.

### **Construction Certificates**

It is the responsibility of an Accredited Certifier issuing a Construction Certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the CDC or Development Consent.

The Accredited Certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with section 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

## **2.4 PAYING THE CONTRIBUTION**

### **2.4.1 TIMING OF PAYMENTS**

At the time of payment, it will be necessary for monetary contribution amounts to be updated in accordance with the relevant indexes (see **Section 2.2.4** for the indexes applicable to contribution rates in the condition of consent or CDC and **Section 2.4.3** for any further adjustment required at the time of payment).

The timing for payment of contributions is as follows:

- Development Applications involving subdivision works: payment to be made prior to release of a Subdivision Certificate (linen plan).
- Development Applications involving building works: payment to be made prior to the release of a Construction Certificate.
- Complying Development works: payment to be made prior to the works authorised in a Complying Development Certificate commencing.

Note: Where a ‘superlot’ (that is, an allotment of land that can be further subdivided into more residential allotments) is proposed to be created through a proposed subdivision of land, a condition requiring contributions to be paid under this Plan will not be imposed on the development consent in respect of the subdivision of that lot. Instead, contributions required under this Plan will be imposed as a condition of development consent for the first subdivision of the superlot into final lots, or for any dwellings on the superlot.

### **2.4.2 MEANS OF PAYING CONTRIBUTIONS**

Payment may be made by any means acceptable to Council provided that if the payment is not by cash or bank cheque then:

- any costs or commission payable by Council on the transaction or its collection must also be paid by the applicant; and
- the payment shall not be deemed to be received until Council’s bankers acknowledge that the funds are cleared.

### **2.4.3 CONTRIBUTION ADJUSTMENT FOR INFLATION AT TIME OF PAYMENT**

The contributions stated in a development consent are calculated on the basis of the indexed section 7.11 contribution rates determined in accordance with this Plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the

basis of the contribution rates that are applicable at the time of payment in the following manner:

$$\$C_P = \$C_{DC} + \frac{[\$C_{DC} \times (\$C_Q - \$C_C)]}{\$C_C}$$

Where:

$\$C_P$  is the amount of the contribution calculated at the time of payment

$\$C_{DC}$  is the amount of the original contribution as set out in the development consent

$\$C_Q$  is the contribution amount applicable at the time of payment

$\$C_C$  is the contribution amount applicable at the time of the original consent

The current contributions are published by Council on its website and are also available from Council offices. Should the Council not validly publish the applicable contribution rates, the rate applicable will be calculated in accordance with the most recent validly published rate.

Note: The contribution payable will not be less than the contribution specified on the development consent.

#### 2.4.4 DEFERRED OR PERIODICAL PAYMENTS

Council will consider any request for deferment of contributions on its merits however, the developer must make a written application.

Deferred or periodic payments may be permitted in the following circumstances:

- compliance with the provisions of **Section 2.4.1** is unreasonable or unnecessary in the circumstances of the case; or
- where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication; or
- there are circumstances justifying the deferred or periodic payment of the contribution.

Council will consider whether deferred or periodic payment of the contribution will prejudice the timing or the manner of the provision of public facilities included in the works program.

If Council grants such a request it is conditional upon the applicant providing a suitable bank guarantee and deed of agreement consistent with Council's accounting practices for such scenarios.

A period for deferral of a contribution will be agreed between the applicant and Council prior to preparation of the bank guarantee. The period may be extended in circumstances acceptable to Council.

Interest and an administrative fee will be charged on deferred contributions. The amount of the bank guarantee will be calculated in the following manner:

$$G = C \times (1 + r)^P$$

Where:

**G** is the amount of the Bank Guarantee;

**C** is the contribution owing at the time the guarantee is lodged with Council;

**r** is the interest rate applicable on the last day of the quarter of the 90-day bank bill swap rate plus 1% rate; and

**P** is in years and reflects the number of years that the bank guarantee is expected to be held.

The guarantee will be terminated when the liability is met by the payment of cash or transfer of land or works or Council advises that the guarantee is no longer required.

The deed of agreement is to be prepared by Council's solicitors at full cost to the applicant.

If contributions are not paid by the agreed date the Bank Guarantee may be called up by Council.

## 2.5 ALTERNATIVES TO PAYING CONTRIBUTIONS

Council encourages and may accept an offer by the applicant to provide an "in-kind" contribution (i.e. the applicant completes part or all of the works identified in this Plan), or may accept an offer by the applicant to provide a material public benefit (including land dedication), in lieu of the applicant satisfying its obligations under this Plan.

While an offer of settlement of contributions in-kind is encouraged, Council's decision to accept such an offer is solely at its discretion, having regard to the matters for consideration included in this clause and Council's WIK / Material Public Benefits Policy.

Applicants who may be considering an in-kind contribution are encouraged to consult Council's WIK / Material Public Benefits Policy.

Any works-in-kind or material public benefit offer by the applicant may be made either before or after the grant of a development consent. Where the offer is made before the grant of development consent, the applicant's request:

- may be contained in the relevant DA; or
- may constitute an offer to enter into a Planning Agreement relating to the development accompanied by the draft agreement (see **Section 2.5.3** below).

### **2.5.1 DETERMINING THE VALUE OF THE WORKS-IN-KIND OR LAND DEDICATION**

The value of the contribution credit applying to offers of works-in-kind (or land dedication) shall be the value of that work (or land) shown in the works schedule included in this Plan at the time the offer is made (including any adjustment using the indices listed in **Section 2.2.4**).

The value of the contribution credit applying to another type of material public benefit offered by the applicant must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

A valuation of the works will be required to be prepared by the applicant on completion, as the work will form part of Council's asset register.

### **2.5.2 PROPOSALS MUST BE AGREED BY COUNCIL**

Council will require the applicant to enter into a written agreement for the provision of the works. Where the offer is included in a draft planning agreement, Council will require the applicant to enter into that agreement.

Acceptance of any such alternative is at the sole discretion of Council. Council may review the valuation of works or land to be dedicated and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the Council in determining the value of the works or land will be paid for by the applicant.

Once an agreement has been reached between Council and the applicant about the works cost and subject to any other conditions included in the agreement, the applicant may undertake the works.

The applicant will remain liable for any cost overruns in the execution of the work. Similarly, any economies in construction costs will flow to the developer, provided that the quality of the work is not diminished.

### **2.5.3 PLANNING AGREEMENTS**

Section 7.4 of the Act allows the negotiation of planning agreements between councils, developers, and/or other planning authorities for the provision of public purposes in connection with a DA.

Planning Agreements may be used to pay money, dedicate land, carry out works, or to provide other public benefits and may be an alternative means for settling a requirement to pay a Section 7.11 contribution.

Council has adopted a Planning Agreements Policy that outlines its requirements in relation to the preparation of Planning Agreements. Applicants who may be considering a Planning Agreement as an alternative to satisfying a Section 7.11 contribution are encouraged to consult Council's Planning Agreements Policy.

#### **2.5.4 POLICY ON SURPLUS CONTRIBUTIONS MADE BY A DEVELOPER**

The clause applies in the circumstance where a developer has made total contributions under this Plan that exceed the developer's obligations under this Plan.

If no further land within Orchard Hills North Area A is to be developed and all development contributions owing to Council by a developer have been paid, any surplus contributions will either be:

- recognised in the calculation of development contributions for any future development in the City of Penrith which the developer may undertake;
- reimbursed by Council;
- or a combination of the above.

The decision on whether to transfer and/or settle contribution credits will be at Council's discretion and in accordance with its WIK/MPB or Planning Agreements policies.





## 3. OTHER ADMINISTRATION MATTERS

### 3.1 RELATIONSHIP TO OTHER CONTRIBUTION PLANS

Residential development in Orchard Hills North will also be charged, in part, under the *Penrith City District Open Space Facilities Development Contributions Plan (2007)* (**District Open Space Plan**) when this local contribution plan comes into effect.

Council has determined there is a nexus between the proposed residential development at Orchard Hills North Area A and Area B and the district recreation facility at Gipps Street (L6490). The Gipps Street facility comprises one element of the District Open Space Plan, equal to 16.86% of the total cost of works. To calculate an equitable contribution to be applied to Orchard Hills North, the estimated new population of 8,625 persons (comprising 5,187 persons in Area A and 3,438 persons in Area B) should be added to the population forecast of the District Open Space Plan

**Table 6** contains the section 7.11 contribution rate per dwelling (for all dwelling types) in Orchard Hills North that would apply under the District Open Space Plan for the Gipps Street district recreation facility in addition to the local infrastructure contributions to be made under this Plan (subject to **Section 2.2.3**).

**Table 6 Orchard Hills North Area A: District Open Space contributions (\$ Sep 2007)**

Infrastructure category	\$ cost
District Open Space Facilities (Works)	\$54,652,000
Cost of Design & Supervision (15% of Works)	\$8,197,800
<b>Sub Total</b>	<b>\$62,849,800</b>
Gipps Street (L6490)	\$9,213,000
Gipps Street as a % of total Works (excl. Design & Supervision)	16.86%
Assumed new population (excl. Orchard Hills North)	42,470
Assumed new population (incl. additional 8,625 persons)	<b>51,095</b>
\$ rate per person of total Works (incl. Design & Supervision)	\$1,230
Administration (1%)	\$12
\$ rate per person of total Works (incl. Design & Supervision & Admin)	\$1,242
\$ rate per dwelling of total Works (assumes District Open Space Plan rate)	\$3,851
\$ rate per dwelling to be applied to Orchard Hills North (assumes 16.86%)	\$649.24*
<b>Total District Open Space contribution \$ per dwelling*</b>	<b>\$649.24*</b>

**Notes:** (\*) excludes CPI – to be charged from September 2007, in line with the provisions of the District Open Space Plan.

This Plan does not limit or otherwise affect any requirements for the payment of any special infrastructure contributions (i.e. State or Regional contributions) pursuant to Subdivision 4 of Division 7.1 of Part 7 of the EP&A Act.

### **3.2 SAVINGS AND TRANSITIONAL ARRANGEMENTS**

A DA or a CDC which has been submitted prior to the adoption of this Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application. The Plan will apply to DAs determined or CDCs issued on or after the date to which the Plan was made.

### **3.3 POOLING OF CONTRIBUTIONS FUNDS**

Council's ability to forward fund the infrastructure in this Plan is very limited. Consequently, infrastructure provision is largely contingent upon the availability of contributions funds.

To provide a strategy for the orderly delivery of the public amenities and public services, this Plan authorises monetary contributions paid for different purposes in accordance with the conditions of various development consents and CDCs authorised by this Plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this Plan are the priorities for works as set out in the works schedules in Appendix A.

In any case of the Council deciding whether to pool and progressively apply contributions funds, the Council must first be satisfied that such action will not unreasonably prejudice the delivery within a reasonable time, of the purposes for which the money was originally paid.

### **3.4 ACCOUNTABILITY AND ACCESS TO INFORMATION**

Council is required to comply with a range of financial accountability and public access to information requirements in relation to section 7.11 contributions. These are addressed in Divisions 5 and 6 of Part 4 of the EP&A Regulation and include:

- maintenance of, and public access to, a contributions register;
- maintenance of, and public access to, accounting records for contributions receipts and expenditure;
- annual financial reporting of contributions; and
- public access to contributions plans and supporting documents.

These records are available for inspection free of charge at the Council.

### 3.5 REVIEW OF THE PLAN

Pursuant to clause 32(3) of the EPA Regulation, Council may make certain minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections and amendments to rates resulting from changes in the indexes adopted by this Plan.

Council intends to otherwise review its contribution plans at least every three years with any material amendments to be made to the development yield, proposed infrastructure items or their cost of provision, to be subject to Plan amendment and public exhibition.

### 3.6 DICTIONARY

Except where indicated in this section, the definitions of terms used in this Plan are the definitions included in the EP&A Act, EP&A Regulation and the relevant *Environmental Planning Instrument* applying to Orchard Hills North.

In this Plan, the following words and phrases have the following meanings:

**ABS** means the Australian Bureau of Statistics.

**CDC** means complying development certificate.

**Council** means Penrith City Council.

**CPI** means the Consumer Price Index (All Groups - Sydney) published by the ABS.

**DA** means development application.

**DPE** means NSW Department of Planning and Environment.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**EHPI** means the Established House Price Index for Sydney published by the ABS.

**Ha** means hectare

**IPART** means Independent Pricing and Regulatory Tribunal.

**LGA** means local government area.

**MPB** means material public benefit.

**NDA** means Net Development Area.

**Net Developable Area** means land that is to be occupied by development, including internal streets, but excluding the following land:

- a) land set aside for open space and recreation, community facilities, transport management facilities, or water cycle management facilities and to be acquired

- under this Plan or another contributions plan prepared under section 7.11 of the Environmental Planning and Assessment Act 1979 (EP&A Act);
- b) land occupying half the width of roads adjoining open space areas and public school provided or to be provided under this Plan or another contributions plan prepared under section 7.11 of the EP&A Act;
  - c) biodiversity/environmental conservation area;
  - d) riparian corridors (core and buffer zones);
  - e) a government school (within the meaning of the Education Act 1990);
  - f) a tertiary institution, including a university or TAFE establishment, that provides formal education and is constituted by or under an Act;
  - g) an emergency services facility;
  - h) a health services facility owned and operated by a public authority;
  - i) existing roads to be included as part of the proposed road network;
  - j) an easement for an above-ground electricity transmission line;
  - k) a public transport corridor (other than a road corridor);
  - l) a public utility undertaking roads or other public amenities or public services, in connection with which development contributions have been imposed under Section 7.11 or Section 7.12 of the Act or may be imposed in accordance with a contributions plan approved under Section 7.18 of the EP&A Act
  - m) roads or other infrastructure in connection with which SICs have been, or may be, imposed in accordance with Section 7.24 of the EP&A Act; and
  - n) land identified in this Plan's *Technical Appendix* as being excluded from NDA.

**Works schedule** means the schedule of the specific public amenities and public services for which contributions may be required as set out in Appendix A of this Plan.

**Planning Agreement** means a Voluntary Planning Agreement referred to in section 7.4 of the EP&A Act.

**SIC** means special infrastructure contribution.

### 3.7 PLAN REFERENCES

Department of Planning & Environment, *Planning Services – Gateway Determination Report*, Orchard Hills North, 2019.

*Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012*, as amended.

*Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017*.

Greater Sydney Commission, *Western City District Plan*, March 2018.

NSW Government, *A Plan for Growing Sydney*, 2014.

Greater Sydney Commission, *Greater Sydney Regional Plan - A Metropolis of Three Cities*, March 2018

Penrith City Council, *Economic Development Strategy – Building the New West*, January 2017.

Penrith City Council, *Penrith Community Profile 2018*, p 24.

Population and household forecasts, 2016 to 2036, prepared by id., the population experts, December 2017.

Orchard Hills North Precinct Structure Plan, Design and Planning, 'Indicative Structure Plan' - Rev E, November 2021

Orchard Hills North Detailed Structure Plan, Design and Planning, 'Indicative Master Plan' - Rev V, November 2021

Orchard Hills North Urban Design Report, Design & Planning, December 2021

Orchard Hills North Landscape and Visual Assessment, Place Design Group, 23 March 2018

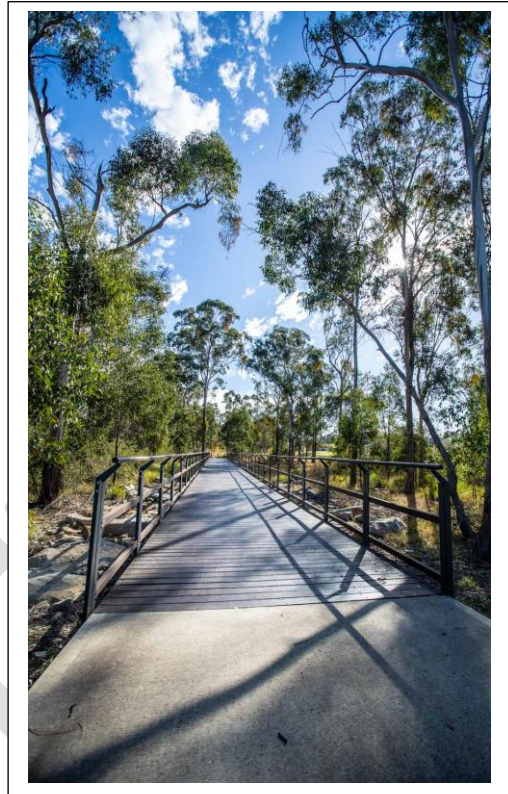
Orchard Hills North Open Space Strategy, Place Design Group, October 2021

Orchard Hills North Traffic Management and Accessibility Plan, SCT Consulting, 1 April 2021

Orchard Hills North Flood & Stormwater Management Strategy, J. Wyndham Prince, December 2021.

## APPENDIX A: Technical Appendix

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## PENRITH CITY

### ORCHARD HILLS NORTH – ‘AREA A’

#### DEVELOPMENT CONTRIBUTIONS PLAN 2022 – TECHNICAL APPENDIX

(Under Section 7.11 of the Environmental Planning and Assessment Act, 1979 amended)

[PUBLIC EXHIBITION DRAFT \(prepared 19 April 2022\)](#)

Adopted by Penrith City Council on [insert date]  
Effective from on [insert date]

**PENRITH**  
CITY COUNCIL

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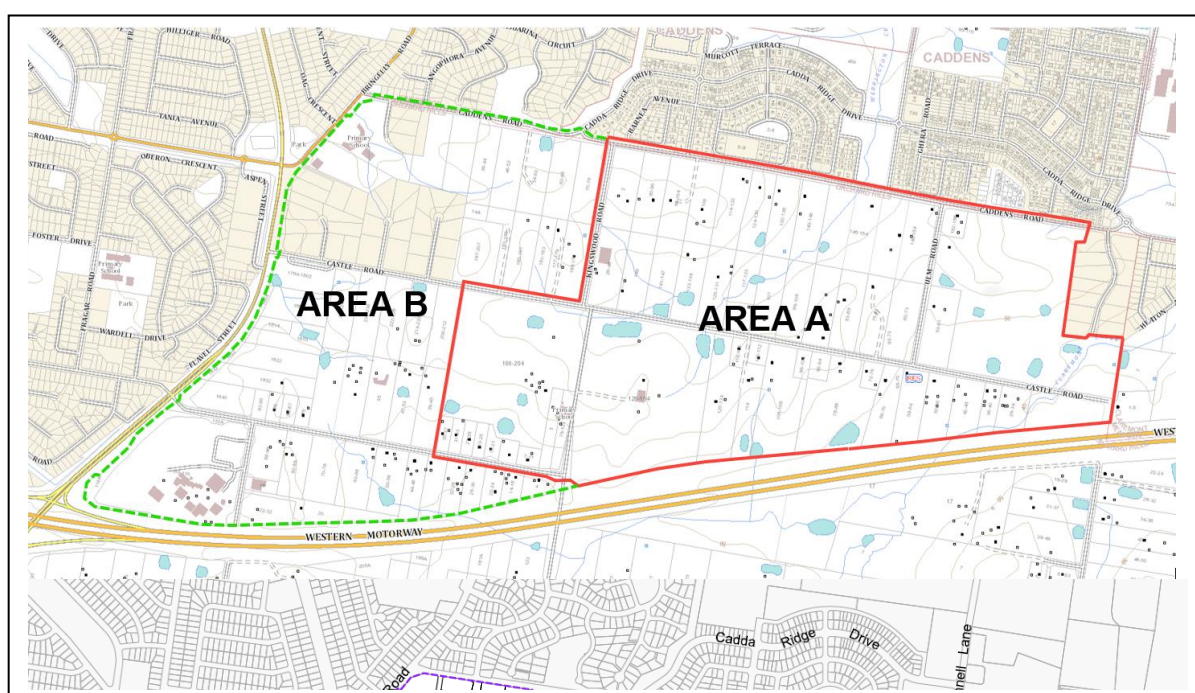
# 1. DEMAND FOR INFRASTRUCTURE

## 1.1 EXISTING DEVELOPMENT

Orchard Hills North is a predominantly rural and rural residential environment with a range of agricultural activities. Land holdings throughout much of the area range from large parcels to rural residential holdings of generally between 4000sqm and 21 hectares (ha). The average lot size is between 1-2ha.

**Figure 1** shows the main concentration of land holdings currently present in Orchard Hills North Area A (and adjoining land at Area B).

**Figure 1 Existing landholdings – Orchard Hills North residential development**



Source: SixMaps

*The Orchard Hills North Release Area (known as the Rezoning Area or 'Area A') comprises approximately 151.92 hectares of land with a net developable area (NDA) of 102.3 hectares. The area includes Caddens Road to the north, together with elements of Kingswood Road, Castle Road and Frogmore Road in the west. The M4 Western Motorway forms the boundary to the south and Claremont Meadows residential lots to the east.*

*The land located immediately west of Area A (and known as the Structure Plan Area or 'Area B') is approximately 116.14 hectares in area and also includes Caddens Road to the north. The Northern Road and Bringelly Road forms the western boundary to the area. The M4 Western Motorway forms the boundary to the south.*

*For ease of reference in this Section 7.11 Plan we will be referring to the Orchard Hills North Rezoning Area as **Area A**, and the land to the west identified as the Structure Plan Area, as **Area B**.*

*This Plan addresses the local infrastructure needs generated by the new development of Area A. Where relevant, it has apportioned costs for major infrastructure (specifically the East-West and the North-South Sub-Arterial roads, drainage basin B7, and District Open Space facilities) between Area A and Area B on the basis of nexus with the expected level of demand.*

*This contributions plan (the Plan) applies only to Orchard Hills North Area A, but it also lays the foundation, in part, for an additional contributions plan to be prepared for the adjoining land at Area B, at the time that land is rezoned.*

## 1.2 NET DEVELOPABLE AREA

Orchard Hill North Area A has a Net Developable Area (NDA) of approximately 102.3 hectares, as shown by the anticipated land use in **Table 1**. The NDA for different land uses has been estimated from the masterplan for the rezoned area.

**Table 1 Estimated Net Developable Area – Orchard Hills North Area A**

Land use	Total – Area A
Residential (excluding North-South corridor and East-West corridor)	99.83
Village centre – retail/mixed use	2.45
Other enterprise/employment (commercial / industrial)	0
<b>Total</b>	<b>102.28</b>

**Source:** Design and Planning

**Note: Net Developable Area (NDA)** means land generally shown in **Figure 2**, that is to be occupied by development, including internal streets, but excluding the following land:

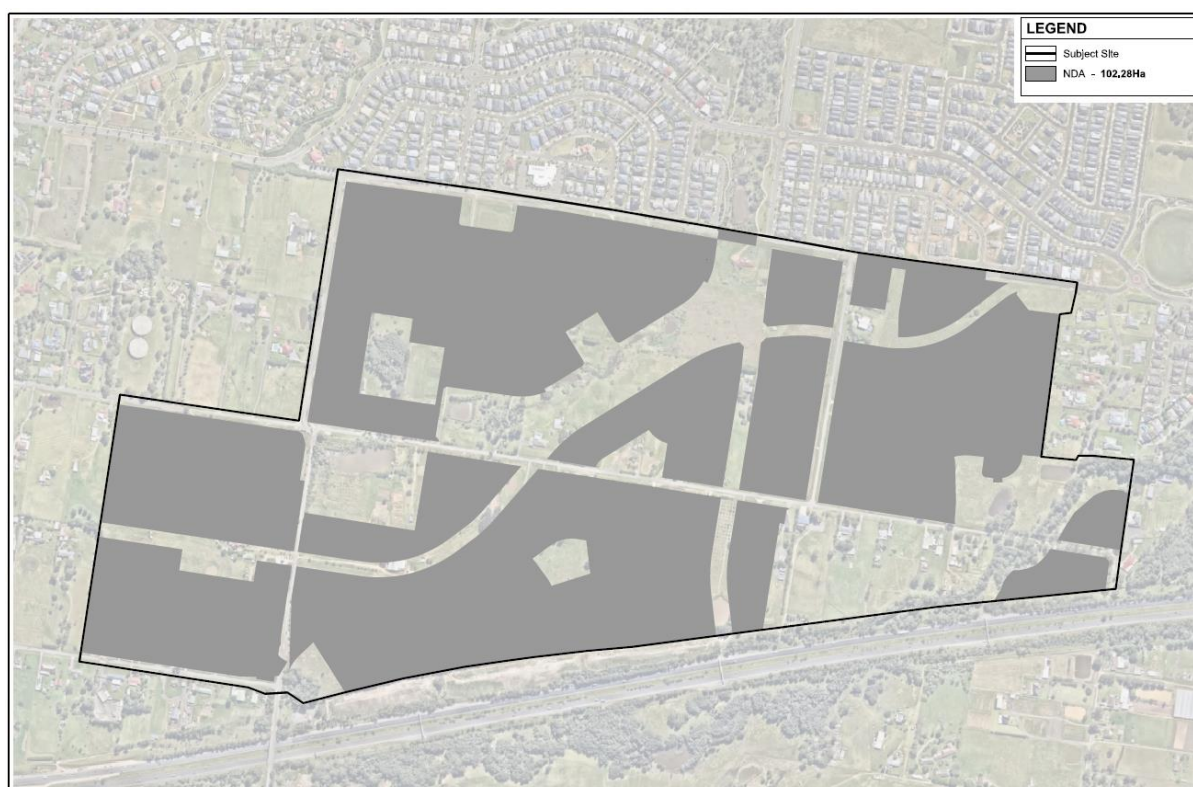
- a) land set aside for open space and recreation, community facilities, transport management facilities, or water cycle management facilities and to be acquired under this Plan or another contributions plan prepared under section 7.11 of the Environmental Planning and Assessment Act 1979 (EP&A Act);
- b) land occupying half the width of roads adjoining open space areas and public school provided or to be provided under this Plan or another contributions plan prepared under section 7.11 of the EP&A Act;
- c) biodiversity/environmental conservation area;
- d) riparian corridors (core and buffer zones);
- e) a government school (within the meaning of the Education Act 1990);
- f) a tertiary institution, including a university or TAFE establishment, that provides formal education and is constituted by or under an Act;
- g) an emergency services facility;
- h) a health services facility owned and operated by a public authority;
- i) existing roads to be included as part of the proposed road network;
- j) an easement for an above-ground electricity transmission line;
- k) a public transport corridor (other than a road corridor);
- l) a public utility undertaking roads or other public amenities or public services, in connection with which development contributions have been imposed under Section 7.11 or Section 7.12 of the Act

or may be imposed in accordance with a contributions plan approved under Section 7.18 of the EP&A Act

- m) roads or other infrastructure in connection with which SICs have been, or may be, imposed in accordance with Section 7.24 of the EP&A Act; and
- n) land identified in this Plan's *Technical Appendix* as being excluded from NDA.

NDA in this calculation for Orchard Hills North Area A has been defined as land zoned R1, B2 and E3 but excludes land for the proposed North-South and East-West road corridors, existing public roads, public reserves, drainage reserves/basins and riparian corridors, recreation areas/sportsfields, heritage and government schools.

**Figure 2 Net Developable Area (NDA) for Area A**



**Source:** Design and Planning

## 1.3 EXPECTED DEVELOPMENT

### 1.3.1 RESIDENTIAL DEVELOPMENT

The Planning proposal estimates around 1,729 dwellings within Area A and this estimate is adopted by this Plan.

**Table 2** shows the expected residential development within Orchard Hills North Area A (and Area B, for the purposes of apportionment). Most of the development in Orchard Hills North will be low rise. Low density development will make up 90% of all forecast dwellings. A small number of these lots will be larger environmental living lots (zoned E3).

Development will become denser towards the village centres and open space areas with medium density development representing 10% of all dwellings distributed across all the area.

### 1.3.2 POPULATION YIELD

Based on 2,875 additional dwellings, the population is forecast to increase by 8,625 people in the Orchard Hills North area at full development (in 2036). This population excludes the population of 1,949 people (Population i.d. 2017) assumed to exist in the area at the time the Plan commenced.

This Plan assumes the an occupancy rate of 3.0 persons per dwelling (**Table 2**) in projecting the population yield for Orchard Hills North Area A (and Area B for the purposes of apportionment).

**Table 2 Population forecast – Orchard Hills North**

Precinct	No. of Dwellings	Average occupancy rate	Population
Area A	1,729	3.0	5,187
Area B	1,146	3.0	3,438
<b>Total/average</b>	<b>2,875</b>		<b>8,625</b>

Source: Penrith Council

### 1.3.3 NON-RESIDENTIAL DEVELOPMENT

There is currently 2.22ha of land zoned for non-residential use proposed in Area A. The planning proposal indicates approximately 6,000-8,000sqm of retail, business and community use floorspace, to service the new growth in Area A, including:

- a supermarket
- speciality shops
- cafes and food services
- offices and retail services

This non-residential development is expected to generate approximately 174 jobs.

There is proposed to be between 7-10ha of employment lands in Area B, comprising of a service station, warehousing/self storage, fast foods, bulky goods, speciality retail and potential offices. This non-residential development is expected to generate approximately 1,100 jobs.

## 1.4 DEMAND FOR LOCAL INFRASTRUCTURE

The existing public amenities and services in Orchard Hills North have been designed to accommodate the existing rural living environment. A change in the development profile of the area from rural to urban development will now occur.

It is acknowledged that the proposed development in Area B still requires a planning proposal/rezoning, and thus any minor development that relates to the existing rural zone will in the “interim” not be subject to the proposed local contributions.

The future development and the population that will occupy such development, can only be sustained by an investment in new and augmented public amenities and services. Research on future infrastructure needs has identified the following impacts on public services and public amenities:

- increased demand for facilities that will support safe and convenient travel between land uses both within Orchard Hills North and to and from destinations outside of the area, such as new roads and public transport facilities.
- increased demand for stormwater drainage facilities as a result of the extra stormwater runoff generated by impervious surfaces associated with urban (as distinct from rural) development.
- increased demand for active and passive recreation facilities, such as recreation areas, sports fields, sports courts, playgrounds, walking trails and bike paths.
- increased demand for spaces that will foster community life and the development of social capital in the area, such as multi-purpose community centres.

A range of public facilities and public amenities have been identified in this Plan as being required to address the impacts of the expected development, including:

- traffic and transport management facilities
- stormwater management facilities
- open space and recreation facilities
- community facilities

The next sections explain the need for the infrastructure in the Plan generated by the new development.

## 2. INFRASTRUCTURE STRATEGIES

### 2.1 TRAFFIC AND TRANSPORT FACILITIES

#### 2.1.1 NEEDS ASSESSMENT

The existing transport network in Orchard Hills North has been planned to serve predominantly rural developments in the area, and not the future development now envisaged.

SCT Consulting was commissioned to undertake a study of the transport infrastructure required to meet the demand of new development in Orchard Hills North.

The Traffic Management and Accessibility Plan prepared by SCT Consulting found that the rezoning is feasible within the study area. Areas A (and Area B for the purposes of apportionment) are able to be accommodated with the proposed development road upgrades. However, a significant traffic contributor to the need for these upgrades comes from growth outside both Area A (and Area B).

The Plan identifies that the following new roads and upgrades to existing roads will be required to mitigate the impacts of development and the background growth that will occur. These are as follows:

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



- O’Connell Street/North-South corridor dual lane upgrades

NSW Government and Council have assessed the strategic requirement for an East-West road corridor and a North-South road corridor through Orchard Hills North to meet wider regional transport objectives. This Plan takes into consideration the requirements for both these roads and incorporates relevantly apportioned costs to:

- Land dedication and works for an East-West Sub-Arterial road
- Land dedication and works for a North-South Sub-Arterial road, but as a Collector Road only (with any further upgrade the subject of State infrastructure contributions)

Future occupants of expected development will utilise a transport network comprising:

- facilities for private vehicles, including roads and intersections, as mentioned above.
- facilities for public transport, including bus shelters and 3.5m travel lanes. Access to and from the site will be enhanced by proposed bus routes along Caddens Road and O’Connell Lane/O’Connell Street.
- facilities for walking and cycling, including shared paths. Pedestrian access within the development will be provided via footpaths on all streets within the development and with pedestrian and cyclist shared path along key routes.

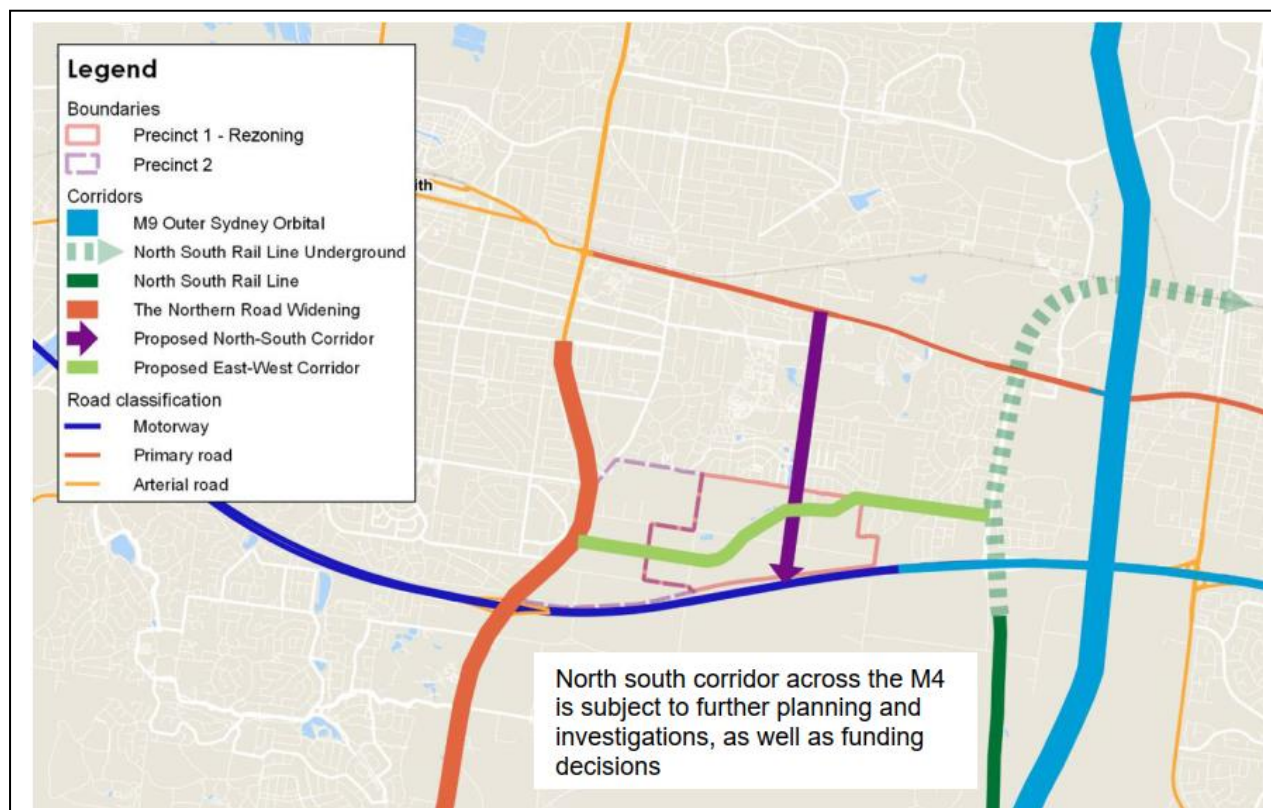
## 2.1.2 INFRASTRUCTURE PROVISION STRATEGY

### Collector Road Network

The strategic layout of the arterial road network for Orchard Hills North Area A has been finalised through the rezoning process and associated planning proposal by the lead developer, Legacy Property. This work has been informed by a traffic and transport study undertaken by SCT Consulting to prepare *Orchard Hills North Rezoning - Traffic Management and Accessibility Plan 2021*. The proposed hierarchy comprises ‘principal arterial’, ‘transit boulevard’, ‘sub arterial’ and ‘collector’ roads. These will connect to a network of existing and new roads in adjoining areas.

The proposed road network complements a broader hierarchy envisaged for the greater Penrith to Eastern Creek Growth Area. Orchard Hills North positioning within the broader Western City transit route context is shown in **Figure 3**.

**Figure 3 Orchard Hills North: Western City Transit Route Context**



**Source:** SCT Consulting

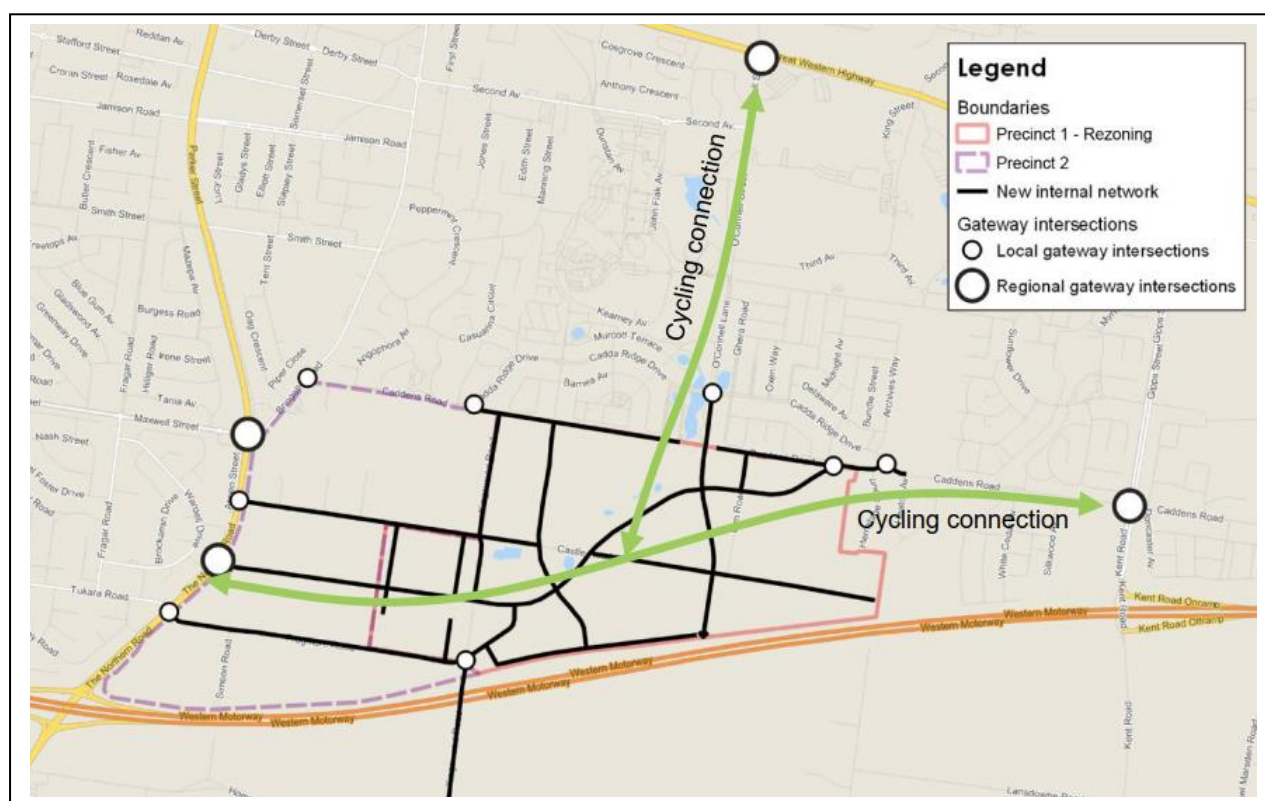
A suite of road upgrades is proposed to mitigate the impacts of the development within Area A (and Area B). With these upgrades, the road network will continue to operate at Level of Service D or better.

Higher order roads, such as the North-South and East-West road corridors are also required and will help address background growth and future development access from the north and south of Orchard Hills North.

The new collector road network (**Figure 4**) and the associated land and works are included in part in this Plan, representing:

- a series of new internal collector roads to compliment the State Road Network and manage connections to it at a discrete number of locations
- a series of intersection upgrades
- additional lanes to match the demand requirements, whilst retaining local amenity and promoting active transport modes such as walking and cycling.

**Figure 4 Indicative strategic road network**



**Source:** SCT Consulting

To enable improved coverage of public transport all collector streets will be planned and designed to be bus capable with 3.5m wide travel lanes in each direction, with appropriate bus stop facilities, meaning that future bus services can be accommodated in any of the higher order road network within the subdivision.

The main collector streets within the development will be designed to cater for off-road shared paths to integrate with surrounding street network.

### Walking and cycling facilities

The Orchard Hills North Structure Plan identifies key green corridors to provide walking and cycling connections as part of wider regional links. Pedestrian access to the site will be via the existing footpaths and proposed intersections on Caddens Road north of the site and at the upgraded intersections at Frogmore Road and Castle Road with The Northern Road, west of the site (as part of The Northern Road upgrade).

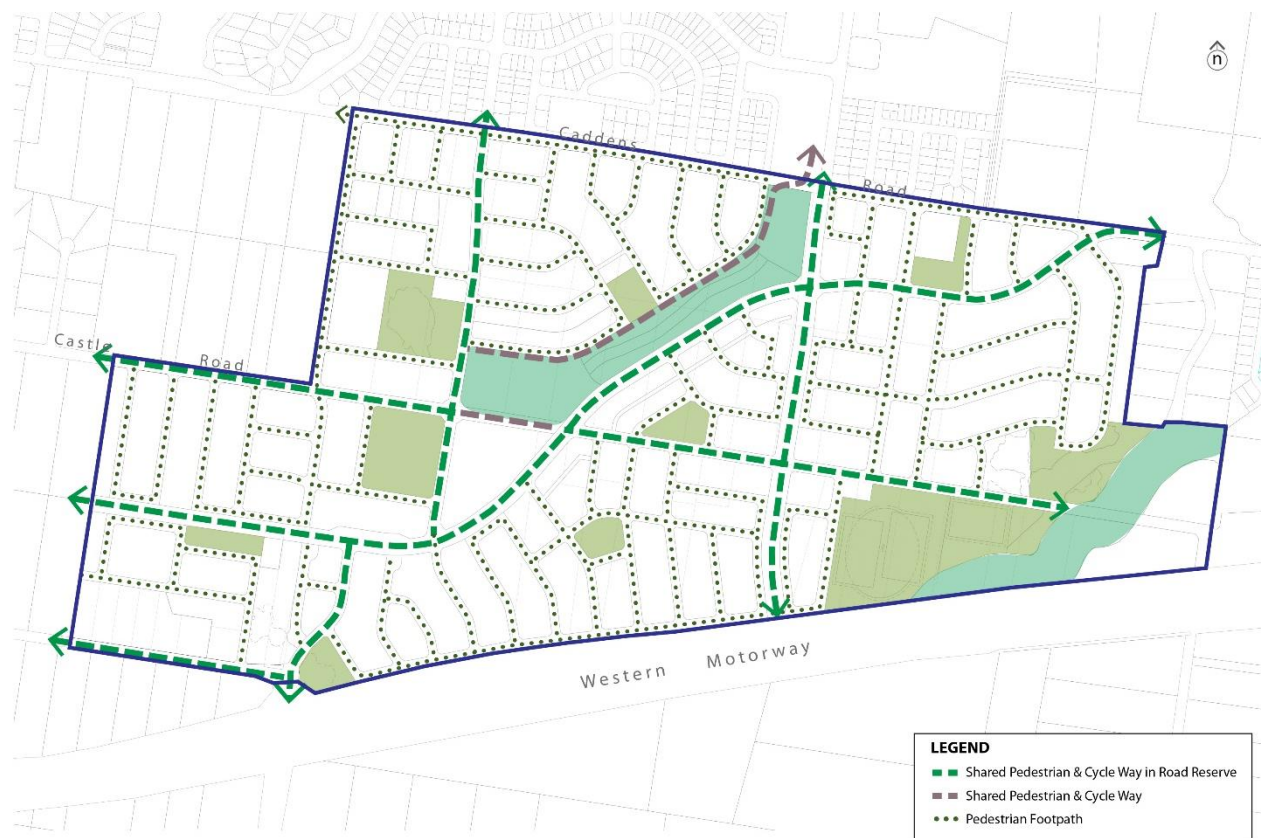
Pedestrian access within the development will be provided via footpaths on all streets within the development and with pedestrian and cyclist shared path along key routes.

Cycling access within the development is proposed through a mixture of dedicated shared paths as well as shared paths located in the road reserve. The proposed cycle ways provide both East-West and North-South movements, providing access to the neighbourhood centre as well as connectivity with the wider cycle network.

The planned shared path along the upgraded The Northern Road, will provide the North-South regional cycle connections to Penrith.

Pedestrian access within the development will be provided via footpaths on all streets within the development and with pedestrian and cyclist shared path along key routes, illustrated in **Figure 5**.

**Figure 5 Internal pedestrian and cycle network**



**Source:** Design and Planning

### Public transport facilities

Bus routes currently accessible to the site (prior to The Northern Road upgrade) are routes 778, 781, 789 and 794, which travel along Caddens Road / Cadda Ridge Road, Kingswood Road / Castle Hill Road / Ulm Road and The Northern Road, respectively. These bus services provide accessibility between the site and other destinations such as Penrith, St Marys, and Glenmore Park. New or modified services could be provided to improve coverage to the proposed development and more frequent bus services can be provided as the population and demand for improved public transport services increase.

As part of The Northern Road upgrade, a kerbside bus corridor in each direction will be provided, which will improve bus travel time and efficiency to and from the site. Accessibility to bus stops and services has also been improved by the provision of six bus bays on both sides of Gipps Street and Kent Road, as part of the Werrington Road upgrade. These upgrades are all likely to encourage public transport usage to reduce future reliance on private vehicle trips in Orchard Hills North.

### 2.1.3 CONTRIBUTION FORMULA FOR TRAFFIC AND TRANSPORT FACILITIES

The determination of reasonable contribution rates for transport facilities in development contributions plans is often based on the number of vehicle trips generated by development. Apportionment to the different classes of development (that is, residential, commercial, employment, etc.) of the costs of facilities that are determined on a per trip basis is then derived by calculating the degree to which the traffic generated by each land use class will use the different road links and intersections included in the contributions plan.

This Plan instead determines contributions for traffic and transport facilities by first calculating the required works and lands required for Orchard Hills North, then determining the relative nexus of traffic movement/trips at peak hour (namely between Area A, and Area B for the purposes of apportionment).

Within Area A, the traffic demand for the Village centre is almost entirely driven by the requirements of the local residential area. Accordingly, the apportionment of the traffic contribution is attributed entirely to the residential development area.

Within Area B, the significantly different land uses and traffic generation from the Employment Zone fronting The Northern Road has been attributed the appropriate share of the infrastructure costs based on the average relative peak hour vehicular trip numbers. The residential/non-residential proportion was calculated at 54.2% and 45.8% for Area B. It then levies residential development its share of the costs net developable land basis and non-residential development its share of costs on a net developable land basis.

This is an important foundation issue for any additional contributions plan that is prepared for Area B, at the time that land is rezoned

An NDA (and a per dwelling) approach for residential development is considered to best reflect the demand for traffic and transport facilities by the additional population.

The NDA approach for determining contributions for non-residential development is considered reasonable because the land use mix and employment numbers attributable to the different non-residential land uses expected in the Orchard Hills North have been assessed only at a strategic network level at the time of preparing this Plan.

#### Formula for residential development

Monetary contributions for residential development are calculated on a net developable area in Area A. This amount can then be factored up to a per lot amount.

The formula is as follows:

$$\text{Contribution per person} = \frac{\sum (\$INF)}{P}$$

Where:

- \$INF** = The estimated apportioned cost, or if the facility has been completed, the indexed actual apportioned cost, of providing the transport and traffic infrastructure items required to meet the non-residential development.
- P** = The estimated NDA that will demand the facility – that is, the expected developable area for dwellings for the Area A in Orchard Hills North (see **Table 1**).

### Formula for non-residential development

Contributions for non-residential development are determined on a Net Developable Area basis.

The monetary contribution is calculated as follows:

$$\text{Contribution per hectare of NDA} = \frac{\sum (\text{\$INF})}{\text{NDA}}$$

Where:

- \$INF** = The estimated apportioned cost, or if the facility has been completed, the indexed actual apportioned cost, of providing each of the transport and traffic infrastructure items required to meet the non-residential development.
- NDA** = The expected total net developable area of non-residential development in Area A in Orchard Hills North the development of which will generate the demand for each of the facilities.

## 2.2 STORMWATER MANAGEMENT FACILITIES

### 2.2.1 NEEDS ASSESSMENT

At present, there is limited stormwater drainage and floodplain management infrastructure within Orchard Hills North. What infrastructure that does exist (for example, road culverts) has been sized and designed to cope with storm and flooding events within a rural context. Typically, urban areas experience an increase in stormwater runoff due to increased impervious areas which potentially exacerbate flooding issues and erode existing creek systems. In addition to increased stormwater runoff, pollutants from urban areas reduce water quality and the stormwater needs to be treated prior to it being discharged into the natural creek system.

To ensure that the future urban development of the Orchard Hills North appropriately manages these issues, J Wyndham Prince (JWP) prepared an *Orchard Hills North Precinct – Stormwater and Flood Management Strategy 2021*. This strategy identified a

network of trunk stormwater drainage facilities to manage flood events up to the 1 in 100-year event, and to ensure stormwater is discharged to the existing creek network at pre-development flows as well as being treated for pollutants.

## **2.2.2 INFRASTRUCTURE PROVISION STRATEGY**

A Stormwater and Flood Management Strategy was prepared by JWP. The Strategy found that the proposed wetland and detention basins located throughout the site to ensure that peak post-development discharges are restricted to less than the pre-development levels at all key comparison locations. This includes two online wetland basins with open water bodies within the relocated Werrington Corridor and four traditional detention basins.

Water quality will be managed by on-lot rainwater tanks, Gross Pollutant Trap (GPT), ponds and rain gardens. A series of bio-retention raingardens are co-located within the wetland basins and the detention basins and a further series of bio-retention raingardens are located outside the basins.

In 1% Annual Exceedance Probability (AEP) event the development of Orchard Hills North will improve flooding conditions on the north, south and eastern side of the precinct and reduce flood depths. There are some small increases in flood levels along the southern boundary.

Key components of the stormwater drainage network include:

- Inclusion of rainwater storage tanks in new dwellings to store rainwater for re-use and reduce discharge to the creek system;
- New detention basins to store, treat and control the rate of stormwater collected from the private domain and road network prior to being discharged into the existing creek system;
- New bio-retention areas (i.e. with Water Sensitive Urban Design (WSUD) facilities and GPTs) to treat stormwater prior to discharge into the creek system; and
- Use of the capacity of the existing creek system to manage flood events.

### **Water quality management**

It is proposed that stormwater quality in the Orchard Hill North precinct be managed using a treatment train approach. A proposed treatment train of water quality devices has been identified to achieve the target pollutant removals.

This includes a combined system of rainwater tanks, GPTs, bio-retention raingardens and ponds.

### **Rainwater storage tanks**

Rainwater harvesting and re-use of residential roof runoff will occur by utilising rainwater tanks.

## **Trunk drainage/Detention basins**

The proposed stormwater management strategy encompasses a total of six detention basins to manage stormwater runoff at all key locations across Orchard Hills North. The detention basin is designed with low flow outlet for smaller storm events up to 0.5 Exceedances per Year (EY) and high flow spillway for storm event 1% AEP and greater.

GPTs have been provided to filter stormwater prior to discharge into the drainage system, bioretention raingardens and ponds.

Permanent water bodies (ponds) can provide an aesthetic feature to subdivisions. The water bodies are designed to have permanent water storage that promotes a Hydraulic Residence Time (HRT) of sufficient length to promote the appropriate pollutant removal mechanisms.

## **Bio-retention areas**

The filter media receives flow having firstly being treated by the GPT at each outlet. Bioretention raingarden systems are proposed in five locations across Orchard Hills North precinct in order to achieve the nutrient reduction targets outlined in the Council's WSUD Policy (PCC, 2015).

The bio-retention raingardens will attenuate first flush flows to reduce the risk of stream erosion within the watercourses.

### **2.2.3 CONTRIBUTION FORMULA FOR STORMWATER MANAGEMENT FACILITIES**

Contributions are calculated based on the total cost of works and land for each riparian corridor or detention basin area requirement to cater for the development. The total cost based on the local catchment area is apportioned to the appropriate area of location in either Area A (or Area B). Detention Basin B7 serves Area A and Area B, and the cost is apportioned to the relevant catchment area.

Within Area A, WB2 Water Basin captures runoff from residential and non-residential development. The proportions of associated NDA have been allocated accordingly.

Stormwater management involves dividing the total costs of land acquisition and capital works across the total Net Developable Area to determine a per hectare rate. This approach is considered reasonable on the basis that the Water Cycle Management Strategy assumed the same level of impervious area for all types of development within Area A and then separately in Area B.

This is an important foundation issue for any additional contributions plan that is prepared for Area B, at the time that land is rezoned

The monetary contribution is calculated as follows:

$$\text{Contribution per hectare of NDA} = \sum \left( \frac{\$INF}{NDA} \right)$$



Where:

- \$INF** = The estimated apportioned cost, or if the facility has been completed, the indexed actual apportioned cost, of providing each of the stormwater infrastructure items required to meet the needs of development
- NDA** = The expected total net developable area of non-residential and residential development in Orchard Hills North, the development of which will generate the demand for each of the facilities.

## 2.3 Open space and recreation facilities

### 2.3.1 NEEDS ASSESSMENT

The new population of almost 8,625 residents in Orchard Hills North will place demand for new open space and recreational facilities locally and district wide.

An assessment of the extent and nature of this demand was undertaken by Place Design in its open space and social Infrastructure assessment to determine the infrastructure required to service this demand.

Place Design undertook an assessment of the open space required to service the Area A and Council undertook an assessment for the Area B community, at a district and local level based on a range of planning benchmarks.

The function and distribution of open space across Orchard Hills North has been considered with the housing typology, future population, density and demographics in mind. The aim is to provide accessible, vibrant, integrated and purposeful open space to cater to various needs of the future community. The open space framework has been designed with walkability in mind.

The future needs of the community have been considered in the design and provision of open space. The following principles have been adhered to:

- Major open spaces are located along existing natural features of the site such as the riparian park and detention basins along low lying areas and the integration of rain gardens and detention basins within these parkland environments.
- Major open spaces maintain and improve the existing stands of threatened ecological communities, namely the Cumberland Plain Woodland (CPW) in the Riparian Park and the Sydney Coastal River Flat Forest (SCRFF) along the riparian corridor by incorporating and consolidating the existing vegetation into the landscaped open space.
- The streetscapes will enhance the natural landscape and reinforce the road hierarchy, through their arrangement, size and species selection. The streets will provide green links and view corridors throughout the site, making connections with and between other open spaces.

- The road layout follows the existing road framework and reflects the natural topography of the site. The streets will provide a circulation network that is safe, permeable and legible for pedestrians, cyclists and vehicles.
- A selection of high-quality street furniture, lighting, finishes and planting which relate to the natural environment will be provided.
- Rural and native themes will be integrated throughout the open spaces and streets. The urban commercial and retail precinct, children’s play areas, active and passive open spaces and conservation corridors will provide a range of amenities and uses for the future community.

The proposed infrastructure is consistent with Penrith City’s Open Space and Recreation Facilities Strategy which states that facilities must:

- create walkability and accessibility to local centres and social infrastructure
- create healthy, liveable places, and respond to climate change, for example by promoting cooling effects
- strengthen resilience in communities and capacity to adapt to future changes.
- create opportunities for green canopies and links.

The physical landscape character of Orchard Hills North at present can be described as consisting of four character typologies; rural lifestyle residential lots, rural lifestyle residential lots with horse agistments/grazing paddocks, some rural residential manors and existing agricultural market gardens. There is currently no designated public open space located on the site.

Based on an anticipated population of 8,625 in Orchard Hills North, around 31.58ha of total active and passive space is required. It is proposed that there will be approximately 15.77ha of active and passive open space in Area A (and up to 15.81ha of open space in Area B).

As Area B has not had detailed master planning to support a rezoning, this amount and locations may change slightly. Having said that, the above calculations are considered an important foundation issue for any additional contributions plan that is prepared for Area B, at the time that land is rezoned

**Table 3 Quantity Benchmark Requirements for Open Space identified in Orchard Hill North study**

Hierarchy	Benchmark	Size	Scenario: 8,625 people
Per person	3.04ha per 1,000 people for Area A [and 4.6ha per 1,000 people for Area B]		15.77ha for Area A [and 15.81ha for Area B] for active and passive open space
<b>Government Architect NSW (specifically for greenfield sites)</b>			

Local Parks	1 per 2,500 people	Average size > 0.5ha Minimum size 0.3ha	9 x local parks proposed in Area A [and local parks in Area B]
District Parks	1 per 5,000 people	Average size > 5 ha Minimum size 2ha	Combined with the sports facility where possible / practical
<b>Office of Sport/Growth Centers Commission/Parks and Leisure Australia</b>			
Sportsgrounds	2 double playing fields (4 fields total) and amenities per 10,000 people	10ha	One sports facility is proposed in Area A [and one in Area B]
Multi-purpose outdoor courts	1:4,200 people	approx. 0.05ha per court + runoff space and amenities	Within active sports area OS8 in Area A
Play space	1 playground per 500 children aged 0 to 4 years  1 playground per 500 children aged 5 to 11 years	50m <sup>2</sup> minimum within a park  100m <sup>2</sup> minimum within a park	All local parks in Area A
Outdoor fitness stations	1 station per 15,000 people	Varies - could be provided as multiple nodes along a recreation trail or one larger facility	Located in local park in Area A

Source: Penrith Council

The following benchmarks are considered relevant for the broad distribution of open space demands in Orchard Hills North.

**Table 4 Distribution Benchmarks used for Open Space**

Hierarchy	Distribution / Rate
Regional park	Within 5 to 10km to all residents
District park	Within 2km to all residents

Local park	Within 400m walkable of all residents, with walkable connections and no major barriers
High density areas	Within 200m of all residents living in high density, with walkable connections and no major barriers

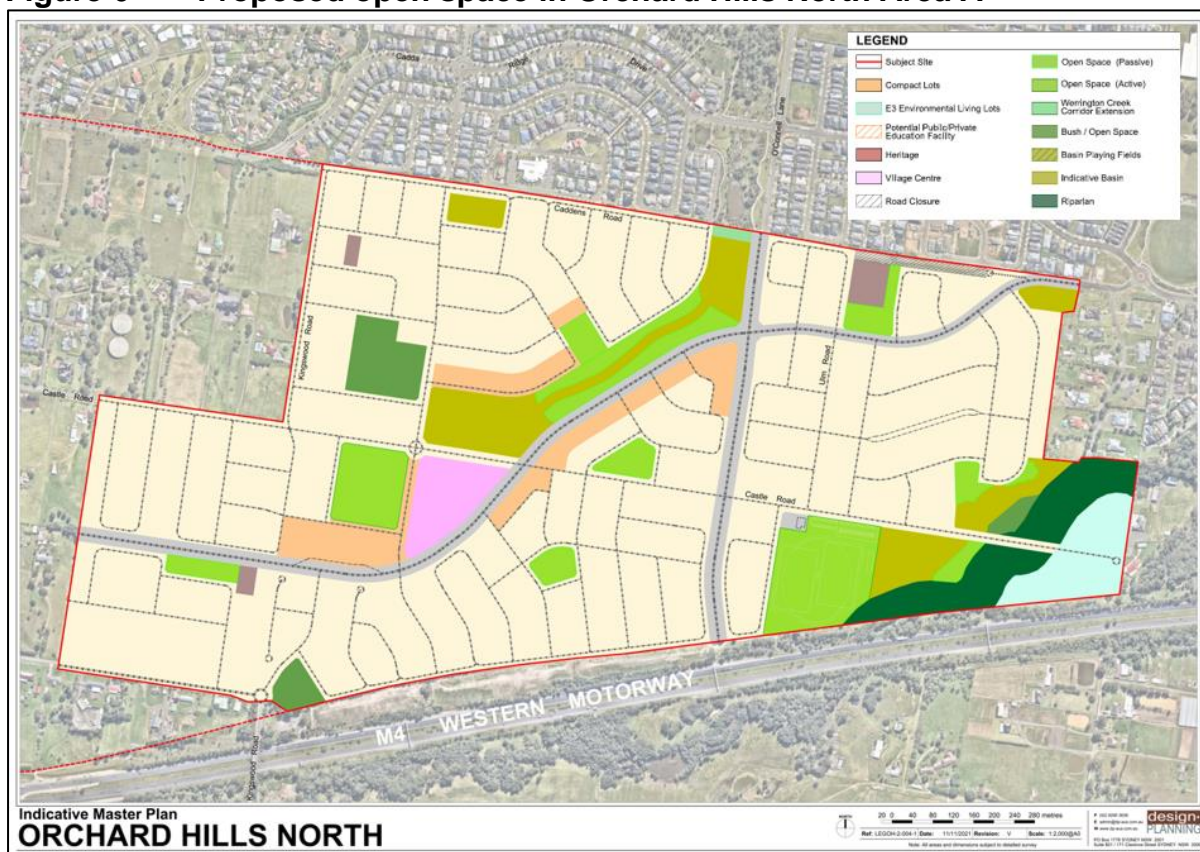
**Source:** Greater Sydney Commission/Government Architect NSW (Greener Places Open Space for Recreation Guide (Issue no.1 2018, Draft for Discussion))

All new residential development in Orchard Hills North Area A will be within 400m walkable distance of a local park and will meet the distribution benchmarks for regional and district parks.

### 2.3.2 INFRASTRUCTURE PROVISION STRATEGY

The following open space is proposed in Orchard Hills North Area A (**Figure 6**):

**Figure 6 Proposed open space in Orchard Hills North Area A**



**Source:** Design and Planning

Within Area A, a series of active and passive open space will be provided through a variety of playing fields, local parks and bushland reserves. These will be spread throughout the development to provide a broad range of open space facilities and activities in close proximity to all new residents. Further greenspace provided in riparian lands. A summary of the facility provision is set out below.

**Table 5 Open Space Facility Provision in Orchard Hills North Area A**

Land use	Approximate area (hectares)	Type of open space
Active Open space	7.26	Playing fields in OS6 Active sports area OS8 Playing field in basin B4
Passive Open Space	8.51	Local parks OS1, OS2, OS3, OS4, OS5, OS7 and OS9 Bushland reserves BOS1, BOS2 and BOS3
<b>Total</b>	<b>15.77</b>	
<b>Public realm open space areas</b>		
OS1	0.50	Passive – Local
OS2	0.60	Passive – Local
OS3	0.66	Passive – Local
OS4	0.50	Passive – Local
OS5	1.97	Passive – Local
OS6	3.97	Active – Local
OS7	0.84	Passive – Local
OS8	2.00	Active – Local
OS9	0.50	Passive – Local
B4	1.29	Active and passive – Local
BOS1	1.92	Passive bushland parks – Local
BOS2	0.36	Passive bushland parks – Local
BOS3	0.65	Passive bushland parks – Local

### Local open space

The Plan includes:

- 9 x Open Space areas (OS1 - OS9) each at least 0.5ha in size
- 1 x sports field complex (playing fields in OS6 and B4)
- 1 x Active sports area (in OS8)

All local parks will include the following level of embellishment:

- A range of recreation opportunities which could include local play spaces, exercise equipment, multipurpose courts, off leash dog exercise areas, community gardens etc
- Shade structures, picnic/BBQ areas
- Amenities (male/female and accessible), and
- Water bubblers, bins, seating and walking paths.

Local Park OS1 is proposed to include the following additional level of embellishment:

- A range of recreation opportunities which could also include kickabout spaces, and youth recreation spaces
- Larger play space (eg inclusive play space with equipment for a range of ages, providing a unique offer)
- Element of water play which is essential to provide due to Greater Penrith's location away from cooling sea breezes and the likelihood of longer, hotter summers to ensure that parks can be continued to be used in hotter weather.

### **Active open space and recreation facilities**

The plan includes one sports field facility with high quality active and passive recreational activities and finishes, focusing on sport within the local area.

The provision of active open space facilities in the plan aligns with the proposal to provide for:

- 1 x sports field complex, which may consist of 5.26ha of formal playing fields potentially comprising the following activities:
  - 3 x playing fields
    - 2 x playing fields (70m x 122m) on 3.96ha at OS6
    - 1 x playing field (64m x 100m) on 1.29ha at Basin B4
  - 1 x cricket field (122m x 165m) at OS6
  - Adjoining passive open space, viewing areas and garden
  - New amenities building (approximately 550sqm)
  - Car parking (approximately 110 bays)
  - Paved area with park furniture including a shelter with seats, BBQ, bubblers and seating walls
- 1 x active sport area, measuring 2.01ha at OS8 opposite the village centre.
  - 3 x multi use courts
  - Urban park
  - New amenities building (approximately 250sqm)
  - Market space
  - Community gardens

### 2.3.3 CONTRIBUTION FORMULA FOR OPEN SPACE AND RECREATIONAL FACILITIES

Contributions for open space and recreation facilities are calculated on the anticipated net increase in population on the development site. This involves dividing the total costs of land acquisition and capital works by the anticipated NDA in Area A of the Orchard Hills North.

Where relevant, allowance for half road frontage (works and land) adjoining all areas of proposed open space has been included in this Plan. This has only been undertaken for Area A (in accordance with the indicative layout). An equivalent process will need to be undertaken for Area B during detailed design when that land is rezoned.

There is no apportionment provided to non-residential development. This approach is considered reasonable as a credit is afforded to the population of existing lawful residential development that have previously been utilising social infrastructure provided in the area.

The contribution formula for open space and recreational facilities can be expressed as follows:

$$\text{Contribution per person (\$)} = \frac{\sum (\text{\$INF})}{P}$$

Where:

**\\$INF** = the estimated apportioned cost, the indexed actual cost, of providing each of the open space and recreational facilities in the area to which this Plan applies.

**P** = the estimated residential NDA that will demand each facility – that is, the expected net additional population for the Orchard Hills North.

## 2.4 Community and cultural facilities

### 2.4.1 NEEDS ASSESSMENT

The forecast population of Orchard Hills North of almost 8,625 people (comprising 5,187 persons in Area A and 3,438 persons in Area B) will not lead to demand for a new community since there are other services available to the residents within the region at present.

Notwithstanding, Current Council land has been identified for a potential future community facility, and therefore there would be no land cost for such a facility if one were to be delivered. Council may wish to enter into a Voluntary Planning Agreement (VPA) with the main developer(s) of Orchard Hills North to provide a contribution towards building works for a potential future community facility.

## 2.5 Contributions for plan administration

Councils incur significant costs in the preparation and administration of contributions plans. These include:

- The costs of Council staff time to prepare and review contributions plans, account for contributions receipts and expenditure, and coordinate the implementation of works programs, including involvement in negotiating works-in-kind and material public benefit agreements.
- The costs of consultant studies that are commissioned from time to time in order to determine the value of land to be acquired, the design and cost of works, as well as to review the development and demand assumptions in the contributions plan.
- The costs of Council engaging the services of legal professionals to provide advice on implementing the Plan.

As these costs arise directly as a result of the development in the areas covered by the Plan, it is reasonable that the costs associated with preparing and administering this Plan be recouped through section 7.11 contributions.

Costs associated with the ongoing administration and management of the contributions plan will be levied on all DAs and CDCs that are required to make a contribution under this Plan. The total costs are based on the Independent Pricing and Regulatory Tribunal (IPART) benchmark allowance equivalent to 1.5% of the cost of capital works identified in the respective works schedules in this Plan.

The 1.5% contribution appears as a line item the Orchard Hill North contribution rates schedule, apportioned between residential and non-residential development, based on the relative NDA for each development type.



### 3. INFRASTRUCTURE STAGING PRIORITIES

The staging and priority of infrastructure in the Orchard Hills North Area A will otherwise generally occur with development.

Area A has an upper limit of 1,729 dwellings and the development of lots and dwellings are to be aligned with the proposed infrastructure desired for the area. To manage the density of the proposed development and ensure an appropriate mix of housing, the subject site has set targets for dwellings per precinct and across the site.

It is envisaged that the development will include predominately detached housing with the inclusion of large lots near Claremont Creek to manage environmental factors around the riparian corridor, bushland and mitigate potential bushfire risk. The area around the village centre and opposite the Werrington Creek riparian corridor provides opportunities for compact housing in the form of townhouses and attached housing product (medium density) that realises the full potential and amenity offered by the local village centre, potential future bus route and revegetated riparian corridor with pedestrian and cycling connections. The average lot size across the rezoning area is in the order of 400m<sup>2</sup>.

The proposed staging of the development can generally be undertaken in the following staging and estimated timing.

**Table 6 Potential staging**

Staging Priority	Estimated timing
P2	2022-2024
P1	2024-2026
P3 and P4	2026-2028
P5 and P6	2028+

It is proposed that within each stage associated with the Precincts, the related open space, drainage, and road works will be delivered.

## 4. ESTIMATE OF INFRASTRUCTURE COSTS

### 4.1 Land acquisition costs

Council must acquire 8.22ha for the purposes of drainage and 15.77ha for purposes of open space and recreational land in Orchard Hills North Area A

The land acquisition costs that have been estimated for each infrastructure category have been informed by independent land valuation to advise for various classes of land as in **Table 7**.

**Table 7 Assessed land cost rates**

Land Use Classification (examples only – should use zoning e.g. R2, R3, B4 etc.)	\$/m <sup>2</sup>
Developable land - residential (suitable for large-lot rural residential housing, low density or medium density residential) (e.g. R1, E3)	\$400
Local retail centre land (e.g. B2)	\$400
Other enterprise / employment (commercial / industrial) land (e.g. IND)	\$400
Constrained land (with environmental values e.g. bushland)	\$90
Constrained land (with significant flooding, slopes)	\$55

**Source:** Charter Keck Cramer 2021

Where land is already acquired, if applicable, the land costs have been indexed to the base period of the plan by the CPI.

### 4.2 Capital works costs

The capital costs for the transport, open space and recreation and community facility infrastructure have been estimated by civil rates based on recent tenders, IPART benchmark rates or QS specialists.

Where works cost estimates are sourced from an earlier period than the base period of the Plan, they have been indexed to the base period of the Plan by applying the following indexes:

- Transport and traffic infrastructure by the Roads ABS PPI Road and Bridge Construction Index for NSW
- Stormwater management infrastructure by the ABS PPI Road and Bridge Construction Index for NSW

- Social infrastructure by the ABS PPI Non-Residential Building Construction Index for NSW.

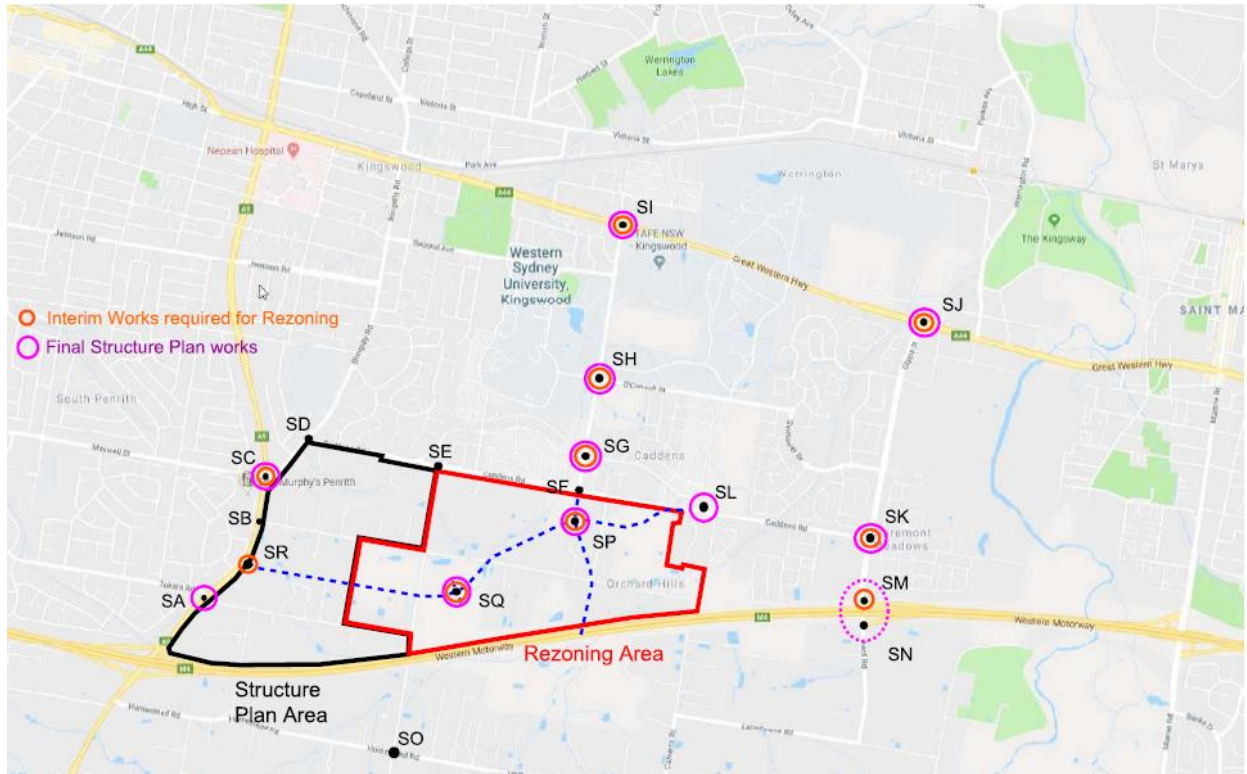
See **Appendix A** for general assumptions relating to costs.

## **5. LOCATION MAPS AND INFRASTRUCTURE SCHEDULE**

## Maps

Figure 7

### Roads and Transport – sub-regional indicative context: Area A and Area B



**Figure 8**

**Roads and Transport: Area A**

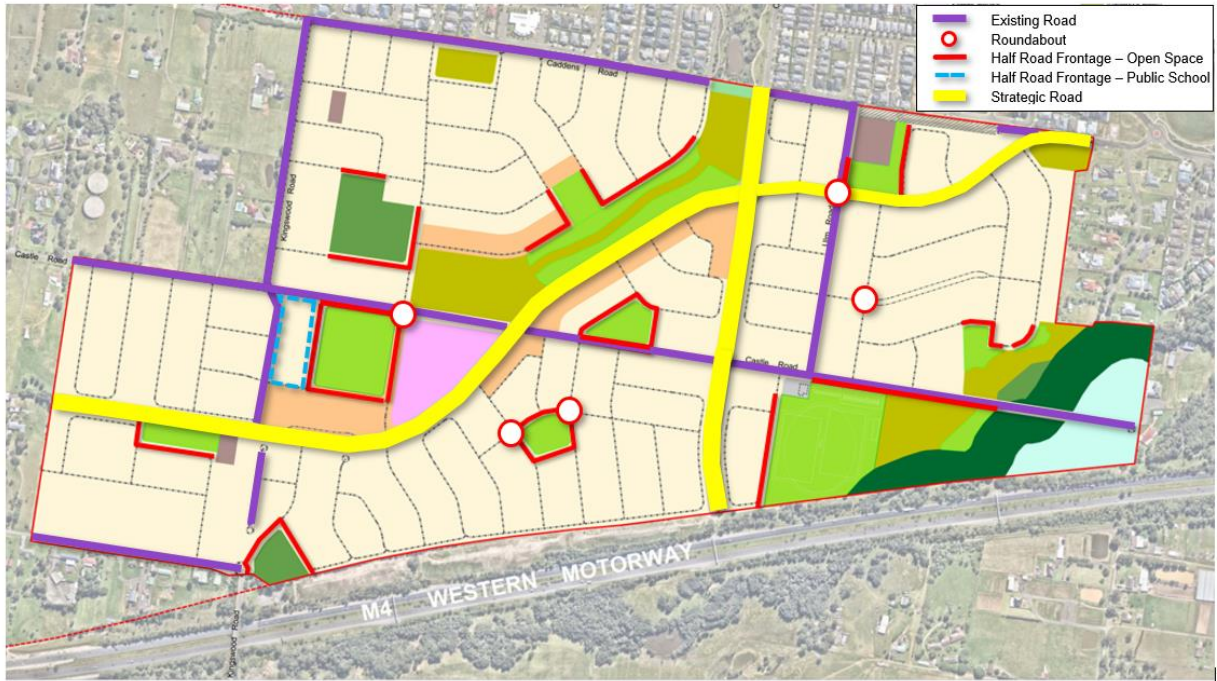
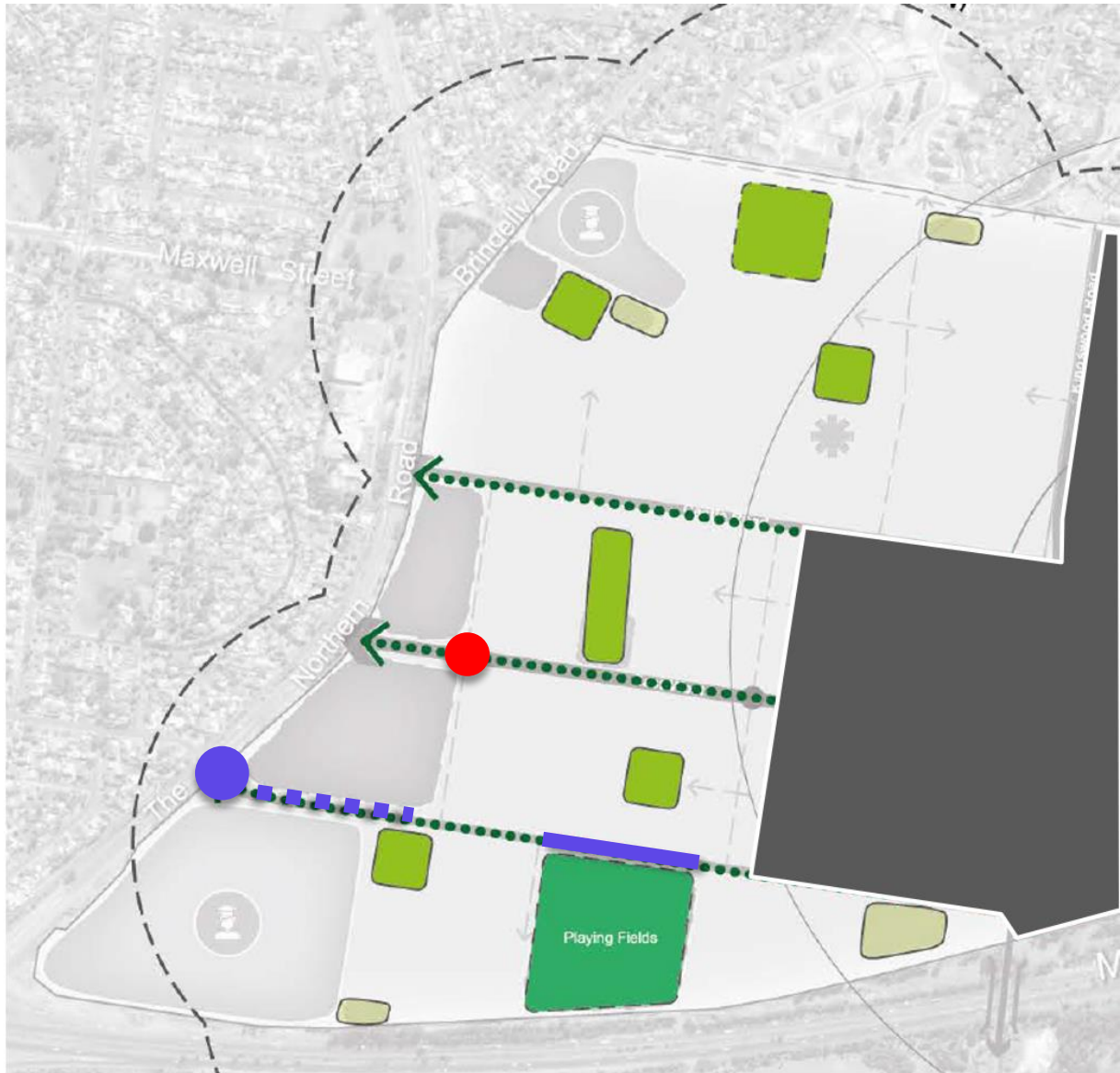


Figure 9

Indicative Roads and Transport: Area B – for reference only






-  Intersection upgrade + Collector Road construction
-  Collector Road: half road frontage
-  Roundabout

Figure 10

Stormwater Drainage: Area A






Figure 11

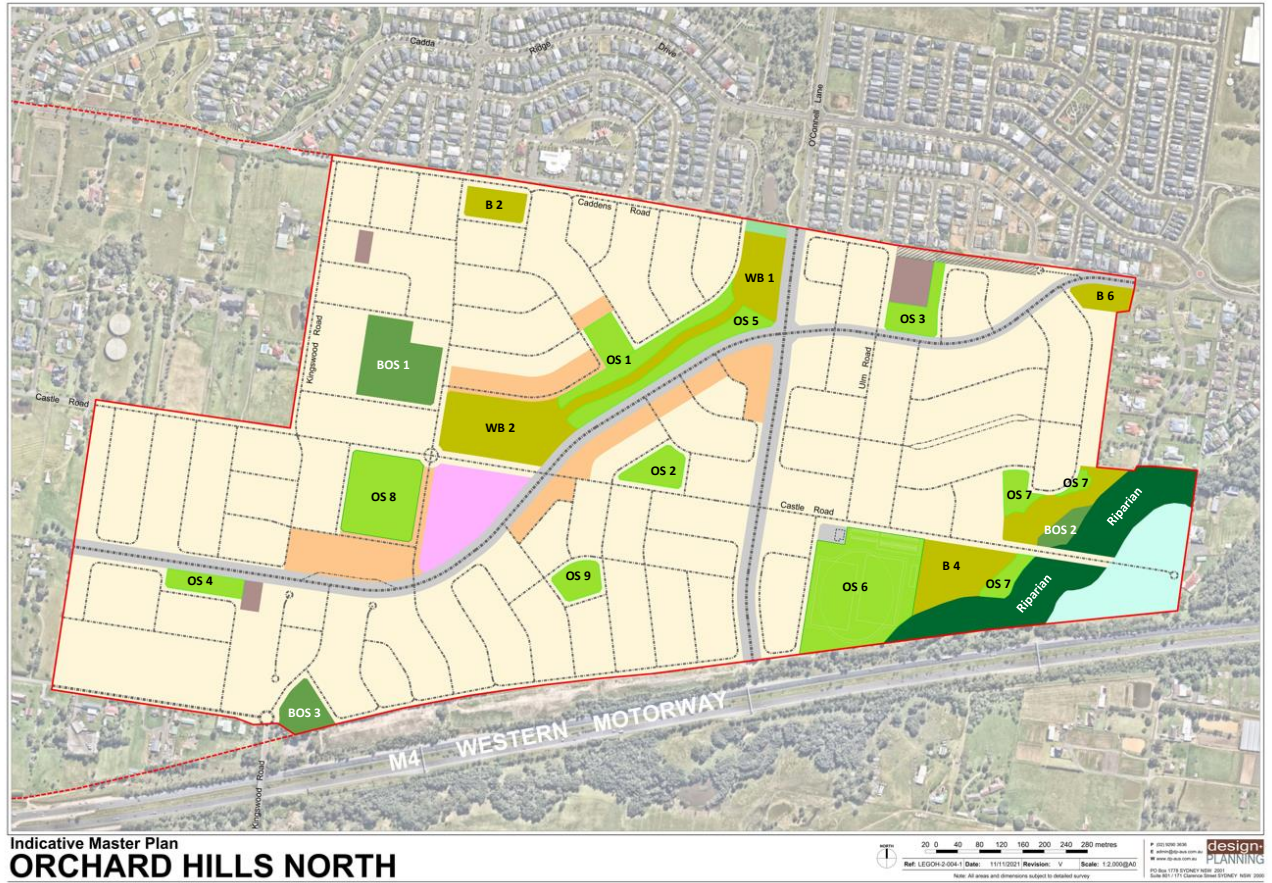
Water and stormwater management: Area B - **for reference only**



 Indicative Basin

**Figure 12**

**Open space and recreation: Area A**

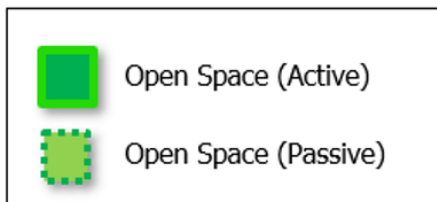


**LEGEND**

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

**Figure 13**

**Open space and recreation: Area B**



### STORMWATER DRAINAGE FACILITIES

Orchard Hills North "Area A"  
Section 7.11 Contributions Plan  
Stormwater Drainage Infrastructure\*



"AREA B" Apportioned amounts

Ref	Local Infrastructure item	Source	Rate	Unit	Required	Total cost	Total cost indexed to \$Base period in plan	Apportionment factor (%)	Apportioned cost (indexed to base period) (\$)	Contribution catchment (ha)	Contribution rate (\$/ha)	Indicative Scheduling of Works	Apportionment factor (%)	Apportioned cost (indexed to base period) (\$)
<b>Land acquisition</b>														
	OS5 Channel - Werrington Creek/College Creek (existing Flood liable land)			m <sup>2</sup>		\$234,850	\$234,850	100%	\$234,850	102.3	\$2,298	2023-2028	0%	\$0
	OS5 Channel - Werrington Creek			m <sup>2</sup>		\$1,400,000	\$1,400,000	100%	\$1,400,000	102.3	\$13,688	2023-2028	0%	\$0
	Claremont Creek north of Castle Road (existing Flood Liable land)			m <sup>2</sup>		\$1,122,000	\$1,122,000	100%	\$1,122,000	102.3	\$10,970	2027-2032	0%	\$0
	Claremont Creek south of Castle Road (existing Flood Liable land)			m <sup>2</sup>		\$1,320,000	\$1,320,000	100%	\$1,320,000	102.3	\$12,906	2027-2032	0%	\$0
	Claremont Creek south of Castle Road			m <sup>2</sup>		\$0	\$0	100%	\$0	102.3	\$0	2027-2032	0%	\$0
	WB1 (existing Flood Liable land)			m <sup>2</sup>		\$22,000	\$22,000	100%	\$22,000	102.3	\$215	2023-2028	0%	\$0
	WB1			m <sup>2</sup>		\$4,559,600	\$4,559,600	100%	\$4,559,600	102.3	\$44,580	2023-2028	0%	\$0
	WB2 (existing flood liable approx 50%)			m <sup>2</sup>		\$526,515	\$526,515	100%	\$526,515	102.3	\$5,148	2023-2028	0%	\$0
	WB2			m <sup>2</sup>		\$6,326,400	\$6,326,400	100%	\$6,326,400	102.3	\$61,854	2023-2028	0%	\$0
	B2			m <sup>2</sup>		\$2,460,800	\$2,460,800	100%	\$2,460,800	102.3	\$24,059	2023-2028	0%	\$0
	B4 (existing Flood Liable land)			m <sup>2</sup>		\$738,155	\$738,155	100%	\$738,155	102.3	\$7,217	2027-2032	0%	\$0
	B4			m <sup>2</sup>		\$0	\$0	100%	\$0	102.3	\$0	2027-2032	0%	\$0
	B6			m <sup>2</sup>		\$1,926,000	\$1,926,000	100%	\$1,926,000	102.3	\$18,831	2023-2028	0%	\$0
	B7 (existing Flood Liable land)			m <sup>2</sup>		\$695,860	\$695,860	31%	\$213,095	102.3	\$2,083	2023-2028	69%	\$482,765
	B7			m <sup>2</sup>		\$4,939,200	\$4,939,200	31%	\$1,512,546	102.3	\$14,788	2023-2028	69%	\$3,426,654
	<b>Sub Total</b>				<b>0</b>	<b>\$26,271,380</b>	<b>\$26,271,380</b>		<b>\$22,361,962</b>		<b>\$218,635</b>			<b>\$3,909,418</b>
<b>Works</b>														
WB1	Wetland Basin WB1 (basin works, walls, outlet structures)		\$4,562,730	item	1	\$4,562,730	\$4,562,730	100%	\$4,562,730	102.3	\$44,610	2023-2028	0%	\$0
WB2	Wetland Basin WB2		\$2,505,180	item	1	\$2,505,180	\$2,505,180	100%	\$2,505,180	102.3	\$24,493	2023-2028	0%	\$0
B2	Detention Basin B2 (basin works, ret. walls, and outlet structures)		\$1,468,020	item	1	\$1,468,020	\$1,468,020	100%	\$1,468,020	102.3	\$14,353	2023-2028	0%	\$0
B4	Detention Basin B4 (basin works, ret. walls, outlet structures)		\$2,461,320	item	1	\$2,461,320	\$2,461,320	100%	\$2,461,320	102.3	\$24,065	2027-2032	0%	\$0
B6	Detention Basin B6 (basin works, ret. wall, outlet structures)		\$870,750	item	1	\$870,750	\$870,750	100%	\$870,750	102.3	\$8,513	2023-2028	0%	\$0
B7	Regional Detention Basin B7 (works, ret. wall, outlet structure)		\$2,453,580	item	1	\$2,453,580	\$2,453,580	31%	\$751,367	102.3	\$7,346	2023-2028	69%	\$1,702,213
WB1	Raingarden for WB1 (media bed, access and planting)		\$775,290	item	1	\$775,290	\$775,290	100%	\$775,290	102.3	\$7,580	2023-2028	0%	\$0
WB2	Raingarden for WB2		\$0	item	1	\$0	\$0	100%	\$0	102.3	\$0	2023-2028	0%	\$0
B2	Raingarden in Basin B2 (media bed, access and planting)		\$638,550	item	1	\$638,550	\$638,550	100%	\$638,550	102.3	\$6,243	2023-2028	0%	\$0
B4	Raingarden in Basin B4 (media bed, access and planting)		\$2,941,781	item	1	\$2,941,781	\$2,941,781	100%	\$2,941,781	102.3	\$28,762	2027-2032	0%	\$0
B6	Raingarden in Basin B6 (media bed, access and planting)		\$499,230	item	1	\$499,230	\$499,230	100%	\$499,230	102.3	\$4,881	2023-2028	0%	\$0
B7	Raingarden in Basin B7 (media bed, access and planting)		\$2,871,540	item	1	\$2,871,540	\$2,871,540	31%	\$879,360	102.3	\$8,598	2023-2028	69%	\$1,992,180
WB1	GPT for WB1 (P1512)		\$103,200	item	2	\$206,400	\$206,400	100%	\$206,400	102.3	\$2,018	2023-2028	0%	\$0
WB2	GPT for WB2 (P2018)		\$180,600	item	1	\$180,600	\$180,600	100%	\$180,600	102.3	\$1,766	2023-2028	0%	\$0
WB3	GPT for WB2 (P1512)		\$103,200	item	1	\$103,200	\$103,200	100%	\$103,200	102.3	\$1,009	2023-2028	0%	\$0
B2	GPT for Basin B2 (P1009)		\$77,400	item	1	\$77,400	\$77,400	100%	\$77,400	102.3	\$757	2027-2032	0%	\$0
B4	GPT for Basin B4 (P2028)		\$219,300	item	1	\$219,300	\$219,300	100%	\$219,300	102.3	\$2,144	2023-2028	0%	\$0
B6	GPT for Basin B6 (P1009)		\$77,400	item	1	\$77,400	\$77,400	100%	\$77,400	102.3	\$757	2023-2028	0%	\$0
B7	GPT for Basin B7 (P2018)		\$180,600	item	1	\$180,600	\$180,600	31%	\$56,306	102.3	\$541	2023-2028	69%	\$125,294
	Werrington Creek drainage channel construction (bulk earthworks, scour protection, and planting)		2189130	item	1	\$2,189,130	\$2,189,130	100%	\$2,189,130	102.3	\$21,403	2023-2028	0%	\$0
	<b>Sub Total</b>				<b>\$8,535,930.00</b>	<b>\$25,282,001</b>	<b>\$25,282,001</b>		<b>\$21,462,314</b>		<b>\$209,839</b>			<b>\$3,819,687</b>
<b>Contingency</b>														
	Contingency - on construction (included above)		0%	%	-	\$0	\$0	100%	\$0		\$0		0%	\$0
	<b>Sub Total</b>					<b>\$0</b>	<b>\$0</b>		<b>\$0</b>		<b>\$0</b>			<b>\$0</b>
	<b>TOTAL</b>					<b>\$51,553,381</b>	<b>\$51,553,381</b>		<b>\$43,824,276</b>		<b>\$428,474</b>			<b>\$7,729,105</b>

\* If this includes stormwater quality infrastructure, Council might wish to rename this category accordingly.

**Stormwater Drainage Infrastructure Land Acquisition Cost Breakdown**

Item	Total Area	Above floodline	Below floodline	Bushland	Total Cost
OS5 Channel - Werrington Creek/College Creek (existing Flood liable land)	4,270		4,270		\$234,850
OS5 Channel - Werrington Creek	3,500	3,500			\$1,400,000
Claremont Creek north of Castle Road (existing Flood Liable land)	20,400		20,400		\$1,122,000
Claremont Creek south of Castle Road (existing Flood Liable land)	24,000		24,000		\$1,320,000
Claremont Creek south of Castle Road	-				\$0
WB1 (existing Flood Liable land)	400		400		\$22,000
WB1	11,399	11,399			\$4,559,600
WB2 (existing flood liable approx 50%)	9,573		9,573		\$526,515
WB2	15,816	15,816			\$6,326,400
B2	6,152	6,152			\$2,460,800
B4 (existing Flood Liable land)	13,421		13,421		\$738,155
B4	-				\$0
B6	4,815	4,815			\$1,926,000
B7 (existing Flood Liable land)	12,652		12,652		\$695,860
B7	12,348	12,348			\$4,939,200
0	-				\$0
0	-				\$0

TRAFFIC AND TRANSPORT MANAGEMENT FACILITIES



Orchard Hills North "Area A" Section 7.11 Contributions Plan Roads and Transport Infrastructure Schedule\*

Main table with columns: Ref, Local Infrastructure Item, Source, Rate, Unit, Required, Total cost, Total cost indexed to \$Base period in plan, Apportionment factor (%), Apportioned cost (Indexed to base period), Contribution catchment (persons), Contribution rate (\$/person), Indicative Scheduling of Works

\*"AREA B" Apportioned amounts and Out of Precinct Apportioned amounts summary table with columns: Apportionment factor (%), Apportioned cost (\$), Apportionment factor (%), Apportioned cost (\$)

"AREA A" Apportioned amounts summary table with columns: Apportionment factor (%), Apportioned cost (indexed to base period) (\$), Contribution catchment (ha), Contribution rate (\$/ha)

OPEN SPACE AND RECREATION FACILITIES

Orchard Hills North "Area A"  
Section 7.11 Contributions Plan  
Open space



Ref	Local Infrastructure Item	Source	Rate	Unit	Required	Total cost	Total cost indexed to \$Base period in plan	Apportionment factor (%)	Apportioned cost (Indexed to base period) (\$)	Contribution catchment (persons)	Contribution rate (\$/person)	Indicative Scheduling of Works
<b>Land acquisition</b>												
												E.g. 2020-2023
<b>Passive Open Space - Parks</b>												
	Park OS1		\$400	m <sup>2</sup>	5,040	\$2,016,000	\$2,016,000	100%	\$2,016,000	5,127	\$393	
	Park OS2		\$400	m <sup>2</sup>	5,965	\$2,386,000	\$2,386,000	100%	\$2,386,000	5,127	\$465	
	Park OS3		\$400	m <sup>2</sup>	6,618	\$2,647,200	\$2,647,200	100%	\$2,647,200	5,127	\$515	
	Park OS4		\$400	m <sup>2</sup>	5,010	\$2,004,000	\$2,004,000	100%	\$2,004,000	5,127	\$391	
	Park OS5 part		\$400	m <sup>2</sup>	15,810	\$6,324,000	\$6,324,000	100%	\$6,324,000	5,127	\$1,233	
	Park OS5 part (existing flood liable land)		\$55	m <sup>2</sup>	3,849	\$211,695	\$211,695	100%	\$211,695	5,127	\$41	
	Park OS7 (Existing Flood Liable)		\$55	m <sup>2</sup>	3,503	\$192,665	\$192,665	100%	\$192,665	5,127	\$38	
	Park OS7		\$400	m <sup>2</sup>	4,903	\$1,961,200	\$1,961,200	100%	\$1,961,200	5,127	\$383	
	Park OS8		\$400	m <sup>2</sup>	0	\$0	\$0	100%	\$0	5,127	\$0	
	Park OS9		\$400	m <sup>2</sup>	5,002	\$2,000,800	\$2,000,800	100%	\$2,000,800	5,127	\$390	
<b>Passive Open Space - Bushland</b>												
	BushOS (1)		\$90	m <sup>2</sup>	19,200	\$1,728,000	\$1,728,000	100%	\$1,728,000	5,127	\$337	
	BushOS (2)		\$90	m <sup>2</sup>	3,589	\$323,010	\$323,010	100%	\$323,010	5,127	\$63	
	BushOS (3)		\$90	m <sup>2</sup>	6,543	\$588,870	\$588,870	100%	\$588,870	5,127	\$115	
	Passive Open Space - Other			m <sup>2</sup>		\$0	\$0	100%	\$0	5,127	\$0	
	Village Centre OS		\$0	m <sup>2</sup>	0	\$0	\$0	100%	\$0	5,127	\$0	
<b>Active Open Space</b>												
	Playing Field OS6 (2 fields)		\$400	m <sup>2</sup>	28,082	\$11,232,800	\$11,232,800	100%	\$11,232,800	5,127	\$2,191	
	Playing Field OS6 (2 fields) (Existing Flood Liable portion)		\$55	m <sup>2</sup>	11,570	\$636,350	\$636,350	100%	\$636,350	5,127	\$124	
	Playing Field B4 (1 field and surrounds)		\$400	m <sup>2</sup>	8,221	\$3,288,400	\$3,288,400	100%	\$3,288,400	5,127	\$641	
	Playing Field B4 (1 field and surrounds) (existing Flood liable portion)		\$55	m <sup>2</sup>	4,679	\$257,345	\$257,345	100%	\$257,345	5,127	\$50	
	AOS - OS8		\$400	m <sup>2</sup>	20,118	\$8,047,200	\$8,047,200	100%	\$8,047,200	5,127	\$1,570	
<b>Sub Total</b>					<b>157,702</b>	<b>\$45,845,535</b>	<b>\$45,845,535</b>		<b>\$45,845,535</b>		<b>\$8,942</b>	
<b>Works</b>												
	Park OS1		\$155	m <sup>2</sup>	5,040	\$780,192	\$780,192	100%	\$780,192	5,127	\$152	E.g. 2020-2023
	Park OS2		\$155	m <sup>2</sup>	5,965	\$923,382	\$923,382	100%	\$923,382	5,127	\$180	
	Park OS3		\$155	m <sup>2</sup>	6,618	\$1,024,466	\$1,024,466	100%	\$1,024,466	5,127	\$200	
	Park OS4		\$155	m <sup>2</sup>	5,010	\$775,548	\$775,548	100%	\$775,548	5,127	\$151	
	Park OS5		\$155	m <sup>2</sup>	19,659	\$3,043,213	\$3,043,213	100%	\$3,043,213	5,127	\$594	
	Park OS7		\$155	m <sup>2</sup>	8,406	\$1,301,249	\$1,301,249	100%	\$1,301,249	5,127	\$254	
	Park OS9		\$155	m <sup>2</sup>	5,002	\$774,310	\$774,310	100%	\$774,310	5,127	\$151	
	BushOS (1)		\$52	m <sup>2</sup>	19,200	\$990,720	\$990,720	100%	\$990,720	5,127	\$193	
	BushOS (2)		\$52	m <sup>2</sup>	3,589	\$185,192	\$185,192	100%	\$185,192	5,127	\$36	
	BushOS (3)		\$52	m <sup>2</sup>	6,543	\$337,619	\$337,619	100%	\$337,619	5,127	\$66	
	Village Centre OS		\$155	m <sup>2</sup>	0	\$0	\$0	100%	\$0	5,127	\$0	
	Playing Field OS6 and Field B4 (3 fields)		\$9,191,722	Item	1	\$9,191,722	\$9,191,722	100%	\$9,191,722	5,127	\$1,793	
	OS8 AOS Embellishment		\$160	m <sup>2</sup>	20,118	\$3,218,880	\$3,218,880	100%	\$3,218,880	5,127	\$628	
	Shared paths 2.5m wide		\$355	m	920	\$326,370	\$326,370	100%	\$326,370	5,127	\$64	
	Shared paths - 1.0m widening of standard footpath to Castle Road, Frogmore Rd, and connection to East-West		\$142	m	3,050	\$432,795	\$432,795	100%	\$432,795	5,127	\$84	
	Pedestrian/ shared path bridge		\$193,500	Item	2	\$387,000	\$387,000	100%	\$387,000	5,127	\$75	
<b>Sub total</b>					<b>109,123</b>	<b>\$23,692,658</b>	<b>\$23,692,658</b>		<b>\$23,692,658</b>		<b>\$4,521</b>	
<b>Contingency</b>												
	Contingency - on construction (Included above)		0%	%	-	\$0	\$0	100%	\$0	1729.0	\$0	
<b>Sub Total</b>						<b>\$0</b>	<b>\$0</b>		<b>\$0</b>		<b>\$0</b>	
<b>TOTAL</b>						<b>\$69,538,193</b>	<b>\$69,538,193</b>		<b>\$69,538,193</b>		<b>\$13,563</b>	

<b>\$69,538,193</b>	<b>102.3</b>	<b>\$679,748</b>
<b>\$ per Ha NDA</b>		

## ANNEXURE A – ASSUMPTIONS Table 8 Proposed Section 7.11 Schedule of Costs

<b>PROJECT: Orchard Hills North - S7.11 Assessment</b>		<b>DATE OF ESTIMATE: 2 Feb 2022 Rev 10.0</b>			
<b>CLIENT: Legacy Properties Pty Ltd</b>		<b>DRAWING REF:</b>			
Precinct Area A	151.9	Rezoning Area Yield	1,729	dwelling	
(Gross area Ha)		Structure Plan Yield	1,146	dwelling	
		<b>Total Yield</b>	<b>2,875</b>	dwelling	
	Assumed land values:	Developable land	\$ 400 per sq.m.	Prof. Fees	12%
		Bushland	\$ 90 per sq.m.	Auth. Fees	2%
		Flood prone land	\$ 55 per sq.m.	Contingency	15%

### NOTES

- 1.00 **GENERAL**
- 1.01 Assumptions generally based on Masterplan Road Network Ref: LEGOH-2-001-4 Rev V dated 07.11.21
- 1.01 Section 7.11 works have been estimated for both the rezoning area and the balance of the Structure Plan Area
- 1.02 Yield assessment based on D&P Plan LEGOH-14-013 dated 1/02/2021
- 1.03 Assumed Land values are - \$400 per sq.m. for developable land, \$90 per sq.m. for bushland, and \$55 per sq.m. for flood prone land
- 1.04 Professional fees assumed to be 12% of cost of works
- 1.05 Authority fees assumed to be 2% of cost of works
- 1.06 Contingency allowance is 15% of cost of works
- 1.07 Plan Administration Fee assumed to be 1.5%
- 1.08 The above allowances are consistent with the recommendations of IPART Local Infrastructure Benchmark Costs dated April 2014
- 1.09 Structure Plan cost estimates for Area B are high level only. It is assumed Council will prepare a future Section 7.11 Plan for Area B once the land is rezoned and cost of works can be estimated with a greater degree of accuracy
- 2.00 **WATER CYCLE MANAGEMENT FACILITIES**
- 2.01 Scope of works for the rezoning area is generally based on the JWP updated Stormwater Management Strategy dated May 2021
- 2.02 Scope of works in the balance of Structure Plan area has been sized by application of consistent rates from Area A
- 2.03 All water quantity and water quality facilities are regarded as Section 7.11 works
- 2.04 Detention required at B4 (sports field) - cost of detention measures measured separately to sports field works
- 2.05 Allowance made for realignment and stream improvement works to Werrington Creek as stormwater drainage works
- 2.06 Assumed that no stream improvement works are required to Claremont Creek
- 2.07 No allowance made for revegetation of riparian corridors since these are not on the "Essential Works" list.
- 2.08 Assumptions regarding land acquisition under Section 7.11 Plan:  
Riparian corridors are acquired as trunk drainage lands. Werrington Creek corridor in particular is required for flood conveyance  
Land is acquired for all water quantity and water quality facilities
- 3.00 **TRAFFIC AND TRANSPORT MANAGEMENT FACILITIES**
- 3.01 Off site infrastructure upgrades have been included in accordance with SCT TMAP dated April 2021
- 3.02 A substantial saving can be achieved for Site SH by installing a signalised intersection instead of a dual lane roundabout - subject to TCS approval by TfNSW. The roundabout will cost approximately \$12.M the signalised intersection cost of \$3M has been included.
- 3.03 Allowance for half road fronting school (developer builds opposite site), north side of Caddens Road (opposite development sites)
- 3.04 Frogmore Road Resurfacing allows for adjacent developers to build kerb and gutter and drainage as part of their construction costs for their frontage works as they proceed.
- 3.05 No provision for collector road construction in the plan
- 3.06 East-West Link Road is included within this plan apportioned between the Area A (Rezoning Area) and Area B (Structure Plan Area) on a NDA basis.
- 3.07 North-South Link Road is partially funded in this plan. 50% of the width of the road (for purpose of acquisition), and one carriageway (of the dual) to Council standard road. Balance to be funded by State and are not included in this plan.
- 3.08 High level cost estimates provided based on concepts contained within the TMAP - no detailed design or analysis has been done
- 3.09 Upgrade of Existing road included as works may need to extend beyond frontage to achieve overall equitable and good design outcome.
- 4.00 **OPEN SPACE AND RECREATION**
- 4.01 Assumptions generally based on LEGOH-2-001-4 - Indicative Cell Structure Plan Rev T dated 24/05/2021
- 4.02 OS rate of \$120 per sq.m. allows for landscaping plus hardscape works such as play equipment, seating, pathways
- 4.03 Bush/OS rate of \$90 per sq.m. allows for 50% bush regeneration plus 50% park embellishment with landscaping plus hardscape works
- 4.04 1/2 Road Frontage (land and works) added for Area A only (previously under transport - in part)
- 4.05 The Village O/S is already owned by Council as road reserve and does not need to be acquired. Embellishment cost only.
- 4.06 4.04\_ AMENDED - Full allocation of AOS and POS per PCC provision rates has been adopted with a POS surplus of 0.1225ha increase
- 4.07 4.05\_ AMENDED - As per Amendments section



## ANNEXURE B – REFERENCES

Department of Planning & Environment, *Planning Services – Gateway Determination Report*, Orchard Hills North, 2019.

*Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012*, as amended.

*Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017*.

Greater Sydney Commission, *Western City District Plan*, March 2018.

NSW Government, *A Plan for Growing Sydney*, 2014.

Greater Sydney Commission, *Greater Sydney Regional Plan - A Metropolis of Three Cities*, March 2018

Penrith City Council, *Economic Development Strategy – Building the New West*, January 2017.

Penrith City Council, *Penrith Community Profile 2018*, p 24.

Population and household forecasts, 2016 to 2036, prepared by id., the population experts, December 2017.

Orchard Hills North Precinct Structure Plan, Design and Planning, 'Indicative Structure Plan' - Rev E, November 2021

Orchard Hills North Detailed Structure Plan, Design and Planning, 'Indicative Master Plan' - Rev V, November 2021

Orchard Hills North Urban Design Report, Design & Planning, December 2021

Orchard Hills North Landscape and Visual Assessment, Place Design Group, 23 March 2018

Orchard Hills North Open Space Strategy, Place Design Group, October 2021

Orchard Hills North Traffic Management and Accessibility Plan, SCT Consulting, 1 April 2021

Orchard Hills North Flood & Stormwater Management Strategy, J. Wyndham Prince, December 2021.