

**Orchard Hills
Community Consultative Committee**

Meeting No: 4

Date: 14 September 2023, 6:30 – 8 pm

Location: Online, Zoom

Attendees	
<p>Community members</p> <p>Diane Azzopardi (DA)</p> <p>Ajmair Chauhan (AC)</p> <p>Deborah Cutajar (DC)</p> <p>Tony Napoli (TN)</p> <p>Con Paphatzis (CP)</p> <p>Bree Wilson (BW)</p> <p>Ed Zussa (EZ)</p> <p>Christine Vella (CV)</p> <p>Independent Community Commissioner</p> <p>Professor Roberta Ryan, Independent Community Commissioner (RR)</p> <p>Kate Robinson, office of the Independent Community Commissioner (KR)</p> <p>Isa Crossland Stone, minute taker, office of the Independent Community Commissioner (ICS)</p>	<p>Government representatives</p> <p>Catherine Van Laeren, Executive Director, Western Parkland City, Department of Planning (DPE) (CVL)</p> <p>Casey Joshua, Director Central (Western), DPE (CJ)</p> <p>Andrew Blackman, Senior Manager North, Western Parkland City, Transport for NSW (AJ)</p> <p>Peter Gresser, Project Manager Interface, Sydney Metro (PGr)</p> <p>Chris Davis, Project Stakeholder Interface Manager, Sydney Metro (CD)</p> <p>Fernando Ortega, Western Sydney – Commercial Partnerships Manager, Sydney Water (FO)</p> <p>Abdul Cheema, A/g City Planning Manager, Penrith City Council (AChe)</p> <p>Other attendees</p> <p>Jenny Byrnes, Senior Manager Acquisitions, Office of Strategic Lands Department of Planning (JB)</p>
<p>Apologies</p> <p>Rob Hodgkins, DPE (RH)</p> <p>Don Feltis (DF)</p>	

Item	Description	Action
1	Welcome - RR	
	<p>RR welcomes the attendees to the meeting and introduces herself.</p> <p>RR invites new attendees to make their introductions.</p> <p>CJ introduces herself; she is new to DPE, and her role is Director of Central Western. One of her responsibilities is to help manage the strategic planning of Orchard Hills.</p> <p>JB introduces herself; she is the Senior Manager of Acquisitions and Strategic Plans at DPE.</p> <p>CD introduces himself; he is the Project Stakeholder Interface Manager for Sydney Metro.</p> <p>PG reintroduces himself to the group. He is also a Senior Communications Manager for Sydney Metro.</p>	
2	Minutes from previous meeting - RR	
	<p>RR asks for endorsement of the minutes from the Orchard Hills CCC Meeting 3.</p> <p>Community members CP and BW endorse the previous minutes.</p>	
3	Actions from previous meeting - KR	
	<p>KR speaks to the previous actions.</p> <p>Regarding Action 1, KR provides the following information re a contact in the CPCP team:</p> <p><i>The best place for people to start with all enquiries about their land is the CPCP hotline at:</i></p> <p><i>cpcp@planning.nsw.gov.au</i> <i>(02) 9585 6060</i></p> <p>KR reports that Action 2 is complete.</p> <p>KR reports that Action 3 is complete.</p> <p>KR says that Action 4 is scheduled to be discussed in this meeting.</p> <p>KR says that Action 5 is scheduled to be discussed in this meeting.</p> <p>KR says that Action 6 is scheduled to be discussed in this meeting.</p> <p>DA raises the subject of rate deferral. She notes that Matthew Saunders (MS) from the Council went on leave for a week</p>	

	<p>immediately after the previous meeting, and thus was unavailable to answer community questions re rate deferral in good time. DA says that many of her neighbours who sought advice on this matter and did not hear back from MS or his colleagues.</p> <p>DA visited Council in person to follow up with MS and his assistant and found that they both work from home. She was told that he would be in touch shortly to follow up her enquiries, but neither she, nor her neighbours have (to her knowledge) heard back.</p> <p>RR thanks DA for informing her.</p> <p>KR will contact MS and the Council to follow-up.</p>	<p>KR to contact MS about providing information and support regarding rate deferrals.</p>
4	Update: Orchard Hills draft rezoning plans – CJ and CVL	
	<p>CJ presents on the Orchard Hills draft rezoning plans.</p> <p>RR anticipates that people will be interested primarily in the timing of the rezoning outlined in CJ’s presentation.</p> <p>RR says that there is currently a lot of change surrounding the machinery of government, and the budget will be announced next week. There are still some policy decisions being worked through by the government which have bearing on the timing of the rezoning.</p> <p>EZ expresses frustration on behalf of the community, who would like more clarity regarding the timeline.</p> <p>RR understands this feeling. She emphasises that it is important that community frustration on this point is not directed towards the government representatives.</p> <p>Resourcing is an issue across the government at present, and the DPE is awaiting government direction.</p> <p>AC asks about the flood study used to inform the draft rezoning.</p> <p>CVL says that the rezoning will rely on the most recent Penrith Council flood study.</p> <p>AC says that he received a council letter informing residents that Infrastructure for New South Wales (INSW) is conducting a new flood study. Will this study be most current one used in the draft?</p> <p>CVL says that the draft rezoning plans rely on the same flood study used by Penrith Council in the DPE discussion paper. A stormwater study will supplement with this study.</p> <p>This flood study is linked here.</p> <p>CVL clarifies that all the information relied on by the rezoning</p>	

<p>will be publicly available during the exhibition of the plan.</p> <p>AChe confirms that the rezoning will rely on whichever the most recent flood study at the time of exhibition. At this time, it is the INSW study. The study in question is on the council website.</p> <p>AChe asks whether there is concern about the flood study itself. If there is, he is happy to follow up.</p> <p>AC says no, he is just interested in the latest data and its implications.</p> <p>Regarding the protection of wildlife, which was raised at the last meeting, CVL says that the DPE's aim is the protection of habitat.</p> <p>They will create conservation corridors, which allow for better access for movement and evacuation of animals in natural disaster events.</p> <p>CV asks whether there is any new information regarding the strategy of staging the rezoning.</p> <p>CVL says that the position has not changed. They are still looking at utilities, with an aim to ensure that the land can be developed when it is rezoned. As discussed in the last meeting, infrastructure must be organised before land is rezoned to be developed. Staging is an effective strategy for rezoning in a logical sequence, given the large size of Orchard Hills and that it is segmented into smaller lots.</p> <p>CVL says that the fact that there is no single large developer for the area means that coordination between the agencies' regarding acquisition is very important and quite challenging.</p> <p>CVL says that at this stage, they are still planning to start rezoning closer to the metro station and will continue outwards from this central area. They will be considering how/what utilities are needed for each section at each stage.</p> <p>DA asks about the recreational areas, including the Gipps Street Recreation Centre. Will this be taken into consideration in the scope of the rezoning? The centre is used by many of the residents.</p> <p>CVL says yes, it will be taken into account as part of the assessment of the social and recreational needs of the area. They understand that people travel outside of the precinct for their daily needs.</p> <p>DC asks about how many homes are planned for the area/each precinct?</p> <p>CVL says there is no specific number currently. They are still working through the number of dwellings to determine what</p>	
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<p>facilities will be needed. They will be able to provide more indicative numbers when they explain the draft precincts to the CCC.</p> <p>CVL notes that the plan for Orchard Hills is very long-term. It is approximately a 40-year project. Therefore, they are looking at a very large number of homes. The housing crisis and the need for additional housing is part of this consideration.</p> <p>CV asks about the open spaces and community centres. Will they be mapped for the public exhibition?</p> <p>CVL says she does not yet know. DPE will be mapping them in areas that are being rezoned, but they have not yet decided whether they will show these public facilities on the map outside of these areas. On one hand, it would be good to provide certainty to people, but on the other hand, given the long-term nature of the project it might be unwise to map these on someone's land.</p> <p>BW says that the principal of the Penrith Anglican College has contacted her. The school has a masterplan that has gone to Council, and they need to bring into fruition, due to rapid expansion of the school. Wentworth Road is extremely congested around drop-off and pick-up times.</p> <p>BW says that the school has not received an answer from the Council nor DPE as to what infrastructure can be installed on Wentworth Road (such as bus stops) to speed up the flow of student traffic. The concern is putting infrastructure in, and then the land being acquired during rezoning.</p> <p>RR says that RH from the DPE has been in touch with the school principal. RH is an apology tonight.</p> <p>CVL suggests that that the council take the lead on this matter, as it is a local and state road issue in terms of traffic.</p> <p>AChe will provide KR with a contact for the traffic department, who can liaise with the school on this matter.</p> <p>AB would like to be CCd in on this communication in order to ensure that TfNSW can be involved if needed.</p> <p>BW says that, according to RH, there is apparently a traffic study being done on the road in December. The school closes on December 6, so it is important to conduct the study before this date.</p> <p>DC asks about the strategy of rezoning land by starting from the metro location. What is considered 'close to the metro'?</p> <p>CVL says that they have yet to define this catchment. There is a range of opinions here, the catchment may range from 400m – 1.2km from the station, depending on various geographical</p>	<p>AChe to provide KR with a contact from the Penrith Council traffic department who can be in touch with the Penrith Anglican School principal to discuss their master plan. AB is to be CCd in on correspondence discussion.</p>
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	<p>factors relating to walkability.</p> <p>DC asks if this assessment will define what kind of housing is built.</p> <p>CVL says that they will try to maximise housing close to the metro station and will plan 'high density' housing in this area.</p>	
5	Briefing on agency roles during and post the rezoning:	
	<p>Sydney Water – FO</p> <p>FO presents on behalf of Sydney Water.</p> <p>TN asks about the new tax imposed in new infrastructure by Sydney Water. Will the main portable water lines be delivered by the developers through their contributions?</p> <p>FO says that where sites will be developed, developers will pay contributions for both water and wastewater. These charges will be triggered from July 2024, and are detailed on the Sydney Water website.</p> <p>FO notes that until approximately 15 years ago, there was a developer fee for Sydney Water. It has been re-introduced recently, in part to contribute to retrofitting works to existing water lines.</p> <p>TN asks about under the M4, where the sewer line is planned to be extended. Will these extensions be servicing Orchard Hills South as well?</p> <p>FO says yes, although currently they are working on designs and waiting on investment funds to begin work.</p> <p>AC asks about the status of the Sydney Water plan for the Metro.</p> <p>FO says there is a capacity constraint for the Metro. There is a temporary water service that is being funded by the Metro. There are water main connections and there will be connections to the existing networks north of the M4.</p> <p>RR says that one of the challenges in this process is that there is not one effective government mechanism to ensure that servicing occurs at the point of rezoning. There is also no coordinating agency, and therefore there are various levels at which this is a complex challenge. RR is keen to see improvement in the efficiency of the rezoning process. She is working hard on improving these mechanisms.</p>	

Penrith City Council – AChe

AChe shares a presentation update.

AC says that at a previous meeting, a DPE representative said that Council takes the lead role in stating what social infrastructure is needed, and where. Is this true?

AChe says that the council sets particular standards for incoming infrastructure (such as open space), but council does not dictate where this infrastructure or space is located.

AChe and RR explain that state infrastructure and local infrastructure are considered separately and determined at different levels of government.

State government works with the local council to organise infrastructure at the state level.

TN notes that the DPE is the lead agency in rezoning, but implementation of rezoned developments is overseen by the Council. Does the Council have concerns regarding the fragmented ownership of land in Orchard Hills?

AChe says that the fragmented ownership means that they will be using a contributions plan.

TN says that often developers buy land according to the rezoning. Sometimes, a landowner buys on a newly zoned road which does not yet exist. In this case, the landowner may be land-locked before the roads are developed.

AChe answers that they are looking at the strategy of sequencing for the rezoning.

Office of Strategic Lands (acquisition) – JB

JB presents on the process of land acquisition. The presentation includes the legislative provisions for land that is reserved for a public purpose.

RR comments following the presentation.

RR says that she has been highly involved in discussions about acquisition in the Aerotropolis, and how in many instances it was not well-handled.

RR says that she is aware that there has been a lot of unhappiness around the acquisition of land for the metro station in Orchard Hills. This has been well-documented.

RR says with respect to the hardship applications for early acquisition discussed in JB's presentation, that in RR's

<p>experience the process of assessing eligibility for hardship is quite generous and considers a range of individual circumstances.</p> <p>RR says that the Office of Strategic Lands has an effective interface with the community for going through the process of acquisition.</p> <p>RR notes that the most challenging cases often occur when more than one agency requires parts of a piece of land. Often the agencies (such as Sydney Water, Council or TfNSW), are working on different timelines and with different legislative requirements.</p> <p>RR says that she issued a report to the Minister for Planning last week. The report deals with the question of acquisition for both Aerotropolis and Orchard Hills. Central to her recommendations is to have a 'front door' for community, which would be one single interface for landowners to discuss acquisition by any of the agencies.</p> <p>RR says that the land must be rezoned and then required for a public purpose in order to be marked for acquisition. The principle of the legislation is that the value of the land should not be impacted because it is required for a public purpose. Therefore, valuation of the land takes into consideration recent sales and other factors of the market.</p> <p>CV asks JB about establishing the market valuation of acquired land. If a property was marked for acquisition, would it still be a rural zoning or would it become zoned to be the same as the neighbouring properties?</p> <p>JB says that the acquiring government agency will engage independent consultants in this process. One will be a town planner, who will determine the alternate zoning based on the rezoning of the surrounding properties.</p> <p>JB says the spirit of this legislation is to ensure that the landowner is not disadvantaged because the government requires the land for a public purpose. The goal is to resolve all doubts in the landowner's favour and enable them to move to a property of equivalent value.</p> <p>JB says that they recommend that landowners engage a solicitor and other consultants as required, such as a town planner, ecologist, hydrologist and valuer etc., who can make an independent assessment and enable negotiation between the experts to determine compensation. In instances where a hardship acquisition is lodged, this process is more directly dealt with by the Valuer General.</p> <p>RR says that this area will continue to be a focal point of discussion by the CCC. JB or other acquisition experts can be called in to these meetings throughout the coming phases.</p>	
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	<p>JB says that her team is cognisant of the landowners' perspectives and does their best to prioritise their point of view.</p> <p>BW asks what will happen if properties are approached for acquisition but the neighbouring properties have not been rezoned. How will the zoning be determined?</p> <p>JB says that in these cases, the engaged town planner will determine alternate zoning. They will look back through previous planning instruments to determine at what point in the planning the public purpose played a part in affecting the market value.</p> <p>BW asks about the hardship application. Can this be available to landowners who simply want to sell their property in order to re-buy in the area before it becomes much more expensive?</p> <p>JB says that under the Just Terms Act, the legislation that provides the hardship allowances only applies when land is officially reserved for public purpose. Once land is reserved for a public purpose through being identified in the Land Reservation Acquisition Map in the planning instrument, the landowner can submit a hardship application.</p> <p>AC asks what happens if a property has been earmarked but not rezoned, and therefore there is no basis for a landowner to apply for hardship and sell their property to relocate.</p> <p>RR explains that if a property is impacted by being required for a public purpose, it is made a land reservation. A landowner can apply for hardship once the land is reserved for acquisition however they may choose to wait until the land is required by government. The consultants engaged to complete the due diligence to determine the amount of compensation will consider all aspects of the reservation.</p> <p>JB adds that until it is reserved for public purpose, the land can be sold on the open market.</p> <p>AC asks about when there is a transport corridor on a private property. He said this discourages buyers from purchasing the land on the open market.</p> <p>JB says that it depends on what the corridor is for. Landowners can approach the acquiring agency to discuss timelines and possibilities for processes.</p> <p>KR suggests that these issues regarding transport corridors could be taken up with AB from Transport. KR will reach out to AB offline, as AB has had some technical issue this evening.</p> <p>JB says that the NSW legislation website planning instrument exhibits the Land Reservation Acquisition Map publicly. This map identifies land that has been reserved for acquisition.</p>	<p>KR to contact AB offline regarding AC's question about acquisitions of private properties for transport corridors.</p>
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	<p>BW asks how landowners will be notified when their property is up for acquisition.</p> <p>JB says that there will be door knocks, notification letters and community information sessions for landowners who are affected.</p> <p>RR says that when land is marked for a public purpose, she will be trying to support a well-designed engagement process at each of the ensuing stages.</p> <p>BW asks if land is acquired for public use but ultimately that plan does not go ahead and the land gets sold to a developer, does the original owner have any recourse?</p> <p>JB says that if land is acquired, it should be put to the public purpose it was acquired for. If it is a compulsory acquisition, the previous owner has first right of refusal. This may be different when an acquisition has been finalised through a contract of sale.</p> <p>DC asks about the upcoming community drop-in information session mentioned by JB.</p> <p>KR notes that the meeting is scheduled for 23 September. It is for the Aerotropolis area, not directed towards Orchard Hills residents.</p> <p>DC says that it would be helpful to have similar sessions for Orchard Hills in future.</p> <p>KR says that community drop-in information sessions for Orchard Hills will be scheduled when the government has advanced further in the plans for Orchard Hills.</p> <p>AC asks about instances where many different departments acquire different pieces of a person's land, and the land is no longer easy for the owner to use. At what point should the whole piece be acquired?</p> <p>RR says that this continues to be a fraught issue. She has made recommendations that if a small a landowner's property is more than 50% acquired, then the government should have to acquire the remainder of the land. This recommendation was taken up in the Aerotropolis.</p> <p>RR thanks JB for her attendance and support.</p> <p>JB thanks the group for having her and would be happy to return again.</p>	
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6	Update: Sydney Metro's activities in Orchard Hills - PG	
	<p>PG updates that all four tunnel boring machines (TBMs) are now underground. The fourth and final TBM, called Marlene, has started her journey.</p> <p>PG says that via network news channels 7, 9 and 10, Sydney Metro has shared information about the TBMs and has garnered over 1 million views.</p> <p>PG reminds the group of the TBM live website, for people to see the progress of the TBMs.</p> <p>PG says that the tunnelling contractor did a few open days at Orchard Hills in August. These events were very successful. The first event had 120 attendees and the second event sold out with 200 attendees.</p> <p>PG says that the TBM contractor has been doing some community drop-ins around the North and South of the alignment.</p> <p>PG says that the Q3 Community Newsletter will soon be delivered to 45,000 people along the alignment.</p> <p>DC asks about the journeys of Marlene and Catherine. OG explains that they are twin tunnelling side by side to St Mary's.</p> <p>DC asks about the height of the viaduct coming out to Orchard Hills. She would like to estimate how much will be visible.</p> <p>PG will follow this up and let KR know.</p> <p>AC asks if the metro is still on schedule to be opened.</p> <p>PG says it is.</p> <p>AC says that he has seen in a recent NSW Productivity Commission Report dated August 2023, on Page 16, it says that the metro line is scheduled to be opened in 2031.</p> <p>PG says that this is incorrect. He can follow up this.</p> <p>AC will send to KR, who will forward to PG to follow up.</p> <p>DA says that she attended the community consultation sessions, and it was generally a very informative day. PG thanks DA for this feedback.</p>	<p>PG to clarify the height of the metro viaduct at Orchard Hills, as per DC's question.</p> <p>PG to follow up about the misinformation regarding timing of the metro line opening, as found by AC in the August 2023 NSW Productivity Commission Report.</p>

7	Other business - RR	
	<p>DA asks about whether slides could be provided before the meeting so that community members can annotate on the slides, perhaps just 30 minutes beforehand.</p> <p>KR will follow this up, although RR suggests that it may be difficult to achieve this consistently.</p> <p>DC says that in May, the community members received a slide pack for the Orchard Hills Community Consultative Committee, which was confidential. Why was it confidential? Which part?</p> <p>KR and RR will follow this up offline.</p> <p>RR says that the matter of contributions is quite complex. There have been recent legislative changes in this area.</p> <p>RR asks if the community members would like to have an expert attend a future meeting to discuss contributions.</p> <p>The group generally agrees that this would be helpful.</p> <p>KR will follow up this presentation and organise it for a coming meeting.</p> <p>RR says that the community members are doing a great job with communicating for/on behalf of their communities.</p> <p>RR says that community members should reach out to KR and RR to seek support in any of this communication work. KR and RR will continue to liaise with the CCC community members as new information becomes available for the community.</p> <p>RR says from the point of the finalised rezoning process, the primary issue will be organising infrastructure delivery, reflecting that there is no mechanism for forward-funding infrastructure.</p> <p>RR discusses the report that she presented to Minister Scully last week, which included some preliminary recommendations for an improved acquisition process for Orchard Hills. RR is hopeful that this will be well received and many of her recommendations will be taken up.</p> <p>Next meeting: 9 November</p>	<p>KR to ask agency representatives to share slide packs with the members slightly ahead of the meetings.</p> <p>KR and RR to clarify which parts of the provided slide pack, referenced by DC, remain 'confidential'.</p> <p>KR to arrange for a contributions expert to present at a future CCC meeting.</p>

Orchard Hills

Community Consultative Committee Meeting

14 September 2023

Casey Joshua

Director, Central (Western)

1

Recent consultation

Stormwater

- We are continuing to work with Council and our consultants on a stormwater scheme for the precinct
- These workshops explore principles of a cost effective, council-led stormwater approach to meet water quality targets for Wianamatta-South Creek
- The development of the stormwater scheme will feed into the flood modelling work



Social Infrastructure and Open Space

- Progressing the provision of open spaces and community facilities
- Delivery pathways community facility and open space land
- Seeking to form a connected network using existing creek lines, vegetation, ridgelines and high points
- Community facility locations are sought near local centres, schools or open space and that are flexible and multi-purpose
- Sports fields will be located within the precinct on flat areas of land



- Developing a road layout and hierarchy for the precinct in consultation with Council, our consultants and Transport for NSW, where necessary.
- The layout and hierarchy is being developed based on potential future traffic flows throughout the precinct
- Proposed active and public transport networks have also been considered as part of the transport work
- A key consideration for Orchard Hills is the function of Kent Road in the future as it caters to traffic using the metro station as well as being a focus of the new local centre.



2

Next steps

Next steps

DPE will continue to work with Penrith Council and state agencies to prepare the draft rezoning package, which will include:

- Explanation of Intended Effect (EIE):
 - Draft statutory changes and maps, summary of other proposed changes
- Draft Development Control Plan
- Draft local contributions plan
- Finalised supporting technical studies

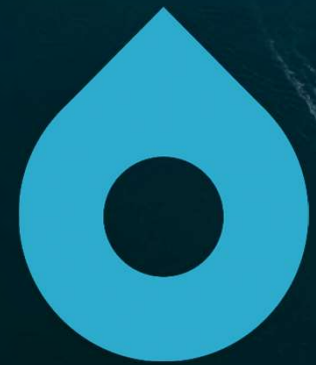


Questions



Sydney
WATER

**Creating a better
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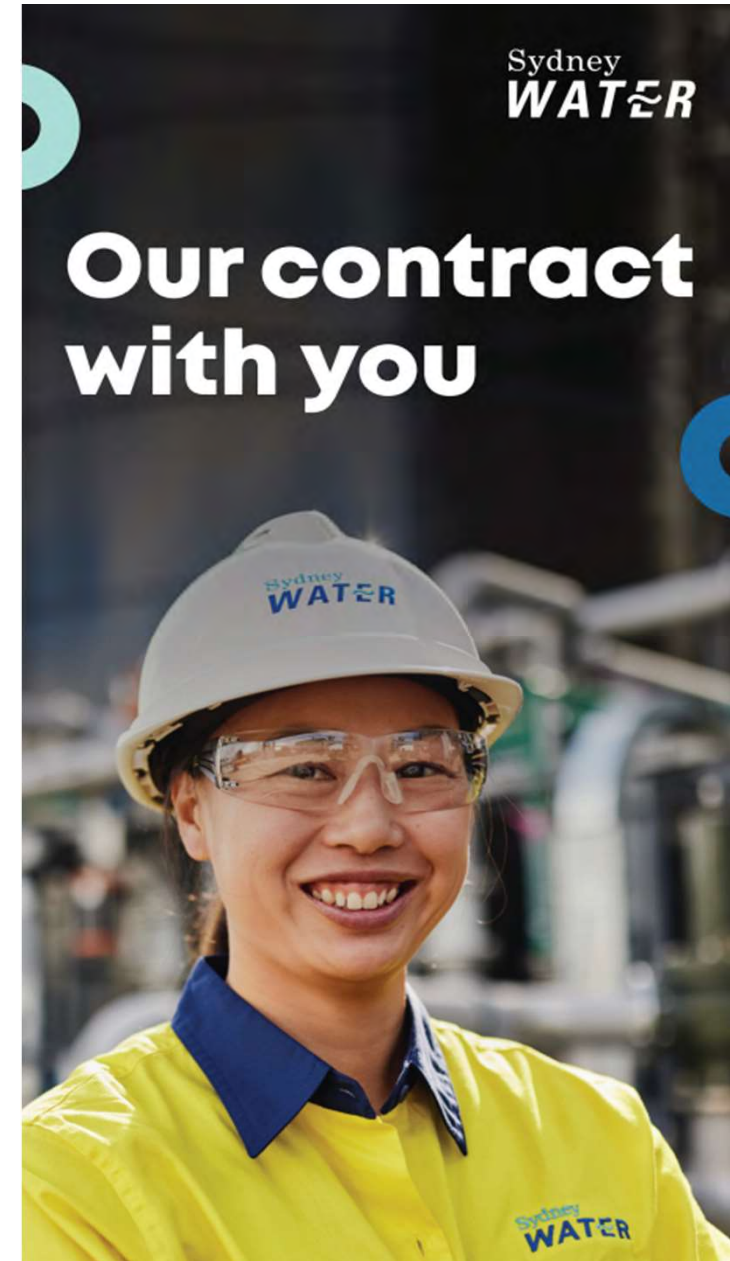


Acknowledgement of Country

Sydney Water respectfully acknowledges the Traditional Custodians of the land and waters on which we work, live and learn. We pay respect to Elders past and present.

Sydney Water

- Statutory state owned corporation since 1994.
- Meet standards and requirements in our **Operating Licence and Customer Contract**
- Our network covers an area of 12,870 km²
- We provide services to **5.3 million** customers
- **Our Core Objective**
 - Protect Public health
 - Protect the Environment
 - Be a successful business



Drinking water network

Every day we supply
1.8 billion litres of water

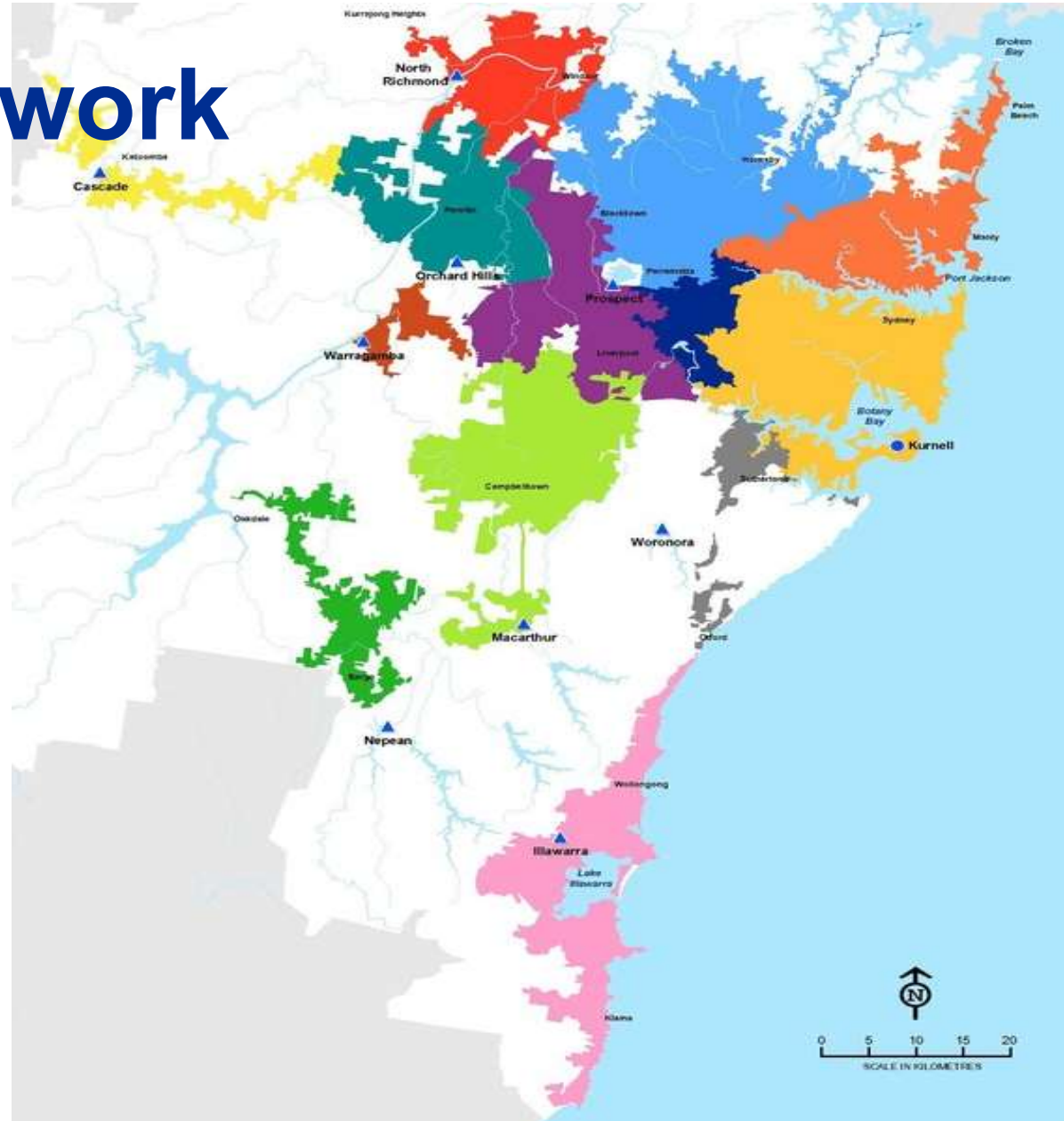
9 water filtration plants

1 desalination plant

21,000 kilometres of pipes

251 reservoirs

164 water pumping stations



Stormwater network

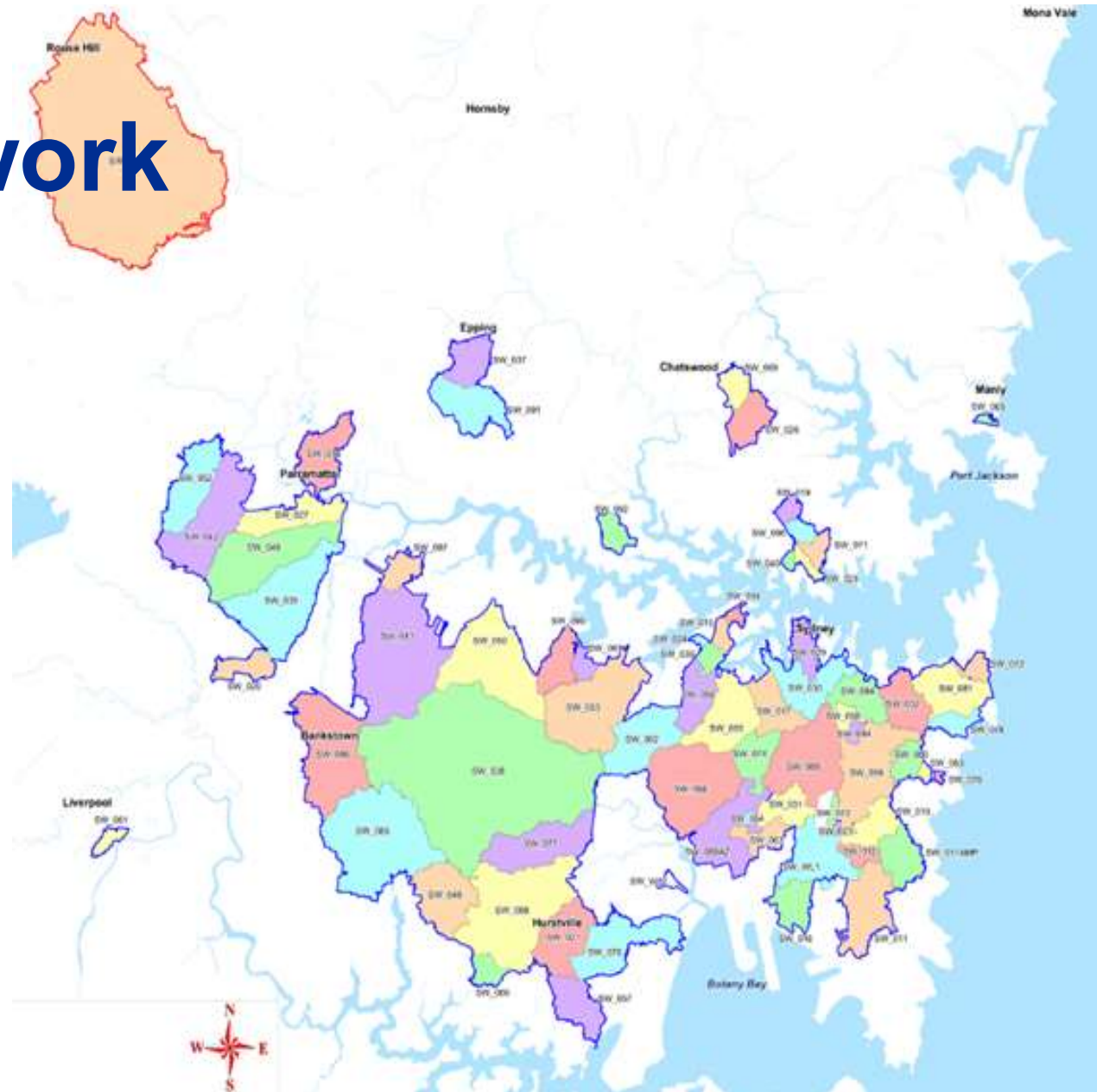
5% of Sydney

72 Catchments

551,000 properties

455km channels and pipes

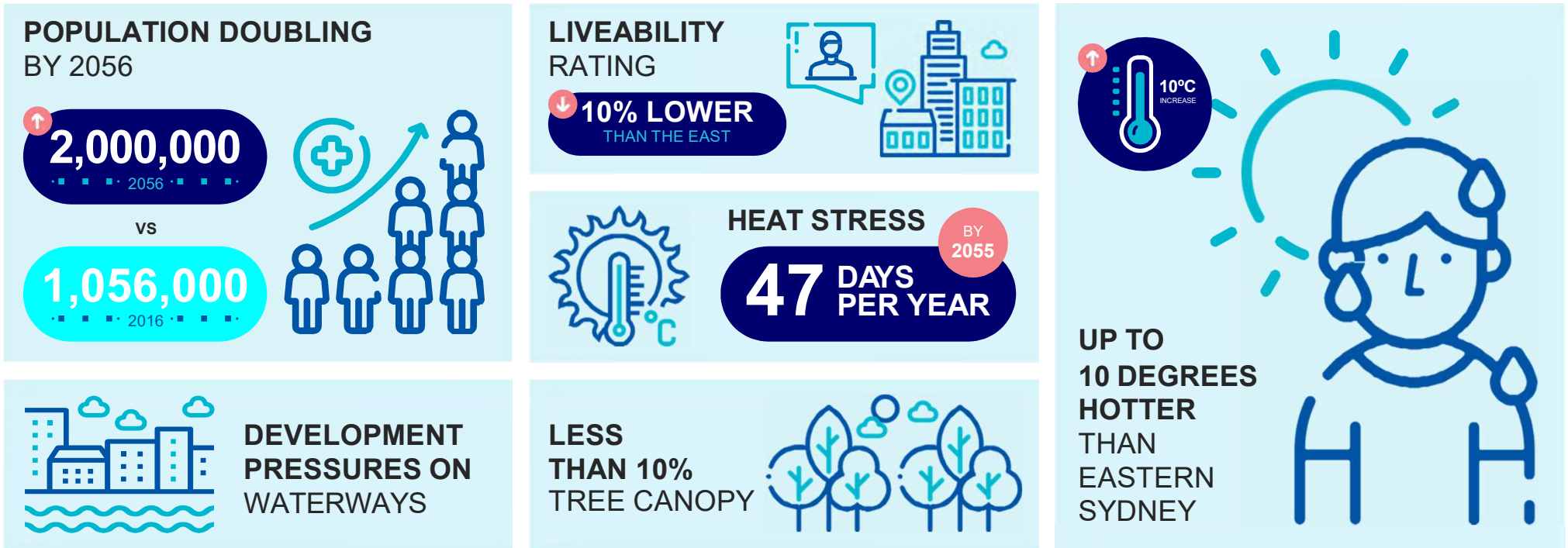
70 SQIDs



Creating a water resilient city: Bringing the Western Parkland City to life



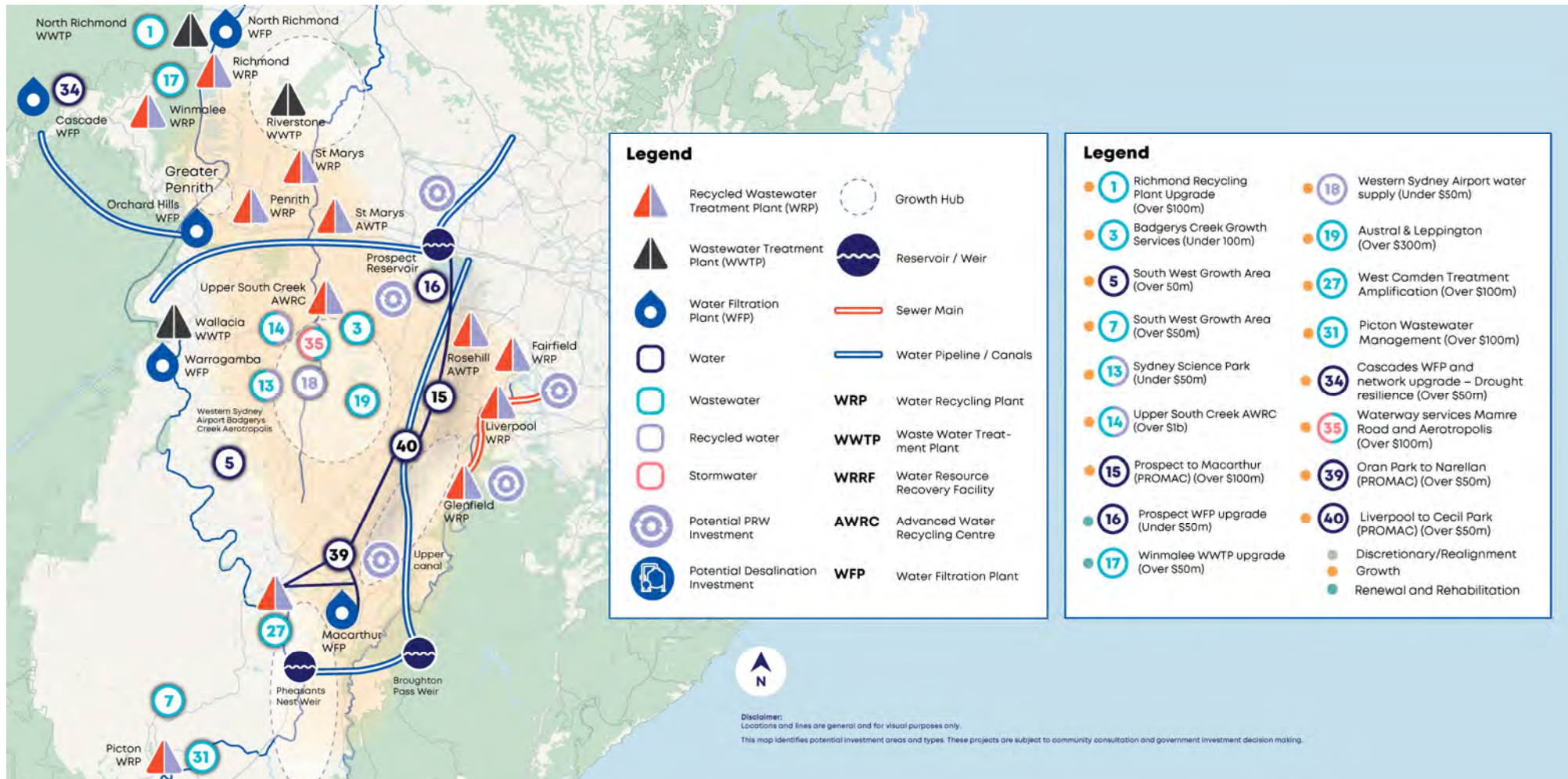
Water: a vital resource for Australia's new parkland city



TOP 3 CUSTOMER PRIORITIES

- Safe and clean drinking water
- Affordable bills
- Healthy waterways and water recreation areas

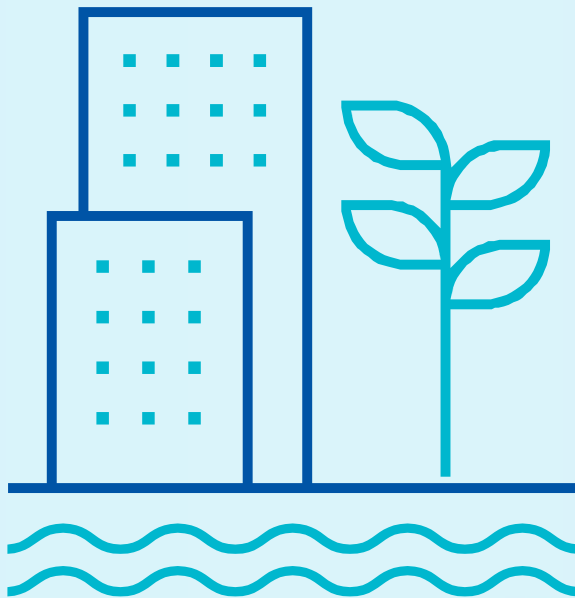
Our key investments in the west



Sydney Water is leading the transformation

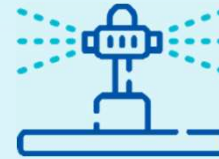
\$3 billion infrastructure investment

Coordinated and collaborative



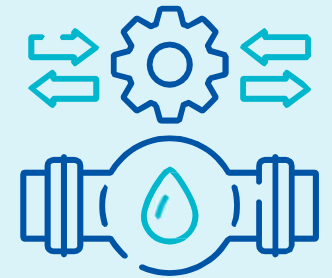
Smart irrigation

Cooling urban areas



Building resilience

Integrated water cycle management



CUSTOMER AT THE HEART

Urban Plunge

Creating clean, safe places to swim



Circular economy

A hub for water, waste and energy





Regional stormwater management

Sydney Water is the NSW Government-appointed trunk drainage authority for stormwater in the Western Sydney Aerotropolis. This means we will be responsible for delivering, managing and maintaining the regional stormwater network, along with our drinking water, wastewater and recycled water networks for Aerotropolis and Mamre Rd precinct

This ensures we protect Wianamatta (south Creek) and create amenities for communities to enjoy



Servicing Orchard Hills



Drinking Water



Wastewater



Recycled Water - opportunities



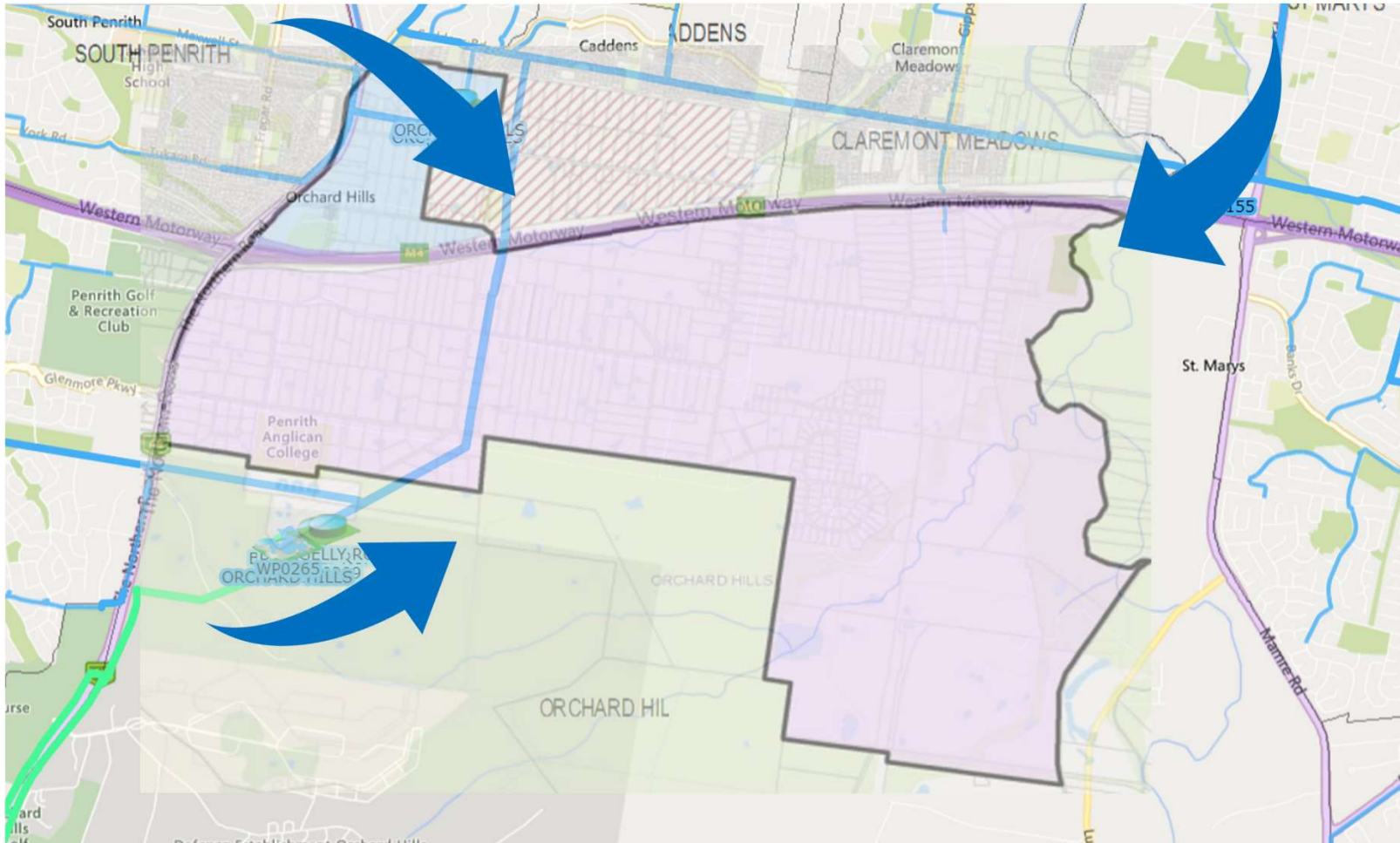
Stormwater - opportunities



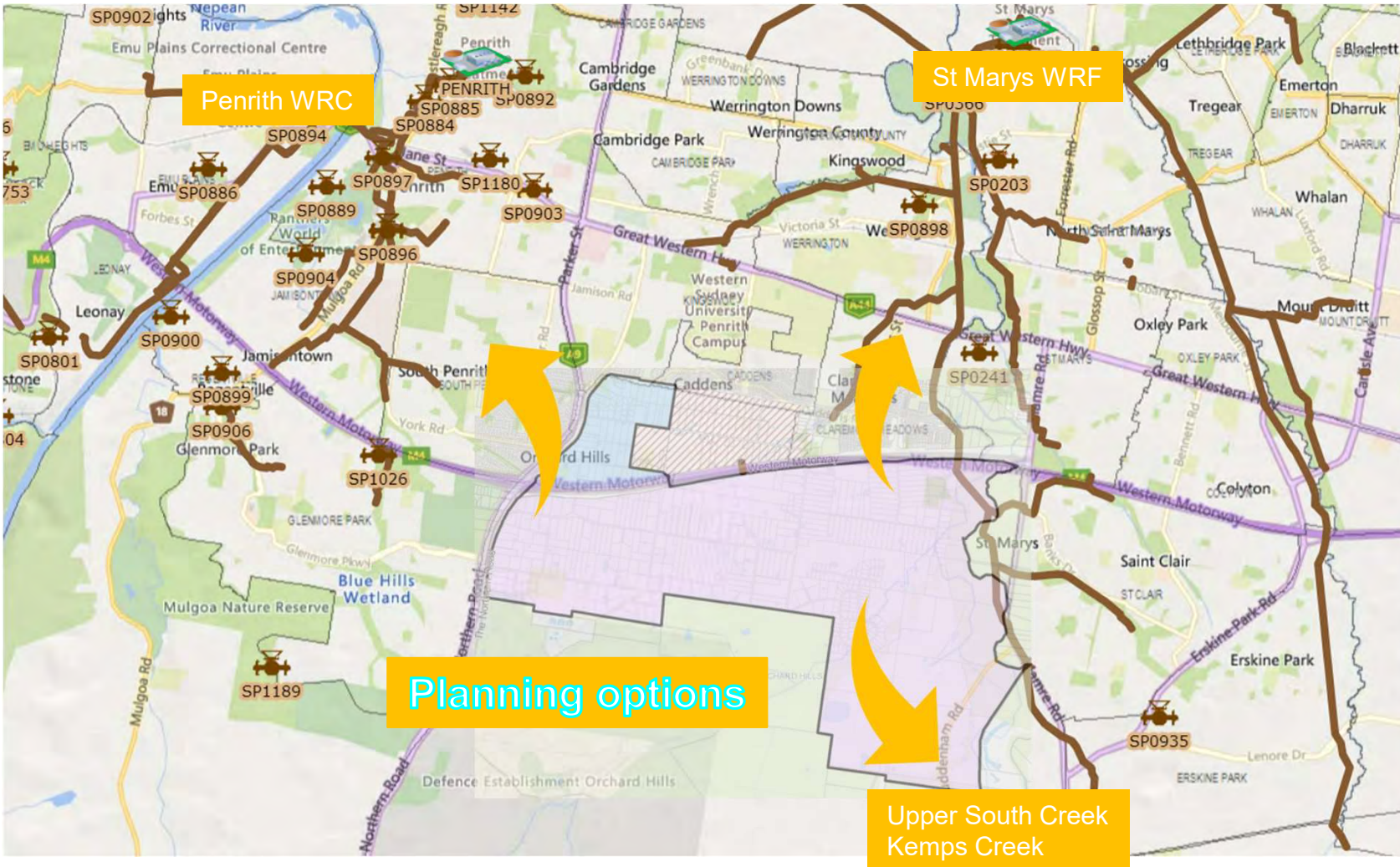
New innovations - opportunities



Drinking Water - Orchard Hills



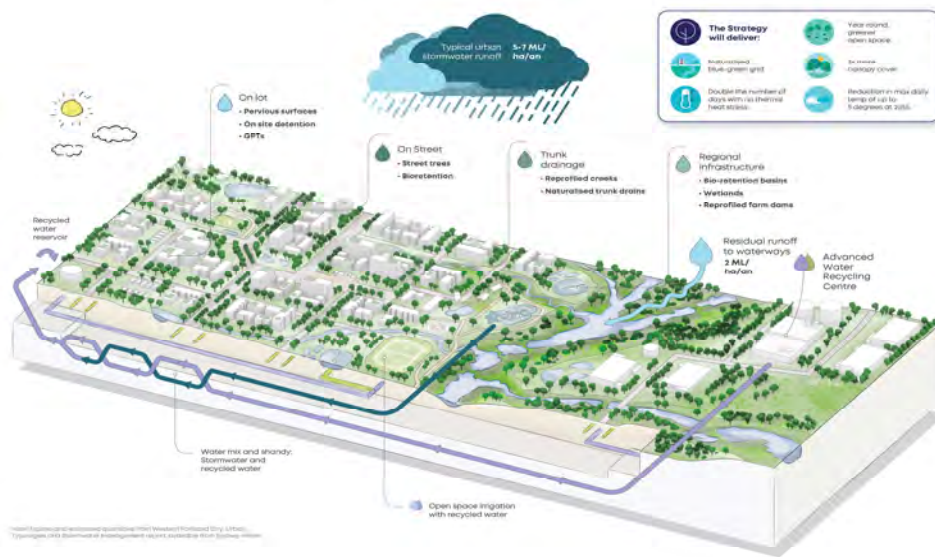
Wastewater - Orchard Hills



Recycled water - Orchard Hills



Stormwater – Orchard Hills



- An integrated water cycle management for Orchard Hills is important.
- Penrith Council working with DPE on this and an agency will be appointed as the authority responsible for regional stormwater across Orchard Hills

Thank you

Fernando Ortega
Western Sydney Commercial Partnerships Manager

14/09/2023

Sydney
WATER

The acquisition of land

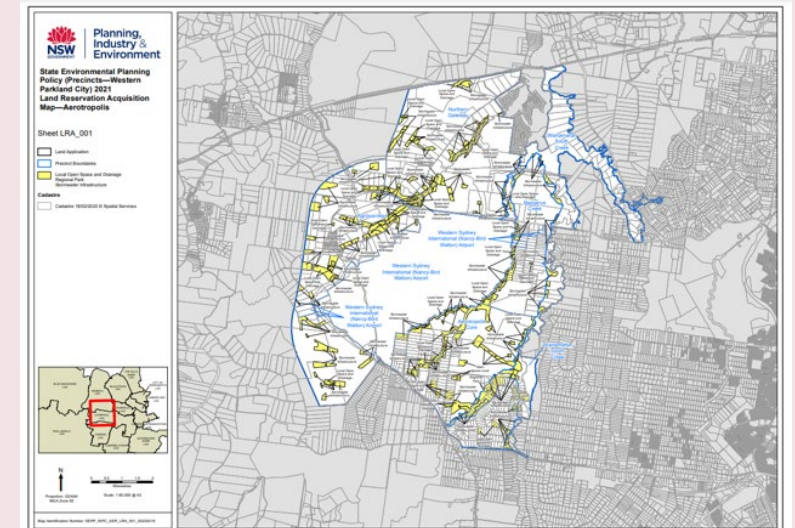
Orchard Hills
Community
Consultative
Committee

Jenny Byrnes
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Office of Strategic Lands

14 September 2023

Land reserved for a public purpose

- Land may be identified to be brought into public ownership for a number of reasons:
 - build infrastructure like roads, stormwater and drainage, public transport, schools, hospitals and other community facilities
 - provide open space and recreational areas
 - protect the environment (flora and fauna)
 - protect the coastline areas
 - protect heritage assets and items of cultural value
 - ensure public safety such as in cases of major contamination.
- The whole of the land may be required, or part of the land, or land beneath the surface, or airspace above.



Legislative framework

- When land is required for a public purpose, it is identified in the Land Reservation Acquisition Map within the relevant planning instrument.
- In NSW, compulsory acquisition is a statutory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and is often referred to as the Just Terms Act.
- The Just Terms Act provides the legislative framework for the acquisition process and considerations when determining the amount of compensation that a landowner is entitled to.
- Land can be brought into public ownership in one of three ways:
 1. acquisition by agreement between the landowner and the government
 2. compulsory acquisition initiated by the government
 3. compulsory acquisition initiated by the landowner under the owner-initiated acquisition provisions of the Just Terms Act (hardship).

Legislative framework

- The Just Terms Act aims to ensure that the land acquisition process is done correctly and fairly. This includes:
 - guaranteeing that the amount of compensation will be not less than the market value of the land (unaffected by the proposal) at the date of acquisition
 - ensuring compensation on just terms for the owners of land that is acquired by an authority of the State when the land is not available for public sale
 - establishing procedures for the compulsory acquisition of land by authorities of the State to simplify and expedite the acquisition process
 - to require an authority of the State to acquire land designated for acquisition for a public purpose where hardship is demonstrated
 - to encourage the acquisition of land by agreement instead of compulsory process.

Just Terms considerations

- The government engages independent consultants such as a hydrologist, ecologist, town planner and property valuer to inform the amount of compensation that is to be offered to a landowner.
- The relevant matters required to be considered when determining the amount of compensation to be offered to a landowner are provided within section 55 of the Just Terms Act:
 - a) the market value of the land on the date of its acquisition
 - b) any special value of the land to the person on the date of its acquisition
 - c) any loss attributable to severance
 - d) any loss attributable to disturbance
 - e) disadvantage resulting from relocation
 - f) any increase or decrease in adjoining land is any increase or decrease in the value of any other land owned by the land owner at the date of acquisition, which joins or is severed from the acquired land by reason of carrying out, the public purpose for which the land was acquired.

Useful resources: Centre for Property Acquisition



- [Understanding the property acquisition process](#)
- [Property acquisition publications and forms](#)



Council's role in the Orchard Hills Precinct Planning

Abdul Cheema - Acting City Planning Manager

Pre – Exhibition

- Assess the adequacy of the technical studies being undertaken to support the rezoning of the land.
- Work with the Department of Planning and Environment (DPE) to determine the suitability of Council being nominated as the regional stormwater authority
- Ensure the Department of Planning is aware of Council's minimum requirements for the provision of social infrastructure such as sporting and community facilities.
- Clearly outline any future risks to Council and Community that Council Officers identify with the proposed rezoning
- Work with DPE Officers on draft land use zones, development controls and Contributions
- Provide initial feedback to DPE on the proposed rezoning

Exhibition

- Review draft land use zones, development controls and contributions.
- Prepare a submission detailing any of Councils concerns
- Report submission to Council seeking Councillors endorsement on the submission and incorporate any Councillor feedback into the submission.

Post Rezoning

- Finalise Contributions Plan – manage IPART review
- Negotiate Voluntary Planning Agreement for initial development if the Contribution Plan needs to be assessed by IPART.
- Commence pre lodgment meetings for applicants seeking to submit development application.
- Assess Development Applications
- Delivery key social and community infrastructure and negotiate with developers for the provision of key enabling infrastructure that can be delivered by the developer.

Positively

PENRITH

