

**Western Sydney Aerotropolis
Community Consultative Committee**

Meeting No: 2

Date: 25 October 2021

Venue: Zoom

Attendees	
Community members: Sam Aloï Helen Anderson Paul Buhac Gabriella Condello Rob Heffernan Joe Herceg Carleen Markuse Roger Moss Ross Murphy Paul Taglioli Sascha Vukmirica Diana Vukovic Wayne Willmington <i>Invited community members:</i> Ahn Lee Maria Zuko	Independent Chair: Professor Roberta Ryan, Independent Community Commissioner Minute taker: Kate Robinson, office of the Independent Community Commissioner
Agency members: Tim Poole, Chief City Coordinator, Western Parkland Authority Natasha Borgia, City Planning Manager, Penrith City Council Catherine Van Laeren, Executive Director, Western Parkland City, Department of Planning, Industry and Environment Lina Kakish, A/Manager City Planning, Liverpool City Council	
Apologies: None	

Item	Description	Agenda
1	Welcome	
	RR welcomes everyone to the meeting.	
2	Apologies	
	No apologies.	
3	Update from DPIE	
	CVL opens the meeting with a high-level overview what has been happening. The Luddenham Village Discussion Paper has been drafted to support a series of discussions on October 20 and 21 which were very helpful and productive. The DCP is aimed at developers and councils to assist councils with assessing development applications. CVL outlines that there are three supporting documents: Aerotropolis Responding to the Issues Report. The Open Space needs study technical document. Existing Uses and permitted Uses Guide – how existing use rights apply to land. We have tried to make clear the legal definition of existing use and provide guidance on what is permitted. Additional Permitted Uses or Transitional uses (As referred to in Roberta’s report) – added uses back in the zones to provide guide for people during transitional e.g., granny flats. CVL says the Responding to the Issues Report is good document to start with. Goes through issues from submissions and recommendations - where we can make changes and what we can address. CVL says there are some issues –e.g., acquisition processes which we cannot respond to immediately. The government is still working on them. CVL says they are looking to resolve this early next year. CVL says there are some housekeeping amendments to the SEPP such as tidying up and clarifying issues e.g., boundary issues.: The Explanation of Intended Effect (EIE) is the plain english document that is exhibited to explained the proposed amendments to the SEPP. Land for acquisition on map is at the back of EIE- it identifies land that has open space allocated that resulted from the needs study. It identifies land for stormwater or open space. Currently we are working with Min Pavey’s office for the announcement of the stormwater authority. In most cases it would be councils acquiring land for open space.	

	MZ asks why in NSW there are so many acquiring authorities? RR says she agrees that it is not a satisfactory situation. But work is being advanced on a process that streamlines this process from a community perspective. RR says it is important that there is the same process acquisition process regardless of authority. CVL speaks about previously permitted uses. There are some land uses that were previously permitted prior to the Aerotropolis SEPP that are being reintroduced into the zones. This is in recognition for the need to be provision for a transition in land use as the Aerotropolis will take many years to develop. This support the reintroduction of some previous permitted uses. e.g., sheds, dual occupancies as the time frame will be extensive. NB: the provisions of the Aerotropolis SEPP will still apply such as noise affection. WW asks to clarify that ANEC 20-25 will not be able to live there? CVL that people can live their as they do now but cannot build noise sensitive land uses such as a second dwelling as that would be intensifying the use. Existing use rights apply but require a development application to be lodged and assessed with the Councils. All must be designed according to noise design standards. The Existing Use Guide provides further advice. CM asks that in Badgerys Creek it is under 35 ANEC. Can people live there? CVL says that the house can continue to be lived in. Ahn Le says they spoke to the council about a property in Cobram Park that wanted to extend the living area but the council said this was not possible. Ahn Le asks if properties in mixed use areas outside ANEC 20 can extend? CVL replied should be considered under under existing use rights, it still needs to go through the DA process. CVL happy to link Ahn Le with the council (action). Existing use is complex hence the guide. AL asks if enterprise land is as well? CVL says yes, there will be whole range of assessment criteria. CVL will link back with Liverpool Council. MZ asks if Sumbray and Overett Aves in Kemps Creek will be in Anec 20+ after the second runway?	CVL to send link to WW. CVL will link Ahn Le with the council regarding this specific issue.
--	---	--

	CVL says that the 20 ANEC boundary is not changing at this time even though where it is a result of the second runway. MZ asks if we can assume that the second runway will be built sooner rather than later. JH says that existing land use rights would apply. JH says the land was zoned RU4 to October last year. So these proposals can continue to put in applications to the council. CVL says existing use relates to lawfully approved uses on the site not what was previously permitted on the site. Any DA lodged for a previous permitted use will be subject to all Aerotropolis SEPP provisions that apply to that land. JH says E + R if they tick all the boxes as previously. CVL says that it will be within the 1/100 so that will be considered in context. Provisions of Aero SEPP will be applied to the land not the flood provisions of the Liverpool LEP/DCP. Flooding provisions between LEP and SEPP are different. JH and CVL advice talking to council since council is the authority that will make the assessment. CVL says there are proposed changes to the E + R boundaries where the land adjoins the non-initial precincts of Rossmore and Kemps Creek. This reflects that area where we consider there will be less development pressure. It is proposed that the Environment and Recreation zone is removed, and the land be reverted back to the RU4 zone under the Liverpool LEP. Some of the provisions of the Aerotropolis SEPP will apply eg noise affectation. It is proposed that the land be retained in the Wainamatta South Creek precinct but be change to non-initial. It is not proposed that the zone be changed north of Elizabeth drive, as there have been enquiries re State Significant DAs and likely more likely to be subject to shorter term development (next 5 years). SA says that lots of people are asking about the creek. SA asks when they will decide what to do with the creek. SA says it is nonsensical that they cannot answer that question. SA asks if it is Joanna Hole/WSC team? When will she come out to talk about it? SA says that people are concerned about timeframes. CVL says that this piece of work has evolved since it first began. . Technical investigations as being undertaken to help identify the	
--	--	--

	areas for potential remediation and revegetation. This work will form the bases of a funding application. Whether any project progresses will depend on availability of funding. The project may include remediation, vegetation undertaken in partnership with landowners. It is Understood the funding application will be submitted towards to the end of the year. Assessment of the funding application will be determined by other state and federal departments. It is proposed that the land be retained in Wianmatta – South Creek keep open any future opportunities IF funding is sourced. There may be remediation opportunities with the regional water authority. CVL says storm water targets are higher than elsewhere so it is necessary for a different approach to be taken to remediation of the creek system and the waterways. MZ asks regarding the E + R land, WSC is the centre point. If you want the land there, why can't the E&R land be included in FSR for the lot that it is in. Then the developer/landowner can get paid, and the developer of the Aero core will be done in a timely manner. CVL says she does not disagree with the concept and it is under investigation as well as other mechanisms. There are range of mechanisms to increase value in ER. Likely to be a function of the draft DCP. The draft DCP will not be finalised this year. Aiming to finishes early next year. Need to work with council on the provisions such as this. The comprehensive review noted that there was a 47% reduction in land allocated for open space. CVL says they wanted to make sure that there still is access to open space. The principle is to have more than 95% of homes located within 400m of open space. The location of the storm water with open space means all land will be acquired in time. CVL says they will have the acquiring authority will be determined by the end of the year. The map from the open space shows all the land that was included in the open space network in the draft precinct plan – the salmon colour will no longer be included in the open space network, ie the green shows the land that will be still included. SV asks regarding open space like hill tops how will they provide access if it is portioned? CVL says they are looking at the road network and potential severance issues to make sure it is accessible. A lot of the land identified is linear, but some parts are isolated. SV asks if there is any understanding on how it will be paid out? Will it be based on underlying value?	
--	---	--

	CVL says the valuations will come from VG. Underlying zone may have influence the valuation. CVL says it is possible to talk to the OVG because there is a phone number. RR says that working with the VG (who is independent of the government) – their legislations says they cannot take into account the impact of the public purpose use when consider the impact on value for acquisition public. Since the land has been rezoned this has affected land values. MZ says that one option being used by the developers is that they put a deposit on the property. This is not recognised by the acquisition as a sale. Others will need a fire sale because of health etc. This should also be considered. PB says to clarify SP2 – is not a rezoning but an overlay. Current rezoning will be the underlining zone. CVL says that the timing of acquisition of land for stormwater relies on development in that catchment. It is difficult to advise when the land will be needed as it is driven by development. One of the best indicators is the priority areas nominated in the Precinct Plans with priority area 1 being most likely those areas that are developed first. CVL says that a lot of land has been rezoned for development. CVL is working with RR to clarify acquisitions and valuations. CVL says they are looking at a sustainable future for Luddenham e.g., what we need to do, how far it may grow, and what it will look like in the future. Aircraft noise impacts will also need to be considered. WW thanks CVL and RR for the plan and the discussion paper. RR says that FC has been the driving force behind the paper, so she will pass the message on. CVL says the DCP is the technical document. There are detailed controls on how development may occur. There is a lot of work to do with the councils. That is why the DCP will not be finalised this year. CVL also says that some controls have been taken out of the PPs to simplify the precinct plans. CVL outlines the timeline. CVL says that the master planning guidelines will be finalised by the end of the year.	
--	---	--

	Provided contact info – share with group: how to contact a planner, EAP and the VG info line ... JH asks regarding the FSR numbers, JH says that they could not anything across the zones. JH asks if it is in there? CVL say this would be in the PPs but will take the question on notice. CVL will send this information to RR. RM asks when the open space will be lifted and when will people find out? CVL says that letters have been sent to everyone affected during exhibition period, along with the open space study. RM says that they got a flyer around September 23 about the Mirvac site. RM says that have 4 acres of open space. RM says that surely, they would have known some time ago for their development. Nobody had prior access to this information. Everyone received it at the same time. Developers will put in proposals for consideration. CM asks with the staggered releases of zones 123, will the road upgrade change the order? CVL says that 3 suggested amendments in priority 1 but we are not looking at wholesale change. CVL says they are still working on PPs and priority areas changes are detailed in the responding to issues report. RM says that not all residents got the letter. RM says that DV got a letter, but RM did not (later RM contacted me to say he did receive the letter). CVL says that the list needs to be looked at. SV says that people are having issues understanding the maps. SV asks if people can get a one-on-one explanation. CVL says she will need to ask and get a planner to help to 1800 number. CVL says there is a lot of land in priority 1. It will take time for the Aerotropolis to develop and will depend on development within the catchment. Areas that have been identified as Priority area 1 are	CVL to inform RR about FSR numbers across the zones. RM to send address to CVL.
--	--	---

	where service can be provided. The details of the proposed changes to priority areas are detailed in the Responding to the Issues report. PB says that Badgerys Creek is currently in phase 2. TP says there needs to more detailed explanations at future meetings. TP also says that access might need widening of Badgerys Creek Rd. There is a need to work with transport to coordinate road upgrades and planning regarding utilities. TP suggests that this be a future agenda item. Which roads are being prioritised? Northern end needs to be diverted. Eastern Ring Rd southern end needs to be upgraded. RR says thank you for questions. RR says thank you for questions, KR will help with submissions. Expiry period will finish at the advertised time so get submissions in soon since there is not much time left. RR says regarding the storm water overlay, it will be helpful to have those concerns in writing. RR says there is no point getting expert advice since it is designed at catchment scale, not lot by lot. Sydney Water have done that work as consultants for DPIE. RR also issues a reminder for COI forms. Also remind members that the meetings follow a code of conduct, and each meeting actual or potential conflicts of interest should be declared. RR notes that TP is leaving so a replacement member needs to be found. RR says that the amount of open space storm water and location was done by Sydney Water. The work by DPIE was to get the open space. Technical work was done by Sydney Water. SA says that people do not understand why some dams were included while others were just left. SA says it looks like a land grab since no ground surveys were done. RR says she understand there was some work with drones. The Sydney Water representative was at the community sessions. RR says the Sydney Water slides can be shared. The work was done by Sydney Water as technical consultants.	CVL to send out details of the issue report. RR – to invite Transport for NSW to the next meeting.
--	---	--

	SA says the issue is the regional plan is massive. SA asks why it is so massive when the catchment is so small. DV asks when did Sydney Water know about the planning of the storm water? RR says she doesn't know – and it is not up to mid-level bureaucrats to release information into the public realm. It is more useful to focus on the future. JH asks CVL that people affected by the storm water re SP2. When will that information go out? CVL says there is no intention to rezone the open space for storm water to SP2. JH says there are issues through LEPP etc. regarding acquisition, CPCP, WSC, commonwealth priorities for next year, there needs to be conversation regarding timing, ANEC, mitigation measures. JH asks about the timing – will it be 20 years? Best estimate? RR says that the market drives it. The department planning zone land, nothing beyond that. So every few years there is another look to see if there is enough land. As they get better at seeing where infrastructure goes that will change where priorities go and infrastructure will occur. No way to answer a question regarding development of the non-initial precincts. RR says that councils have their own needs. Councils plus the Authority will be the main players regarding how development is supported. Once through precinct plans, DPIE role will subside except as the consent authority for major projects. The Authority will have concurrence over Master Planning with DPIE. When things finalised at the end of the year the door will not be closed. RR says all the questions are great and it helps the focus. SA has information to share with RR plus the wider group. JH to talk offline to Sam. PB says regarding the SP2 overlay. PB suggests a map or a plan at the end of the year that clearly to show that nothing more than an overlay and that underlying zones remain. Being an overlay is potential to be massaged by development. Not set in stone	
--	---	--

	especially considering timetable regarding acquisition. This is long term. RR says there is lots to consolidate because plans change. TP and PB to talk offline. TP says that Authority needs to be more accessible.	
	Next meeting	
	Tuesday 9 November 2021 6 - 7.30pm	

Approved by:

Professor Roberta Ryan
Western Sydney Aerotropolis Community Commissioner