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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 12 March 2021 11:37 PM  
**To:** PPO Engagement  
**Cc:** eplanning.exhibitions@planning.nsw.gov.au  
**Subject:** Webform submission from: Western Sydney Aerotropolis Draft Precinct Plans

Submitted on Fri, 12/03/2021 - 23:37

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

## Name

**First name**

Russell

**Last name**

Penza

**I would like my submission to remain confidential**

No

## Info



**Suburb/Town & Postcode**

Luddenham

**Submission**

To Whom it may concern,

Reading through the proposed developmental plan in particular the impact on the area of Luddenham village. Which is bound by The Northern rd, Park rd, Campbell st and Roots ave.

The change in zoning from Ru5 to Agribusiness, is unfair and unreasonable as it has reduced the value of my property. This has impacted on the equity I have against my property loan.

Also part of my property is allocated 'Green Space' and car parking which further reduces the commercial value of my property.

Any proposed plans should be equivilant to the Ru5 zoning so that we are not financilly disadvantaged .

Noise affected land in the village should be developed into a vibrant denser shopping village and land north developed into housing. The mix of local housing and and Agribusinesses will help support the village.

The draft plan suggests a library, community center, aboriginal, childcare and expansion of the schools for the local residents

This seems unsuitable as;

-There are no indigenous aboriginals in the area.

-Both schools are impacted by noise from the airport. Would an extension be permitted in the zoning?

The residents of Luddenham village have been lobbying for sewerage connection for decades. Now that we have a world class airport on our doorsteps there is no commitment for the development of the sewer for the residents. We were advised that

"It will be determined when there is a demand". There is a demand now for the current residents. Stop overlooking the needs of the current residents.

In discussion with the planning team to clarify the plan for Luddenham village. See below.

The plan describes Luddenham Village as having shops and tree lined boulevard that will be developed by the individual landholders/developers. How is this feasible? A developed property will implement the 'tree lined boulevard' what about the adjoining neighbouring underdeveloped properties. If the development of the area is not done in a holistic approach the area will not look uniform and uninviting to become the "tourist destination"

The airport is a greenfield site why is it impacting on our properties. If it was built 1km south there would no impact by noise.

#### Luddenham Progress Questions to the Planning Partnership

1. Proposed Upper South Creek Advanced Water recycling centre is going to provide the sewer to Luddenham. What is the time frame to connect the existing village to the sewage system?

Sydney Water advises that Luddenham Village is planned to be serviced by trunk wastewater infrastructure by 2026/27. The actual timing will be subject to confirmation of growth figures, priority area sequencing and funding approvals. Once the trunk services are available, existing residents will be able to liaise with Sydney Water on how to connect their properties to the new wastewater system.

2. Luddenham Village Residential Density (see page 192 Attached).

a. Greater explanation of the comment on the implications that development that increases the residential density within the Luddenham Village precinct will not be permitted. Is this intended to stop usage of lands not previously zoned for residential use from being used for that purpose, or is it to stop subdividing current residentially zoned properties which are large enough to do so? Would it prevent adding a granny flat to an existing use residential property?

As per Clause 53 of the Aerotropolis SEPP, development that, immediately before the commencement of SEPP, is permitted with consent under the relevant Council controls on land shown as "Luddenham Village" on the Key Sites Map of the SEPP

continues to be permitted with consent until a precinct plan is in force for the land. Once the precinct plan is in force, only those uses permitted under the SEPP will be permitted.

Both the Aerotropolis SEPP and the Western Sydney Aerotropolis Plan clarify that on vacant land in existing residential areas or on land already approved for residential development, the ability to construct dwellings will not be removed. This is reflected in clause 19(4) of the Aerotropolis SEPP. Additionally, renovations to existing houses or extensions will still be allowed, under existing use rights, subject to development meeting indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021— 2015, Acoustics—Aircraft noise intrusion—Building siting and construction. The response to Question 7 also provides further information on the area in Luddenham Village where existing use rights would apply in relation to residential development.

No intensification of noise sensitive development (including residential

development) will be permitted within the ANEC 20 and above contours. For example, dual occupancies, secondary dwellings (granny flats) and the subdivision of land for residential purposes that have not already been approved, will not be allowed. (For further detail see response to question 7)

b. Where is the additional housing going in the Luddenham Village? See above.

c. "Existing residential uses in noise affected areas will remain initially" What are the noise affected areas? Noise affected areas are areas that are within the ANEC 20 noise contour or higher.

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d. What period of time do you see the transition of Residential to Agribusiness?

The Agribusiness Precinct will be one of the first precincts in the Aerotropolis to develop. The sequencing within the Agribusiness Precinct indicates the likely staging of service provision. It is likely that development will initially occur in those areas where services are available.

The draft precinct plan identifies Luddenham as a centre in the Agribusiness Precinct. The catalyst for transitioning will depend on investment by industry and landowners wishing to develop and on the provision of utility infrastructure. This may be sometime after 2026/27 once the area is serviced by trunk wastewater infrastructure.

e. How can the "agricultural, history, heritage and character of Luddenham Village be celebrated" if we have no residents?

Luddenham Village will support the growth of the broader Aerotropolis as well as the Agribusiness Precinct. It is already home to several businesses, agricultural land and residences. The Village is envisaged to become a destination for local, regional, national and international visitors to celebrate the merging of the rich history of Western Sydney with its future position on the global stage due to the construction of the Airport.

Luddenham Village is proposed to be a tourism and cultural hub for the Aerotropolis and a destination for food and arts. Key sites will be anchors in a highly

pedestrianised environment. The Village will remain compact but will be a distinctive centre that protects and enhances its heritage sites. New and emerging technologies will be embraced alongside design excellence and appropriate development while maintaining the village's character, amenity and lifestyle.

Existing residential development will be able to remain under existing use rights, with the surrounding employment lands providing the patronage for the village.

3. Greater explanation of what the precinct planning zoning of the "existing use" permission on existing properties within the township of Luddenham and generally within the Agri business zoned area. i.e., does the "existing use" right transfer on sale of the property to the new owner or does it cease?

The NSW planning system includes protections for uses that currently exist and operate (prior to a new plan being in place) on a site under a lawful planning approval. These protections are known as 'existing use rights'. Until such time as land is further developed in accordance with the relevant precinct plan, all land owners are allowed to continue the enjoyment of their land under an existing use on a site if the use has lawfully commenced at the time of the rezoning under the Aerotropolis SEPP.

An existing and lawful use stays with property and will therefore transfer to the new owner.

As the circumstances of existing use rights varies from site to site, a landowner may wish to engage a town planning consultant or lawyer to seek further advice on this matter, particularly if a landowner is seeking to alter or enlarge a particular use on a site.

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An existing use does not include a use that could have potentially been allowed under the previous plan. Therefore, under existing use rights, opportunities are limited to what the site is being used for at the time the new plan is in place.

4. What plans are there for entertainment and sports venues in Luddenham?

The draft Agribusiness precinct plan does not propose any entertainment or sports venues for Luddenham. The draft plan does however identify the following social, cultural and community facilities for Luddenham:

- Childcare centre
- Aboriginal and Torres Strait Islander centre
- District / Local community place
- Potential upgrade to existing school.

While a specific entertainment venue is not in the draft precinct plan, entertainment facilities (theatre, cinema, music hall, concert

hall, dance hall and the like) are a permissible land use by the Aerotropolis SEPP in the Agribusiness zone. Sports venues are not a permitted land use in the Agribusiness zone.

5. How is planning going to be publicly explained about the new zonings, so there is certainty about what people can and can't do if they wish to purchase a property in the area, and so it is clear what representations potential sellers are able to make when selling their property? A clear plan needs to be put in place so that there is no confusion for owners and prospective buyers. One of our members went to get a valuation and apparently the valuer did not know what Agribusiness zoning was and would not do the valuation.

The land use zones in the Aerotropolis SEPP clearly prescribe land uses that are prohibited for each zone. If a land use is not listed as prohibited, it is permitted subject to development consent from the relevant planning authority and alignment with the relevant precinct plan.

Also see response to:

- Question 2a regarding key site.
- Question 3 as existing use rights will also apply.

6. The plan you have presented is but one possible scenario out of thousands of possible scenarios, I feel that you have not properly consulted and or listen to the local community, businesses and our locally elected representatives so as to arrive at a practical and feasible plan so that Luddenham can flourish. Do you take notice of submissions?

The draft precinct plan was informed by an Enquiry by Design process that included community representatives. The plan has also been informed by the NSW Government Architects Office and various technical studies.

The draft precinct plan is currently on exhibition for public comment and we invite submissions from the public on these plans. All submissions will be considered as the precinct plans are finalised.

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7. Some Residents have received new Valuer General Valuations that are now lower and one of our Members were told by the NSW Valuer General Department the Luddenham Village will have no houses it is Agribusiness. Is this true?

The Planning Partnership understands that some residents have recently received notifications from the Valuer General that land values in the area are now lower. The Planning Partnership will engage with the Valuer General to ensure that the proposed zoning for Luddenham Village is being used to inform valuations.

Whilst the Agribusiness zone as per the Aerotropolis SEPP does not allow residential uses such as dwelling houses, Luddenham Village (shown red in image below) is identified as a "Key site" and there is separate "savings and transitional" provision in the SEPP. This provision, shown in clause 53 of the Aerotropolis SEPP, allows development that was permitted with consent in the previous LEP (such as dwelling houses in certain locations to continue to be permitted with consent until the precinct plan is in force. This may allow for additional residential housing to be developed, subject to development approval, prior to the precinct plan coming into effect.

"(2) Development that, immediately before the commencement of this Policy, was permitted with consent under Penrith Local Environmental Plan 2010 or Liverpool Local Environmental Plan 2008 on land shown as "Luddenham Village" on the Key Sites Map continues to be permitted with consent under this Policy.

It is essential to note that once the precinct plan is in force, this "savings and transitional provision no longer applies.

Furthermore, under existing use rights, existing residential uses for approved residential dwellings will be able to continue. Until such time as land is further developed in accordance with the relevant precinct plan, all land owners are allowed to continue the enjoyment of their land under an existing use on a site (such as residential) if the use has lawfully commenced at the time of the rezoning under the Aerotropolis SEPP.

Also see response to:

- Question 2a regarding key site.
- Question 3 as existing use rights will also apply.
- Question 12 regarding development within ANEC 20 and above contours

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8. How or why would the transformation of Luddenham be in different stages (1 & 3)?

The difference between Stages 1 and 3 essentially is the staging of infrastructure delivery. Stage One, being the Agribusiness land

in the northern area, has been identified as it enables access to the Western Sydney Airport from The Northern Road. If residents are of the view that Luddenham should be considered in the same stage, please make a submission explaining why.

9. Is it possible for Federal or State government to acquire properties that do not wish to stay or are part of the green zones at a fair price as was afforded certain other landholders?

At this stage, other than for certain transport projects, the NSW Government has not made any commitment to acquire properties other than those identified along Thompsons Creek. Acquiring land along Thompsons Creek will underpin an open space network within the Aerotropolis Core that will be integral to the vision for the Western Parkland City. Identifying Thompsons Creek for acquisition allows for discussions to begin with residents in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

However, the draft precinct plan is currently on exhibition and we encourage people to make submissions if they have any concerns with the proposed open space network.

10. On page 4 point 5 of the map say. 'The old Northern Road is transformed into a green boulevard through Luddenham village. The character of the road will evolve into a "main street" lined with retail, hospitality and commercial offering.' How will this be commercially viable if there is no new residential development permitted within the areas surrounding the Village? I question whether there is sufficient existing population to commercially or economically support any such development? What is the timeframe?

See response to: Question 2a, 2d and 2e.

11. The Luddenham bypass has now further reduced trade in Luddenham and there is an immediate need to start replacing lost population - the latest ambiguous plan ignores the benefits to both the WSA and the Aerotropolis that a vibrant Luddenham will provide.

The draft precinct plan envisages that Luddenham Village will support the growth of the broader Aerotropolis as well as the Agribusiness Precinct. The Village will become a destination for local, regional, national and international visitors to celebrate the merging of the rich history of Western Sydney with its future position on the global stage due to the construction of the Airport.

Luddenham Village will be a tourism and cultural hub for the Aerotropolis and a destination for food and arts. Key sites will be anchors in a highly pedestrianised environment. The Village will remain compact but will be a distinctive centre that protects and enhances its heritage sites. New and emerging technologies will be embraced alongside design excellence and appropriate development while maintaining the village's character, amenity and lifestyle.

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12. What is the maximum ANEC that new residential building can occur? In the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 [NSW] Part 3 Development controls—Airport safeguards - it says development consent may be granted to development for the purposes of dwelling houses on land that is in an ANEF or ANEC contour of 20 or greater if the consent authority is satisfied that the development will meet the indoor design sound level. Also in the Airport EIS (Attached) it says that Houses, Home Units & Flats are conditionally acceptable in the 20 to 25 ANEC. Remembering the Federal Government has only given approval for stage 1 and that has most of Luddenham Village at less than 20 ANEC (see attached)

In preparing planning controls for the Aerotropolis and surrounding areas, a precautionary approach to noise controls was taken at the request of the Commonwealth Government. The NSW Government is responsible for implementing aviation safeguarding controls into NSW planning legislation and supports the precautionary approach to aircraft noise controls on noise sensitive development, including residential development, within the Australian Noise Exposure Concept (ANEC) 20 and above contours.

A precautionary approach will protect the amenity of future residents and safeguard the curfew-free operations of the Airport. In accordance with the Aerotropolis SEPP, no intensification of noise sensitive development (including residential development) will be permitted within the ANEC 20 and above contours. For example, dual occupancies, secondary dwellings and the subdivision of land for residential purposes that have not already been approved, will not be allowed.

However, both the SEPP and the Western Sydney Aerotropolis Plan clarify that on vacant land, in existing residential areas or on land already approved for residential development, the ability to construct or replace a dwelling will not be removed. The further subdivision of land for residential purposes is not permitted. This is reflected in clause 19(4) of the Aerotropolis SEPP. Renovations to existing houses or extensions will still be allowed, subject to the development meeting indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015, Acoustics— Aircraft noise intrusion—Building siting and construction.

The Airport EIS was developed by the Australian Government in 2016. The reference to conditionally acceptable development within the ANEF25-30 contour refers to the existing Australian Standard AS2021-2015 Acoustics – Aircraft Noise Intrusion Building Siting and Construction. The precautionary approach to manage aircraft noise for the Aerotropolis is stricter than what is conditionally acceptable in the ANEF 25-30 contour within Australian Standard AS2021-2015 Acoustics – Aircraft Noise Intrusion Building Siting and Construction. See response Question 7.

13. Luddenham is the closest business and residential area to the airport and it should be in their interest to work with us and develop this opportunity or is the Government just putting on a face to put us off? See response Question 11.

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14. Could Residents of Luddenham Village not be subjected to the change in zoning that would be detrimental to their rates? If landowners are approached and are happy to sell or develop then zoning could be changed for that particular landowner?

The Planning Partnership is of the view that the suggestion of turning the zoning on potentially on a lot by lot basis will result in poor development outcomes for the Luddenham Village, creating uncertainty for the area, including uncertainty for infrastructure provision. Also see response to Question 2a & 12.

15. How does the plan replenish Luddenham' population that has been lost to the airport, road upgrades etc. Schools and the Community Groups have all lost considerable numbers? Luddenham needs more people!

See response to: Question 2a, 2d, 2e and 4.

16. Luddenham was founded in 1813 only 25 years after Arthur Philip landed at Sydney Cove in 1788 and so has a long history associated with development in Australia and of Australia. The concern is that this plan will destroy Luddenham. What guarantee can you give the residents that Luddenham will survive?

See response to Question 11. Furthermore, the agricultural history, heritage and character of Luddenham Village should be celebrated, recognising the high concentration of heritage items and reflective of its significance as an historic pastoral village. Heritage buildings should be conserved and adaptively reused to activate the village and cater to the needs to the existing and emerging community as well as workers and visitors.

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**I agree to the above statement**

Yes

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