

Orchard Hills
Community Consultative Committee

Meeting no: 1

Date: 23 March 2023, 6:30pm - 8pm

Venue: Zoom

Attendees	
Community members Diane Azzopardi (DA) Ajmair Chauhan (AC) Deborah Cutajar (DC) Don Feltis (DF) Tony Napoli (TN) Con Paphatzis (CP) Bree Wilson (BW) Ed Zussa (EZ)	Independent Community Commissioner Professor Roberta Ryan, Independent Community Commissioner (RR) Kate Robinson, office of the Independent Community Commissioner (KR) Isa Crossland Stone, minute taker, office of the Independent Community Commissioner (ICS)
Apologies Christine Vella (CV)	

Item	Description	Action
1	Welcome and introductions	
	RR welcomes everyone to the first Orchard Hills CCC meeting. RR introduces KR and ICS to the group; they are both members of her office. RR invites all attendees to introduce themselves to the CCC, and to provide a brief overview of what has brought them to their position on the committee. DF introduces himself; before moving to Orchard Hills 23 years ago, he lived in Glenmore Park, formerly known as Regentville. He sold his house in Regentville during its development period. DF says that when he resettled with his family in Orchard Hills, his intention was to stay there indefinitely. DF says that he has been surprised by the upcoming development plans. Having experienced the transitions of the Regentville development, DF is interested in how the planned developments at Orchard Hills will unfold.	

	EZ introduces himself; his property is in close proximity to the new railway station. EZ's family are longstanding residents of the area and members of the community. EZ says he was prompted to join the CCC because there has been talk of developing Orchard Hills for approximately 15 years. EZ says that these ongoing discussions have been particularly distressing for elderly members of the community, whose family ties are bound to the Orchard Hills area. He adds that there are also many elderly residents for whom English is not a first language. These populations are a primary concern for EZ. He would like to act as a voice for community members who have not historically been heard or represented in discussions. DA introduces herself; she has lived in the area for approximately 25 years with her family and planned to remain living on her property indefinitely. DA runs a business nearby in the City of Penrith. DA stresses that what Orchard Hills offers to landowners and residents is not replaceable in financial terms. The location offers a combination of community, access and open space which is highly valuable to DA and her family, as well as to her neighbours. BW introduces herself; she has been a member of the orchard hills community since 2012. BW notes that the date of purchasing her home was the first time she heard about the potential development of a railway station on Lansdowne Rd. BW says that her friends in the community are generally very concerned about the upcoming developments. As a member of the CCC she believes she can be a voice for others. BW adds that she has family who live near the Aerotropolis development. BW is keenly aware of the significant challenges faced by many members of that community whose properties have been acquired or involved in development.	
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	CP introduces himself; he explains that he joined the committee because he is very interested in the area. CP says that he loves living in Orchard Hills, and like his fellow members he had planned to stay indefinitely. CP feels change can be positive, but that it is important to be a participating and proactive representative of his community throughout this transition. AC introduces himself; he bought his property in Orchard Hills 12 years ago and moved into his house 4 years ago after a period of significant construction delays due to railroad development. AC explains that his property is very large, and that a large portion (approximately 45 acres) was acquired for the railroad development. This amount of land was significantly larger than the amount originally proposed and was acquired without much consultation with AC and his family. AC says that following this experience, his primary interest in joining the CCC is one of clarifying the acquisition process. AC is well-connected to many of his neighbours and views his position on the CCC as a means to keep them informed. TN introduces himself; he has lived in the area since 1960. TN is very connected to his community. TN has held the position of President of the Residents Action Group since its establishment. TN says that his primary aim in joining the committee is to keep his fellow community members well-informed. DC introduces herself; she has lived in the area with her family for approximately 27 years. DC says that she and her family moved to Orchard Hills for a lifestyle change. They were drawn to Orchard Hills on account of its spaciousness.	
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	DC expresses sadness at the prospect of the area changing in this regard. DC says that she was saddened by the way that residents on Kent Rd were treated in the government's process of land acquisition. DC feels that it is important that in future, residents of Orchard Hills are more actively included in planning and development. RR thanks the community members for their introductions. RR introduces herself; she is the Independent Community Commissioner. RR was appointed to this position in May 2021 by Minister Stokes, the NSW Minister for Planning at the time. RR explains that her position as Independent Community Commissioner is neutral. The role is two-fold; in part, it is to engage with the community to understand its concerns, needs, and how best to communicate with them. Secondly, it is to advocate for the community through discussions with Government agencies, and to make recommendations on policy that are informed by an understanding of the community. RR notes that in general, both government agencies and bigger landowners have professional support and expertise throughout planning and development processes. The role of Independent Community Commissioner was developed with the intention of providing some support to smaller landowners. RR explains that she was appointed to support the smaller landowners in the Aerotropolis. RR notes that in the earlier stages of development in the Aerotropolis, various government agencies were not communicating effectively with the community. RR believes the introduction of the Aerotropolis CCC has made a positive impact. Following her original appointment in May 2021, RR produced a report in August 2021.	
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	This report included a range of approximately 40 recommendations to government agencies to better support the community of the Aerotropolis. The link to the Commissioner's report is available here: https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Independent-Community-Commissioner RR notes that most of the recommendations were accepted by the government and that since that point they have been working their way through the implementation of those recommendations. RR was reappointed to support the community in the Aerotropolis in December 2021. RR's appointment was extended to support the community of Orchard Hills in October 2022. The aim of this appointment is to avoid the communication issues experienced in the Aerotropolis and to begin the processes of community consultation early. RR notes that there are many government agencies involved in the development of the Orchard Hills. A key purpose of the CCC and of RR's role is to have government agent presence at these CCC meetings so that they are easier to access. Agencies will often share presentations that contain plans and proposals for the community to provide feedback or pass on to their broader community. Regarding the Aerotropolis, RR briefly updates that the Government has completed the rezoning process and that 'delivery phase' of development is underway. This involves laying down roads and installing stormwater systems, etc. RR notes that tonight's meeting comprises community members only. Future meetings will include key government agencies including Penrith City Council, the Department of Planning, the Department of Transport, Metro and Western Sydney Airport, among others, as needed. RR explains that the lack of government agency presence today is in part due to the Government	
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	being in a caretaker period ahead of the upcoming State election this weekend on 26 March. RR adds that following the election there may be various changes in government, which will have some bearing on who attends these meetings as well as perhaps on how the Orchard Hills project progresses. RR explains that these CCC meetings are recorded in minutes. It also captures actions arising from each meeting in order to ensure that action items are tracked and followed through as the CCC meetings progress. A running list of questions and actions will be maintained by KR. RR says that draft minutes will be circulated to the meeting attendees for review before being published on the CCC web page. RR welcomes attendees to direct questions to KR or to herself offline as they arise. DC asks if RR knows whether the land in Orchard Hills is definitely being rezoned or whether this might be negotiable. RR says that in her role she is unable to answer these questions definitively. RR says that the current NSW Minister for Planning has said that to assist the current housing crisis in NSW, the Government's priority is to increase the number of homes, that are well located and have good transport links. RR notes that this announcement included an announcement of a plan to rezone Orchard Hills. RR adds that given the placement of the Metro, there is an expectation that residential rezoning is likely to follow. RR clarifies that whereas the Aerotropolis development involved rezoning land for industrial and commercial purposes to support employment around the Western Sydney Airport, the rezoning of	
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	Orchard Hills would be rezoning primarily for residential use. RR says that the Planning Department has drafted a map that specifies the boundary of Orchard Hills Investigation area. This map is the current point of reference for rezoning discussions regarding Orchard Hills. RR will reference this map during this meeting and will distribute it to the attendees. The link to the map is available on the <i>Frequently asked questions</i> page of this website: https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Orchard-Hills RR plans to invite the Department of Planning to speak at the next CCC meeting to explain their studies of the area and their approach to rezoning. DC notes that there are currently two maps of the area, with each dictating which zone a property belongs to. These maps differ. RR says that this is correct. The map is still yet to be finalized. RR says that the expectation is that draft plans for rezoning will be made available for review and discussion by late-July of 2023. RR notes that these timelines are not always definitive. DA says that she has clients who are small landowners in the Aerotropolis area. She says that one of the biggest issues faced by these landowners is that rezoning changes land values. She knows of people who have had to leave the area due to being unable to afford their increased rates and land taxes. DA is very concerned that many members of the Orchard Hills community will not be able to stay in the area for this reason.	Department of Planning to be invited to speak at the next CCC
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	DA adds that landowners in the Orchard Hills area have already begun to receive notices of land value increases. RR agrees that this is a key issue. She notes that there is no way to clearly predict an increase in land value. RR adds that part of her current work is advising the government on how best to support people who find themselves in this situation. This has involved setting up a process with the Office of State Revenue to assist people who are struggling to pay land tax, as well as ways to assist with local council rates. RR is interested in putting similar support in place for the Orchard Hills community, should there be a need. CP asks RR how soon following the election RR expects to have more information on the Government's plans for Orchard Hills. RR says she does not know. The various potential outcomes of the election could have a bearing on this issue, and she is unable to predict a timeline. CP asks how much involvement the Council will have in the rezoning of Orchard Hills. RR says that this is a State Government-led rezoning. RR adds that Penrith City Council will be very involved throughout the process, but they will not be the ultimate deciding body. This will be the Minister for Planning. BW says that for her community, there are currently two major points of concern; the first is the E2 Zone, and the second is a proposed blanket tax that will be applied to all properties in the area, referring to discussions about a Betterment Tax. Regarding the E2 Zone, BW says that many landowners' properties have been significantly impacted. BW expresses that amongst the community there is some feeling of mistrust towards the Government	
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	following their under-communication about plans for an E2 zone. BW notes that Government letters introducing the E2 were distributed to the impacted landowners during the Covid-19 lockdown. These letters were addressed to 'The Householder', and many landowners did not read them. This was particularly problematic as the letter allowed the landowners only 8 weeks to submit their concerns. BW explains that many of the local properties are highly populated with trees, and therefore many landowners have had a significant portion of their land claimed in the zone. BW adds that some properties, including hers, have water courses running through their properties. Although BW has not known these courses to contain water, they have also been included in the E2 Zone. BW says that the residents are frightened about how their properties will be impacted. BW notes that the Government recently removed many trees on Kent Rd for the Metro development. She says that this is frustrating to community members whose land has been restricted by the E2 Conservation plan. RR acknowledges these community concerns. RR clarifies for the group that this E2 Zone is part of the Cumberland Plain Conservation Plan, which is highly complex. The plan is an at-scale biodiversity certification, which covers a large portion of Western Sydney. The plan is designed to protect threatened species and at-risk native animals. RR adds that given the significant presence of both in the Orchard Hills area, she expects there to be a lot of community concern. There will be opportunities to get more information and to understand the process.	
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	RR notes that she has been encouraging the Government to develop a compensation plan for landowners whose land is significantly impacted by the E2 zone. RR addressed this concern in her initial report (mentioned previously) and has since been in discussions with the government regarding how best to implement this. RR says that she plans to invite experts to future CCC meetings to discuss the details of Cumberland Plain Conservation Plan further. BW raises her second concern on behalf of the community, which is a proposed blanket capital gains tax on all properties that gain value through rezoning. BW says that according to her calculations, this tax will be approximately 25% of a property's value when it is sold. It this is a developer contribution levy, RR says that broadly speaking, this levy does not come into play until a landowner develops their land; for example, if a plot of land is developed into an apartment block under the new zoning. RR says that there have been recent announcements regarding Mamre Rd which involve the introduction of this levy. Regarding the Mamre Rd Precinct, RR says that the developer contribution levy is planned to fund the land required for the stormwater infrastructure. RR reiterates that at this point, none of these plans are finalised. RR adds that levies can be applied by various agencies, and will require more information and discussion as the government plans become known. RR says that while the community concern on this point is understandable. EZ says that the E2 plan is complicated further by the fact that there are discrepancies between what the State and Federal agencies consider biodiverse. The Federal agency generally has a stricter standard.	RR to brief CPCP team re community concerns
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	EZ asks which of the two standards the Orchard Hills area will be assessed by. Some properties will meet the State agency standard and not the Federal standard. RR says that, as she understands it, the Cumberland Plains Conservation Plan is a joint Federal-State plan and criteria and has agreed between the two governments. AC says that most properties have not yet been visited for assessment but are still being claimed in the E2 Zone. This is a major concern in the community. RR will follow this up. AC addresses the tax which BW raised earlier. He says it is not the Development levy that RR outlined, but rather a windfall tax which will amount to 20% of the whole value of a property, either when it is developed or when it is sold. RR says that she is not aware of this planned tax. RR will follow this up. AC raises the issue of government compulsory land acquisitions. In AC's experience, the government has at times acquired land for the apparent purpose of a development project and gone on to be used as surplus government land. AC says that from the community perspective, these scenarios involve the government taking land and then going on to profit from the property's windfall amount. RR says that this is an issue that has continued to be raised in the development of the Metro by the community. RR notes that there will most likely be further government acquisition of land (for roads, drainage etc.) and there are discussions currently in government about how to handle these exchanges.	RR to follow up on windfall tax
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	AC says that he believes the Government must justify why they are acquiring land and must present landowners with a clear plan and timeline for acquisition and use. RR agrees with AC. This will be an ongoing part of these CCC discussions, as well as at the level of government.	
2	Role and Function of the CCC	
2.2	Draft terms reference	

	RR presents the draft Terms of Reference for the Orchard Hills CCC. This document was provided by KR to the members ahead of this meeting and will be attached to the minutes. RR asks the attendees to reflect on these Draft Terms of Reference and to raise questions or provide feedback. RR also welcomes attendees to be in touch with reflections outside of the meeting. RR and KR will be contactable via email, and KR will be contactable via her mobile, which has been provided to the members in KR's previous emails. RR revisits the function of the Orchard Hills CCC, as outlined in the draft Terms of Reference. RR reiterates that the CCC will not be the only means of communication between the government and the Orchard Hills community. Rather, the CCC is a forum for productive and open discussion between the community and government agencies. Importantly, RR says that the community can advise government agencies on how best to communicate with their community. DA asks RR about the Terms of Office outlined in the CCC draft Terms of Reference. DA has had experience on various committees and feels that the maximum term of 4 years may be too short a period for members to feel satisfied with their participation on the CCC, particularly given the long-term nature of this development. RR acknowledges this point. She will revisit this point. RR asks the community members to consider how their communities can be best communicated with. RR asks the members to share their thoughts on this point at the next meeting. We will seek request that the Department of Planning present their draft communications plan for comment and input by this group.	KR to attach Terms of Reference to the minutes Department of Planning to be invited to present the draft communication and engagement plan for CCC comment and input
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2.2	Code of Conduct	
	RR presents the Orchard Hills CCC Code of Conduct, also provided to the attendees ahead of the meeting. With reference to this document, RR emphasises the importance of maintaining civil and respectful communications both in meetings and offline. It is important that the CCC is a forum for constructive discussions, where different perspectives can be respectfully heard. RR also emphasises that CCC members must not speak publicly on behalf of the CCC. This is important in order to maintain the CCC's function as a forum to speak freely. RR notes that sometimes, CCC members will have access to early information and will be asked explicitly not to share this information outside of the CCC forum. In these instances, requirements for confidentiality will be clearly stated by RR.	Committee members to send signed Code of Conduct to KR
3	Other Business	
	RR notes that there was a great deal of interest among the Orchard Hills community for membership on the CCC. RR says that the current community representatives were selected because they have good networks in the area and will be able both advocate for and communicate with their community. RR adds that the committee seems to represent the Orchard Hills Precinct well in geographic terms. The data from the 2022 census will offer a clearer sense of the Orchard Hills population and how the CCC represents the community as a whole. The first part of census data has been made available and RR briefly presents. The second part of the census data will be made available soon and shared by RR with the group. BW asks RR about the effectiveness of community contributions in CCC meetings. She wonders how much the government considers the feedback and concerns of community members.	KR to provide members with data presentation RR to distribute the second part of census data on Orchard Hills when it becomes available

	RR says that the effectiveness is generally quite varied. In her experience, CCC meetings can sometimes make a good deal of headway on issues raised by the community. RR notes that government representatives who attend CCC meetings have bureaucratic roles. They are not decision-makers. And that should be respected by the CCC members. RR notes that the Aerotropolis community has generally found the CCC meetings to be helpful. This is reflected by the fact that the community wrote to have RR reappointed in 2021. DA reiterates that timing is a primary concern. There have already been some works going ahead in the area, and the community has been disturbed by loud heavy vehicles in the early mornings on Lansdowne Rd. These vehicles create dust and noise disturbances. The community would like to be well-informed about the timeframes of proposed changes. EZ adds that the community is not afraid of change; rather, people want to have an active voice in the process of change and make sure that they are treated fairly. RR notes that she understands there are many home-businesses operating in the area. She recommends that before rezoning the Orchard Hills area, it is best for home-business owners to approach the Penrith City Council to ensure they have the necessary approvals in place. RR says that she is happy to facilitate these communications and welcomes community members to be in touch with KR regarding individual cases. RR reiterates that the members should feel welcome to contact KR via her mobile with any individual concerns that may arise within the community. While the CCC is a forum to discuss issues at the level of the community, RR and KR can be involved in assisting community members and escalating individual concerns offline.	
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3.1	Frequency and preferred date to meet	
	RR raises the future meeting schedule. The CCC will aim to have meetings on a regular weekday evening. RR notes that these meetings will generally be scheduled quite far in advance, but that there may be some variance here. On occasion, the CCC might meet on shorter notice to discuss government announcements when they are released. RR asks the attendees to note their regular unavailability on any weekday. Following the discussion, the group agrees to meet on Thursday evenings. RR proposed that the next meeting be held on Thursday 25 May. RR thanks the attendees for their presence at the first Orchard Hills CCC meeting.	
4	Next meeting	
	25 May 2023	