

Ms Kirsten Fishburn
Secretary
Department of Planning and Environment
4 Parramatta Square
Parramatta
NSW 2150

21 August 2023

Dear Ms Fishburn

**Probity Report – Aerotropolis Technical Assurance Panel – WSA_MP02
Bradfield City Centre**

Procure Group Pty Ltd (**Procure**) was engaged in June 2022 by the Department of Planning and Environment (**DPE** or **the Department**) to provide independent probity advisory services in relation to the activities of the Western Sydney Aerotropolis Technical Assurance Panel (**TAP**).

The TAP is an independent advisory panel established by the Department to oversee and guide the preparation of any master plan within the Aerotropolis as identified in Clause 4.41 of Part 4.7 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (**WPC SEPP**).

The TAP has completed its report in relation to the master plan for the Bradfield City Centre prepared by the Western Parkland City Authority (**WPCA**).

Background

As outlined on the Department's on-line planning portal:

Master planning is an optional alternative development approval pathway which exists for certain land within the Western Sydney Aerotropolis. The main roles of a master plan are to:

- + establish alternate development guidance for sites that are important due to size or impact on other areas*
- + be generally consistent with the vision and principles of the Aerotropolis planning framework*
- + create a complying development pathway for nominated development in large scale precincts where upfront strategic assessment can suitably manage identified risks.*

The Governance and Probity Plan for the TAP process provides further background:

The TAP involves a collaborative and co-design process to ensure any master plan aligns with the vision and intended outcomes for development in the Aerotropolis. Further, the TAP aims to involve state and local government authorities upfront in the planning process, to enable the holistic resolution of concerns and issues prior to statutory planning processes commencing.

*The TAP is made up of core members with additional members requested as required for technical input. The TAP will be led by an Independent Chair (**Chair**) appointed by the Department.*

The core membership of the TAP will consist of representatives from the following agencies and councils:

- *Western Parkland City Authority,*
- *Department of Planning and Environment,*
- *Transport for NSW (including Sydney Metro if within 1.2km of a Metro station),*
- *Sydney Water,*
- *Council/s (either Liverpool Council, Penrith Council or both), and*
- *An accredited urban designer selected from the NSW State Design Review Panel.*

The TAP master planning process has three phases as follows:

1. Master plan preparation meeting where the landowner (**Proponent**) presents a first draft master plan and a Milestone Agreement is prepared. The Milestone Agreement sets out the technical studies to be completed and the schedule of meetings required for Phase 2;
2. Master plan co-design process during which the Proponent will collaborate with the TAP in order to address specific matters as required by the master plan requirements and issues that arise during discussion with the TAP; and
3. Draft master plan meeting and TAP advice – this is the final meeting for review and feedback on the draft master plan prior to its submission for assessment by the Department.

The Department has two roles in relation to the master planning process:

1. Secretariat, project management and technical support to the TAP provided by the Planning and Land Use Strategy - Central (Western), Metro West Team; and
2. Assessment of the master plan at the completion of the TAP process by the Regional Assessments Team.

The master plan preparation meeting for Bradfield City Centre was held with the representatives of WPCA on 8 November 2022. The sixth and final TAP meeting was held on 14 August 2023. The Chair of the TAP approved the Letter of Advice from the

TAP on 17 August 2023. The TAP Letter of Advice confirms that the draft master plan for the Bradfield City Centre is suitable for lodgement to be assessed by the Department.

Work Performed

Procure has completed the following tasks in relation to the establishment and conduct of the TAP:

Governance and Probity

- + Noted that a Governance and Probity Plan was prepared by the TAP Secretariat for the conduct of the TAP process. Procure reviewed the Plan and noted its approval by the Chair of the TAP prior to the first master plan meeting;
- + Noted that the Governance and Probity Plan included:
 - The purpose of the TAP and its role in the master planning process;
 - Agency membership and responsibilities of the TAP members;
 - The role of the independent Chair of the TAP;
 - An outline of the three phases of the TAP process; and
 - Probity management requirements including the role of the Probity Advisor;
- + Noted that in the circumstances where DPE provides secretariat and advisory services to the TAP, and the draft master plan submitted following the TAP process is subject to assessment by DPE, DPE has a conflict of roles which requires appropriate probity arrangements to be established. In October 2022, Procure prepared a probity plan which addressed this probity risk and outlined the management and other actions required of DPE personnel;
- + Noted that the DPE probity plan included:
 - Probity principles as they relate to the conflict of roles;
 - An outline of each DPE team with a role in the TAP process;
 - Conduct guidelines for all DPE participants in the TAP process; and
 - A table of the probity risks identified regarding the conflict of roles and the management actions and arrangements required to address each risk;
- + Confirmed with the DPE Secretariat on 18 August 2023, that the requirements of the probity plan have been implemented for the Bradfield City Centre project;
- + Noted that as required by the Governance and Probity Plan, all participants in the TAP process, including DPE, agency and Proponent personnel, had signed the

Confidentiality and Conflict of Interest Deed Poll prior to their participation in the TAP process. Each declaration was reviewed by Procure and by the Chair of the TAP. No matters were declared which prevented any individual from participating in the TAP process;

- + Noted that in the circumstances where WPCA was the Proponent for the Bradfield City Centre master plan, the nominated WPCA member of the TAP did not participate as a TAP member; and
- + Noted that from 1 July 2023, the WPCA became administratively part of the Department and was no longer an independent agency. Noted that the Governance and Probity Plan for the TAP, and the DPE probity plan, have been amended to reflect this change. The updated plans are awaiting approval by the Chair and DPE.

TAP process

- + Attended the first TAP meeting for the Bradfield City Centre master plan held on 8 November 2022. Procure provided a briefing on the Governance and Probity Plan and the DPE probity plan for the TAP. Procure advised all attendees that the probity advisor was available for queries related to any probity concerns;
- + As agreed with the Chair and DPE, Procure subsequently attended only the sixth and final meeting of the TAP held on 14 August 2023. Noted that as required by the Governance and Probity Plan, WPCA representatives attended as the Proponent for Bradfield City Centre and did not participate as TAP members. Similarly, as required by the DPE probity plan, the Regional Assessment Team was present for the WPCA presentation but were not present during the TAP decision-making session;
- + Procure has reviewed the minutes of the following TAP meetings:
 - o Meeting 2 – 14 December 2022;
 - o Meeting 3 – 21 March 2023;
 - o Meeting 4 – 5 May 2023; and
 - o Meeting 5 – 3 July 2023;
- + Noted through the review of TAP meeting minutes that each meeting was conducted in accordance with the Governance and Probity Plan. This included a request at the start of each meeting for the declaration of any new conflicts of interest. Noted that no conflicts of interest were declared;
- + Noted that at the TAP meeting held on 14 December 2022, the Milestone Agreement required for the TAP process was agreed. It was formally approved by the Chair on 19 December 2022. The Milestone Agreement sets out the

technical studies to be provided by WPCA and the program of meetings to be conducted;

- + Confirmed that the WPCA paid the required TAP fee on 11 August 2023;
- + Reviewed the Letter of Advice to the Secretary of DPE signed by the Chair on 17 August 2023. Noted that the Letter of Advice included the TAP report and the TAP Engagement Report. Noted that this documentation provided:
 - + The conclusion of the TAP regarding the suitability of the master plan to proceed to assessment;
 - + Reasons for the decisions of the TAP;
 - + Matters for noting; and
 - + An outline of the TAP engagement process including minutes of meetings and action items;
- + Noted that the outcome of the TAP process, as recorded in the Letter of Advice, *does not predetermine as to whether the draft master plan will be supported at the assessment stage*. The master plan for the Bradfield City Centre will be subject to assessment by DPE including a public exhibition process;
- + Noted that no breaches of confidentiality or other probity issues have been raised with Procure throughout the conduct of the TAP process; and
- + Confirmed from the review of documentation and observation of the TAP process that the TAP process was undertaken in a transparent and accountable manner, consistent with the Governance and Probity Plan.

Conclusion

Based upon our work performed as detailed in this report, no issues of a probity nature have come to our attention that would lead us to conclude that the process followed in the conduct of the TAP process for the Bradfield City Centre master plan has not been conducted in a transparent and accountable manner consistent with the Governance and Probity Plan.

Please contact Vic Baueris of Procure on [REDACTED] should you have any questions in relation to this report.

Yours sincerely,



Simon Taylor

**Managing Director
Procure Group Pty Ltd**

Statement of Responsibility

This probity report has been prepared to assist DPE in its decision-making regarding matters related to the TAP process. Procure has compiled this report based on:

- (a) DPE documentation it has been given and which it has reviewed;
- (b) Participation in meetings related to the TAP; and
- (c) Discussions with relevant DPE officers.

The conclusion of this report is based upon the work performed as documented in it. While Procure has identified probity risks and considered the controls, environment and action taken by DPE to address those risks, probity issues may nevertheless have arisen that have not been identified. While Procure may provide input into processes followed, DPE retains responsibility for the probity of its personnel and processes. The report cannot be relied upon by any other party or for any other purpose.