

# Aerotropolis Independent Community Commissioner's Report



## NSW Government Initial Response

**We acknowledge that for thousands of members of the community, the Western Sydney Aerotropolis is the home they have known and valued for years and - in some cases - for generations.**

We are committed to placing the community at the centre of the Aerotropolis planning and delivery. We are committed to partnering with the community to navigate changes happening now and in the future, ensuring they understand the processes that affect them, and feel supported to make important choices about their future.

We thank the Independent Community Commissioner, Professor Roberta Ryan, for her tireless work in engaging the community. We also thank the people who have been generous with their time in providing the Commissioner with their views and concerns.

The Commissioner's recommendations are an important step forward in creating a fair and equitable way for smaller landholders to participate in the delivery of the Aerotropolis. Implementing these will require significant additional government resources, and will require the resolution of outstanding planning matters, resourcing and the coordination of agencies working in the Aerotropolis.

The Commissioner's recommendations are detailed and extensive. The Department of Planning, Industry and Environment (DPIE) and the Western Parkland City Authority (WPCA) support recommendations where immediate action can be initiated. Recommendations which are 'Supported in principle - Subject to further investigation' will require additional work to identify pathways for implementation. Recommendations which are 'Supported in principle - Subject to the resolution of funding' will require formal funding approval to proceed with implementation. DPIE and WPCA will use their best endeavours to obtain the necessary funding to deploy the additional resources required to implement these recommendations.

The appointment of the Community Commissioner has been extended. We look forward to working together with the Commissioner to make sure the community is included in, and understands, the next steps for delivery and what this means for them. This begins with the reformation of the Community Liaison Group as the Community Consultative Committee (CCC) which is currently calling for panel members.

A more detailed response to each recommendation will be released in the coming months as the 'Aerotropolis - Responding to the Issues' report. This will give agencies time to investigate the best path to implement the recommendations. The 'Aerotropolis- Responding to the Issues' report will also include more detail on the changes needed to planning documents (like the Precinct Plans and the State Environmental Planning Policy), and will respond to the Commissioner's recommendations on matters such as the Environment and Recreation zone and the open space network.

Below is the Government's initial response to the recommendations. The glossary at the end of this document describes each deliverable.

This response and all further information relating to the Community Commissioner's report, consultation, key deliverables, and how you can nominate to become a CCC panel member can be accessed at: <https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Western-Sydney-Aerotropolis/Independent-Community-Commissioner>

**Table: Initial response to Independent Community Commissioner's Recommendations**

Commissioner's Recommendations	Preliminary Response	Pathways for Delivery	Timeframes
<b>Section 1 - Communication, Engagement and Ongoing Support</b>			
<b>Recommendation 1:</b> Appoint Precinct Community Place Managers	Supported in principle. Subject to the resolution of funding	Appointment of Community Place Managers to provide a single point of contact/ concierge service for landowners to get responses from councils and government authorities.	Community Place Manager roles to commence: Q1 2022
<b>Recommendation 2:</b> Establish ongoing Independent Community Commissioner role	Supported	Extend existing appointment.	Extension implemented
<b>Recommendation 3:</b> With the community, develop a Community Participation Plan	Supported	Community Participation Plan.  The Community Commissioner is to develop and implement the Community Participation Plan.	Community Participation Plan: Q4 2021
<b>Recommendation 4:</b> Establish a Community Consultative Committee	Supported	Independent Community Commissioner to act as chair of Community Consultative Committee (CCC).	Call for CCC Panel members: August 2021  First CCC meeting: September/October 2021
<b>Recommendation 5:</b> Prioritise the community in all communications and ensure communications and engagement are place-focussed and coordinated rather than agency driven	Supported	Community Participation Plan.  Community Consultative Committee.  The Community Commissioner is to ensure all communications are appropriate until the Community Participation Plan and CCC have been established.	Community Participation Plan: Q4 2021  Call for CCC Panel members: August 2021  First CCC meeting: September/October 2021
<b>Recommendation 6:</b> Educate the influencers, including planning and property advisors and real estate agents	Supported	Targeted information sessions to be held to align with program.	Commencement: September 2021

**Table: Initial response to Independent Community Commissioner's Recommendations**

Commissioner's Recommendations	Preliminary Response	Pathways for Delivery	Timeframes
<b>Recommendation 7:</b> Establish funding for support and advisory for landowners including personal, financial, planning and property advisory	Supported in principle. Subject to the resolution of funding	Community Support Program coordinated by Community Place Managers.	Community Support Program: Q1 2022
<b>Recommendation 8:</b> Establish a publicly available complaints register	Supported	Established by DPIE with ongoing management by Community Place Managers. In the interim, complaints will be managed by the Community Commissioner.	Complaints Register: Q1 2022
<b>Recommendation 9:</b> Develop a media engagement strategy	Supported	Community Participation Plan.	Community Participation Plan: Q4 2021
<b>Section 2 - Response to Specific Landowner Impacts</b>			
<b>Recommendation 10:</b> Amend the Aerotropolis SEPP as a matter of priority including the rationalisation of the Environment and Recreation zoning	Supported	Aerotropolis – Responding to the Issues report.  Amendment to <i>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020</i> .	Aerotropolis – Responding to the Issues report: Q4 2021  <i>State Environmental Planning Policy (Western Sydney Aerotropolis)</i> : Q4 2021
<b>Recommendation 11:</b> Finalise the detailed precinct plans to rationalise the scale of the open space overlay based on evidence of need and meet the NSW Government commitment that it is publicly accessible open space	Supported	Open Space Needs Study to identify and substantiate updated open space network.  Updated open space network to be identified in the finalised Precinct Plans and shown as land for acquisition in the amended Land Reservation Acquisition Map of the <i>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020</i> .	Open Space Needs Study: Q3 2021  <i>State Environmental Planning Policy (Western Sydney Aerotropolis)</i> : Q4 2021  Precinct Plans: Q4 2021
<b>Recommendation 12:</b> Continue to communicate that any land required for publicly accessible open space will be acquired	Supported	Same Pathways for Delivery as Recommendation 11.	Same Timeframes for Delivery as Recommendation 11

**Table: Initial response to Independent Community Commissioner's Recommendations**

Commissioner's Recommendations	Preliminary Response	Pathways for Delivery	Timeframes
<b>Recommendation 13:</b> Conduct and make public an Aerotropolis-wide open space needs study for the initial precincts, in conjunction with the finalisation of the precinct plans	Supported	Same Pathways for Delivery as Recommendation 11.	Same Timeframes for Delivery as Recommendation 11
<b>Recommendation 14:</b> The Aerotropolis SEPP should clearly identify land to be acquired with the Precinct Plans to be updated and consistent with the SEPP	Supported	Same Pathways for Delivery as Recommendation 11.	Same Timeframes for Delivery as Recommendation 11
<b>Recommendation 15:</b> Include additional land uses to the allowable existing uses in the zonings to enable landowners to continue residential and other low impacts uses for land (for example an additional dwelling storey, a shed etc.) even if these uses may be prohibited under the new zonings. These transitional uses must consider and not impact future airport operations.	Supported in principle. Subject to further investigation	Aerotropolis - Responding to the Issues report.  Community Guidelines - Existing Use Rights and Permissible Land Uses.  Amendment to the <i>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020</i> .	Aerotropolis - Responding to the Issues report: Q4 2021  Community Guidelines - Existing Use Rights and Permissible Land Uses: Q4 2021  <i>State Environmental Planning Policy (Western Sydney Aerotropolis)</i> : Q4 2021
<b>Recommendation 16:</b> Inform and educate landowners on their existing use rights and permissible land uses under the Aerotropolis SEPP	Supported	Community Guidelines - Existing Use Rights and Permissible Land Uses.	Community Guidelines - Existing Use Rights and Permissible Land Uses: Q4 2021
<b>Recommendation 17:</b> Clearly set out the acquisition process including likely timing depending on the acquisition requirements	Supported in principle. Subject to the resolution of funding	Guidelines and Implementation of Voluntary Acquisitions (Compassionate Grounds).	Guidelines and Implementation of Voluntary Acquisitions (Compassionate Grounds): Q1 2022
<b>Recommendation 18:</b> Once the Precinct Plans are finalised, enable acquisition on a voluntary basis due to compassionate grounds for landowners on a case-by-case basis	Supported in principle. Subject to the resolution of funding	Same Pathways for Delivery as Recommendation 17.	Same Timeframes for Delivery as Recommendation 17
<b>Recommendation 19:</b> If acquisition of part of a property is required for any public purpose, for example if it is more than 30% of a 10-hectare lot or less, the whole lot is acquired, if that is desired by the landowner	Supported in principle. Subject to further investigation	Aerotropolis - Responding to the Issues report.	Aerotropolis - Responding to the Issues report: Q4 2021

**Table: Initial response to Independent Community Commissioner's Recommendations**

Commissioner's Recommendations	Preliminary Response	Pathways for Delivery	Timeframes
<b>Recommendation 20:</b> To address concerns regarding potential zoning impacts, DPIE should investigate options that increase the potential economic return for land zoned E&R	Supported in principle. Subject to further investigation	Aerotropolis – Responding to the Issues report.  Amendment to <i>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020</i> .	Aerotropolis – Responding to the Issues report: Q4 2021  <i>State Environmental Planning Policy (Western Sydney Aerotropolis)</i> : Q4 2021
<b>Recommendation 21:</b> Use existing legislation to assist owners facing significant rate increases and provide further information regarding opportunities to defer rate payments	This is a matter for local government to consider	Implementation responsibility of Liverpool and Penrith City Council.	Ongoing
<b>Recommendation 22:</b> Ensure a sustainable future for Luddenham Village by rapidly undertaking a visioning and planning process and for this to be completed prior to the finalisation of the Precinct Plans	Supported	Luddenham Village Visioning.  Incorporate into finalised Precinct Plans.	Luddenham Village Visioning: Q4 2021  Precinct Plans: Q4 2021
<b>Recommendation 23:</b> Upon the adoption of new flood modelling by Liverpool City or Penrith City Councils, DPIE considers the implementation of the new modelling so it does not increase the amount of land zoned E&R	This is a matter for local government to consider	Amendment to <i>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020</i> .	Dependent on Council adoption of new flood modelling: potentially Q1 – Q2 2022
<b>Recommendation 24:</b> For the non-initial precincts a pathway for their rezoning and the triggers that would enable their rezoning to be provided, as soon as possible after the finalisation of the current precinct planning processes	Supported	Incorporate into finalised Precinct Plans.	Precinct Plans: Q4 2021
<b>Recommendation 25:</b> In consultation with impacted landowners zoned Environment and Recreation Zone (E&R Zone) in the Wianamatta-South Creek precinct to the east of Wianamatta-South Creek adjoining the Kemps Creek and Rossmore Precincts, the Department is to investigate if they can be reverted to the zoning that existed on their land before the commencement of the Aerotropolis SEPP	Supported	Aerotropolis – Responding to the Issues report.  Amendment to <i>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020</i> .  Incorporate into finalised Precinct Plans.	Aerotropolis – Responding to the Issues report: Q4 2021  <i>State Environmental Planning Policy (Western Sydney Aerotropolis)</i> : Q4 2021  Precinct Plans: Q4 2021
<b>Recommendation 26:</b> Publish the Master Planning guidelines	Supported	Masterplan Guidelines.	Masterplan Guidelines: Q4 2021

**Table: Initial response to Independent Community Commissioner's Recommendations**

Commissioner's Recommendations	Preliminary Response	Pathways for Delivery	Timeframes
<p><b>Recommendation 27:</b> The Commonwealth Government provides information to small landowners as soon as possible clarifying the acquisition and remediation available for those impacted by the ANEC contours</p>	<p>This is a matter for the Australian Government to consider</p>	<p>Aerotropolis – Responding to the Issues report.</p>	<p>Aerotropolis – Responding to the Issues report: Q4 2021</p>
<p><b>Recommendation 28:</b> The Planning Partnership Office brings together the large landowners to enable extensive input and engagement before the finalisation of the Precinct Plans. As part of this engagement, mechanisms for the large landowners to assist small landowners are identified</p>	<p>Supported</p>	<p>Community Participation Plan.</p>	<p>Community Participation Plan: Q4 2021</p>
<p><b>Recommendation 29:</b> Establish ongoing mechanisms for government engagement with large landowners. This engagement should consider ways to support small landowners</p>	<p>Supported</p>	<p>Same Pathways for Delivery as Recommendation 28.</p>	<p>Same Timeframes for Delivery as Recommendation 28</p>
<p><b>Recommendation 30:</b> Facilitate engagement between small landowners and large landowners where large landowners can assist by addressing impacts. This engagement could be transparently facilitated by the Community Commissioner</p>	<p>Supported</p>	<p>Community Participation Plan. Extend appointment of Community Commissioner.</p>	<p>Community Participation Plan: Q4 2021 Extension of Commissioner's term implemented</p>
<p><b>Recommendation 31:</b> Prior to public communication of the outcomes of the precinct planning process, individuals additionally negatively impacted landowners are communicated with directly and the implications of the impacts effectively explained. This work could be facilitated by the Community Commissioner</p>	<p>Supported</p>	<p>Same Pathways for Delivery as Recommendation 30.</p>	<p>Same Timeframes for Delivery as Recommendation 30.</p>
<p><b>Recommendation 32:</b> With the Aerotropolis, the process for engaging with and educating landowners to support the achievement of bio-diversity conservation outcomes for the Aerotropolis occurs at a granular rather than an Aerotropolis scale, using pilots with small groups of landowners to support a process where landowners may be incentivised to contribute to these outcomes</p>	<p>Supported</p>	<p>Aerotropolis – Responding to the Issues report.</p>	<p>Aerotropolis – Responding to the Issues report: Q4 2021</p>

**Table: Initial response to Independent Community Commissioner's Recommendations**

Commissioner's Recommendations	Preliminary Response	Pathways for Delivery	Timeframes
<b>Recommendation 33:</b> Strengthen communication between small landowners and Councils to assist them to navigate development issues	This is a matter for local government to consider	Will engage with Councils to assist with implementation.	Ongoing
<b>Recommendation 34:</b> Ensure local Councils continue to address regulatory issues emerging across the Aerotropolis	This is a matter for local government to consider	Will engage with Councils to assist with implementation.	Ongoing
<b>Recommendation 35:</b> Ensure ongoing change management support for the future of the Aerotropolis	Supported	<p>Community Participation Plan.</p> <p>Complaints Register to be established by DPIE with ongoing management by Place Managers. In the interim, complaints will be managed by the Community Commissioner.</p> <p>Community Place Managers. Subject to resolution of funding.</p>	<p>Community Participation Plan: Q4 2021</p> <p>Complaints Register: Q1 2022</p> <p>Community Place Manager roles to commence: Q1 2022</p>
<b>Section 3 – Governance and Pathways</b>			
<b>Recommendation 36:</b> The NSW Government strengthens senior levels of public service coordination to ensure clear roles and responsibilities for coordinated cross-government decision making for the planning and delivery of the Aerotropolis	Supported	<p>Clear accountabilities for planning, coordination and delivery to be agreed between government agencies (DPIE and WPCA) and commitment to use stronger internal governance.</p> <p>Community Commissioner to ensure the governance framework is established and that initial outward communications put community issues at the heart of program delivery.</p>	Ongoing

**Table: Initial response to Independent Community Commissioner's Recommendations**

Commissioner's Recommendations	Preliminary Response	Pathways for Delivery	Timeframes
<b>Recommendation 37:</b> The land use planning to conclude the Precinct Plans continue under the current arrangements through the Western Sydney Planning Partnership, on behalf of the Minister for Planning and Public Spaces	Supported	Western Sydney Planning Partnership to finalise Precinct Plans.	Precinct Plans: Q4 2021
<b>Recommendation 38:</b> Following the conclusion of the Precinct Plans, DPIE and the relevant local councils will continue their usual roles and functions in assessing development applications	Supported	DPIE and Councils will maintain usual role and functions in assessing development applications.	Ongoing
<b>Recommendation 39:</b> To build on the excellent existing collaboration between DPIE and Liverpool City and Penrith City Councils, a formal collaboration process continues to oversee future strategic planning and master planning for the Aerotropolis	Supported	Cross Government Project Control Group to ensure continued collaboration between DPIE and Councils.	Ongoing
<b>Recommendation 40:</b> The framework for investment and delivery of future infrastructure in the Aerotropolis is to be developed, coordinated and communicated by the Western Parkland City Authority	Supported	Western Parkland City Authority to report on delivery of the Aerotropolis through its annual reporting processes.	Ongoing

**Table: Glossary of Deliverables**

Deliverable	Description
<b>Aerotropolis - Responding to the Issues report</b>	A more detailed response to the Aerotropolis Independent Community Commissioner's Report and to the issues raised in submissions during the exhibition of the Precinct Plans. This report will also provide guidance on the policy directions to resolve issues raised and the pathway for delivery of the planning package.
<b>Community Consultative Committee (CCC)</b>	<p>The Community Consultative Committee (CCC) will support change across the Aerotropolis to provide an engagement forum for the community and other key stakeholders. The CCC will consist of community representatives and be independently chaired by the Aerotropolis Independent Community Commissioner.</p> <p>The CCC is not a decision-making but an advisory body. It provides an advisory and consultative role for landowner representatives, local councils, the Western Parkland City Authority (WPCA), the Australian Government and NSW government agencies.</p>



**Table: Glossary of Deliverables**

<b>Deliverable</b>	<b>Description</b>
<b>Community Guidelines - Existing Use Rights and Permissible Land Uses</b>	A guide written in plain English that outlines what is meant by existing use rights, how they give landholders protections to keep using their land, and explains the relationship with permissible land uses.
<b>Community Participation Plan</b>	The Community Participation Plan will outline how and when the community can participate in projects and policy within the Aerotropolis.
<b>Community Place Managers</b>	Community Place Managers are a single point of contact for the community who can be contacted regarding issues, queries, and requests for information.  They will coordinate information within and across all levels of government and related servicing and infrastructure agencies. They will provide responses to inquiries that are timely, accessible, and easy to understand.
<b>Complaints Register</b>	A publicly available central register that is maintained to record complaints and monitor resolution of complaints in a timely manner.
<b>Community Support Program</b>	A program to enable impacted community members to access land use planning, land valuations, financial advice, and personal counselling within the Aerotropolis.
<b>Guidelines and Implementation of Voluntary Acquisitions (Compassionate Grounds)</b>	Guidelines to outline the criteria and process for applying for voluntary acquisition where landowners meet certain criteria, including pressing personal and financial hardship.
<b>Independent Community Commissioner</b>	An independent person who can support, advise and advocate for the Aerotropolis community and the government as the Aerotropolis is developed.
<b>Luddenham Village Visioning</b>	A plan that details the future vision for Luddenham, that is developed collaboratively with the community. It will outline how Luddenham Village retains a sustainable population to support the village into the future.
<b>Masterplan Guidelines</b>	The <i>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020</i> specifies the criteria where a masterplan can be created. A masterplan is for a large site (over 100 hectares) and provides a greater level of detail and specifies what development can be undertaken as complying development. The Masterplan Guidelines will outline the process and approval pathway for masterplans.
<b>Open Space Needs Study</b>	A study that describes the performance measures and rationale for the location of open space across the Aerotropolis.  It will reinforce that all publicly accessible open space will be acquired.
<b>Precinct Plans</b>	The draft Aerotropolis Precinct Plan included the Aerotropolis Core, Badgerys Creek, Wianamatta-South Creek, Agribusiness and Northern Gateway Precincts. The draft precinct plans establish the strategic vision and general objectives, proposed land uses, performance criteria for development of land and approach to both water infrastructure and water cycle management.  The Precinct Plans are a finalisation of the draft plans taking into consideration the Commissioner's recommendations and feedback from submissions.

**Table: Glossary of Deliverables**

<b>Deliverable</b>	<b>Description</b>
<p><b>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)</b></p> <p><b>Explanation of Intended Effects (EIE)</b></p>	<p>The statutory instrument that guides development of the Aerotropolis and delivers the objectives of the Western Sydney Aerotropolis Plan.</p> <p>An explanation of proposed amendments to the Aerotropolis SEPP. The EIE to be exhibited will include a review and revision of the permissible uses and boundary of the Environment and Recreation zoning taking into account the Independent Community Commissioner’s recommendations.</p>
<b>Governance and Agencies</b>	
<b>Cross Government Project Control Group</b>	A professional group established across State and local government to guide strategic planning.
<b>Department of Planning, Industry and Environment (DPIE)</b>	<p>Within the Aerotropolis, DPIE is responsible for the integration and efficient delivery across key areas such as long-term planning, precincts, infrastructure priorities, open space, and the environment.</p> <p>DPIE has four Ministers with responsibility for various aspects of its activities:</p> <p>Planning and Public Spaces – The Hon. Rob Stokes MP – Minister for Planning and Public Spaces</p> <p>Water, Property and Housing – The Hon. Melinda Pavey MP – Minister for Water, Property and Housing</p> <p>Energy and Environment – The Hon. Matthew Kean MP – Minister for Energy and Environment</p> <p>Local Government – The Hon. Shelley Hancock MP – Minister for Local Government</p>
<b>Western Parkland City Authority (WPCA)</b>	<p>The WPCA is the NSW Government agency responsible for delivering, coordinating and attracting investment to the Western Parkland City. A key component of this work is the delivery of Bradfield City Centre along with more strategic work such as the preparation of a Blueprint and Economic Development Strategy for the Western Parkland City.</p> <p>The Minister responsible for the various activities of the WPCA is:</p> <p>The Hon. Stuart Ayres - Minister for Jobs, Investment, Tourism and Western Sydney</p>
<b>Western Sydney Planning Partnership (Planning Partnership)</b>	The NSW Government has established the planning partnership with the growth councils – Liverpool, Penrith, Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, and Wollondilly – in conjunction with Blacktown to achieve more efficient and higher quality planning outcomes. The Planning Partnership manages the community consultation and draft planning documents which are submitted to the Minister for Planning and Public Spaces to be considered and made.

[dpi.e.nsw.gov.au](http://dpi.e.nsw.gov.au)

[wpc.a.sydne.y](http://wpc.a.sydne.y)