

Ms Kirsten Fishburn  
Secretary  
Department of Planning, Housing and Infrastructure  
4 Parramatta Square  
Parramatta  
NSW 2150  
9 July 2024

Dear Ms Fishburn

**Probity Report – Western Sydney Aerotropolis Technical Assurance Panel –  
WSA\_MP03 GDC Base Farm, 1675 The Northern Road, Greendale**

Procure Group Pty Ltd (**Procure**) was engaged in June 2022 by the then Department of Planning and Environment (**DPE**), now the Department of Planning, Housing and Infrastructure (**DPHI** 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 Greenfields Development Company (**GDC**) Base Farm at 1675 The Northern Road, Greendale, NSW (**GDC Development**).

**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 (March 2024) 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:*

- *Department of Planning, Housing and Infrastructure (including the Western Parkland City Authority),*
- *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 initial master plan preparation meeting with GDC was held on 9 March 2023. The fifth and final TAP meeting was held on 24 June 2024. The Chair of the TAP approved the Letter of Advice from the TAP on 8 July 2024. The TAP Letter of Advice confirms that the draft master plan for the GDC Development 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 in August 2022 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. Further noted that the Governance and Probity Plan was updated in March 2024 to reflect changes in the structure and governance of the Department and related agencies;
- + 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;
  - Reference to the need for the Department to implement internal probity arrangements to ensure the appropriate separation of roles; and
  - Probity management requirements including the role of the Probity Advisor;
- + Noted that in the circumstances where DPHI provides secretariat and advisory services to the TAP, and the draft master plan submitted following the TAP process is subject to assessment by DPHI, DPHI has a conflict of roles which requires appropriate probity arrangements to be established. In October 2022, Procure prepared a probity plan (**DPHI probity plan**) which addressed this probity risk and outlined the management and other actions required of the then DPE (now DPHI) personnel;
- + Noted that the DPHI probity plan included:
  - Probity principles as they relate to the conflict of roles;
  - An outline of each DPHI team with a role in the TAP process;

- Conduct guidelines for all DPHI 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 DPHI Secretariat on 25 June 2024, that the requirements of the DPHI probity plan have been implemented for the GDC Development; and
- + Noted that as required by the Governance and Probity Plan, all participants in the TAP process, including DPHI, 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.

### TAP process

- + Attended the first TAP meeting for the GDC development held on 9 March 2023. Procure provided a briefing on the Governance and Probity Plan and the DPHI 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 of the TAP and DPHI, Procure subsequently attended only the fifth and final meeting of the TAP held on 24 June 2024. Noted that the Regional Assessment Team was present as observers for the GDC presentation and , on this occasion, the TAP closed session;
- + Procure has reviewed the minutes of the following TAP meetings:
  - Meeting 1 – 9 March 2023
  - Meeting 2 – 22 May 2023;
  - Meeting 3 – 24 October 2023;
  - Meeting 4 – 15 December 2023;
  - Meeting 5 – 24 June 2024;
- + 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 at the meeting held on 24 June 2024;
- + Noted that at the TAP meeting held on 22 May 2023, the Milestone Agreement required for the TAP process was agreed. The Milestone Agreement sets out the technical studies to be provided by GDC and the program of meetings to be

conducted. Further noted that the Milestone Agreement was updated at the meeting held on 15 December 2023, in order to reflect the revised program required to complete the TAP process;

- + Noted that minutes were prepared of the numerous technical workshops held involving DPHI representatives, agency representatives and GDC representatives between TAP meetings in order to address technical issues;
- + Confirmed with DPHI that GDC will pay the required TAP fee as part of its master plan lodgement fee;
- + Confirmed with the representatives of GDC at the meeting held on 24 June 2024, that they did not have any probity concerns in relation to the manner in which the TAP process had been conducted;
- + Confirmed with the TAP members at the conclusion of their closed session on 24 June 2024, that they had followed the Governance and Probity Plan in the conduct of the TAP process and did not have any probity concerns;
- + Reviewed the Letter of Advice to the Secretary of DPHI signed by the Chair of the TAP on 8 July 2024. 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 confirming the suitability of the master plan to proceed to assessment by DPHI;
  - + Reasons for the decisions of the TAP;
  - + Matters for noting;
  - + Conditions for the master plan to proceed to lodgement; 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 GDC Development will be subject to assessment by DPHI 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 Greenfields Development Company Base Farm Development, 1675 The Northern Road, Greendale, 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,

[REDACTED]

Simon Taylor

**Managing Director**  
**Procure Group Pty Ltd**

## Statement of Responsibility

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

- (a) DPHI documentation it has been given and which it has reviewed;
- (b) Participation in meetings related to the TAP; and
- (c) Discussions with relevant DPHI 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 DPHI to address those risks, probity issues may nevertheless have arisen that have not been identified. While Procure may provide input into processes followed, DPHI 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.