

WESTERN SYDNEY AEROTROPOLIS REPORT BY THE INDEPENDENT COMMUNITY COMMISSIONER

OVERVIEW

From May to July 2021, the Independent Community Commissioner, Professor Roberta Ryan, met with over 100 small landowners who have been impacted by the rezoning process of the Western Sydney Aerotropolis.

Landowners were from the initial precincts (Aerotropolis Core, Badgerys Creek, Wianamatta-South Creek, Agribusiness and Northern Gateway) as well as other areas that were not included in the first stage of precinct plans (North Luddenham, Dwyer Road, Kemps Creek and Rossmore).

A broad summary of the issues that landowners raised follows:

Uncertainty, communication, information and evidence

- Uncertainty, lack of clarity/understanding, communication, co-ordination
- Definitions and clear language needed to explain key concepts
- Lack of clarity on how the zones have been determined and questions about the evidence-base
- Large landowners also feel unable to understand how to engage with government.

Zoning, acquisition, rating and airport noise corridors

- Lack of clarity regarding the impact on properties with Environment and Recreation Zoning
- ‘Over-emphasis’ on green space and lack of clarity around types and descriptions
- The acquisition pathway for the areas with open space
- Options to live/run my business/use land as collateral
- Compassionate acquisition process for those who cannot wait due to personal hardship
- The governments’ acquisition plans: how they will be applied and timing
- Rising council rates because of land value changes
- Uncertainty regarding the Valuer-General’s processes and impact on the valuations of land
- Uncertainty for properties impacted by airport operations and noise mitigation measures.

Timing and pathways

- Process and timing for non-priority precincts
- Information needed on pathways and timing so that people can make decisions and plans
- For landowners who are in consortiums or MOUs, concerns regarding the future process including master planning
- Servicing – timing, processes, rationale, coordination and lack of alignment between the precincts plans and sub-divisions.

The report comprises 40 recommendations focused on delivering improvements across three areas:

1. Communication and engagement – ways for government to communicate and engage with the community at the centre
2. Granular responses to specific landowner impacts – zoning and proposed acquisitions
3. Ongoing support – potential mechanisms to address fragmentation and uneven impacts, articulation of future pathways and ongoing governance.

Recommendations: Communication and engagement

1. Appoint Precinct Community Place Managers for each precinct to coordinate information within and across levels of government and related servicing and infrastructure agencies; and provide responses to inquiries that are timely, accessible and easy to understand.
2. Establish an ongoing Independent Community Commissioner role to oversee the impacts on landowners; be an advocate for the community to government; and provide oversight of the implementation of these recommendations.
3. With the community, develop a Community Participation Plan reflecting the requirements of community participation embedded in the *Environmental Planning and Assessment Act (1979)*.
4. Establish a Community Consultative Committee which rescopes the existing Community Liaison Group (CLG) to follow the NSW Government guidelines for Community Consultative Committees.
5. Prioritise the community in all communications, and ensure communications and engagement are place-focussed and coordinated rather than agency driven.
6. Educate the influencers including planning and property advisors and real estate agents through an ongoing program of face-to-face information sessions and targeted collateral.
7. Establish funding for support and advisory services for landowners including personal, financial, planning and property advisory.
8. Establish a publicly available complaints register to promote transparency and accountability, and include information on the process for resolution (e.g. response times, rationale for decisions).
9. Develop a media engagement strategy to ensure media representatives are kept briefed on the communities' concerns and the Government's responses to those concerns.

Recommendations: Specific landowner impacts

Rationalisation

10. Amend the Aerotropolis SEPP as a matter of priority including rationalising the E&R zoning.
11. 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.
12. Continue to communicate that any land required for publicly accessible open space will be acquired.
13. Conduct and make public an Aerotropolis-wide open space needs study for the initial precincts, in conjunction with the finalisation of the precinct plans.
14. The Aerotropolis SEPP should clearly identify land to be acquired and the Precinct Plans should be updated to be consistent with the SEPP.

Permitted land uses

15. 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 even if these uses may be prohibited under the new zonings. These transitional uses must consider and not impact future airport operations.
16. Inform and educate landowners on their existing use rights and permissible land uses under the Aerotropolis SEPP.

Acquisition

17. Clearly set out the acquisition process including likely timing depending on the acquisition requirements.
18. Once the Precinct Plans are finalised, enable acquisition on a voluntary basis due to compassionate grounds for landowners on a case-by-case basis.
19. 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.

Zoning and land values

20. To address concerns regarding potential zoning impacts, DPIE should investigate options that increase the potential economic return for land zoned E&R.
21. Use existing legislation to assist owners facing significant rate increases and provide further information regarding opportunities to defer rate payments.
22. Ensure a sustainable future for Luddenham Village by rapidly undertaking a visioning and planning process prior to the finalisation of the Precinct Plans.
23. Upon the adoption of new flood modelling by Liverpool City or Penrith City Council, DPIE considers the implementation of the new modelling so it does not increase the amount of land zoned E&R.
24. For the non-initial precincts, provide 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.
25. In consultation with impacted landowners zoned E&R in the Wianamatta-South Creek precinct to the east of Wianamatta-South Creek adjoining the Kemps Creek and Rossmore Precincts, DPIE to investigate if they can be reverted to the zoning that existed on their land before the commencement of the Aerotropolis SEPP.
26. Publish the Master Planning guidelines.
27. 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.

Engagement with large landowners

28. 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.

29. Establish ongoing mechanisms for Government engagement with large landowners. This engagement should consider ways to support small landowners.
30. 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.

Planning engagement

31. 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.
32. Within 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.
33. Strengthen communication between small landowners and Councils to assist them to navigate development issues.
34. Ensure local Councils continue to address regulatory issues emerging across the Aerotropolis.
35. Ensure ongoing change management support for the future of the Aerotropolis whereby a responsive approach is adopted to resolving issues, and continuous innovation supports the Government's ambitions and the community moving forward.

Recommendations: Governance and pathways

36. 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.
37. The land use planning to conclude the Precinct Plans continues under the current arrangements through the Western Sydney Planning Partnership, on behalf of the Minister for Planning and Public Spaces.
38. Following the conclusion of the Precinct Plans, DPIE and the relevant local councils will continue their usual roles and functions in assessing development applications including State Significant Development and Masterplan applications.
39. Building on the excellent existing collaboration between DPIE and Liverpool City and Penrith City Councils, a formal collaboration process should continue to oversee future strategic planning and master planning for the Aerotropolis.
40. 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. This will require multi-agency governance arrangements, a strengthened role and resourcing.

The Community Commissioner's complete report is available at:
www.planning.nsw.gov.au/Independent-Community-Commissioner