

## Questions on Notice

(1)

**The Hon. PETER PRIMROSE:** Do you have any estimation yet about the level of payment that various people on these panels will receive?

**Ms FRAME:** We think it would be similar to the remuneration currently received by members of the Sydney planning panels and joint regional planning panels across New South Wales. The Remuneration Tribunal's advice will be sought on appropriate sitting fees for panel members. I do not have full knowledge of that, but we have some comparisons, and the Remuneration Tribunal will make those decisions.

**The Hon. PETER PRIMROSE:** Minister, could you take that on notice and give us some idea? I am obviously interested in the amount of cost-shifting that is going on. I ask about transparency of consent authorities acting on your delegation?

(1) **Answer:**

Currently, Sydney Planning Panel and Joint Regional Planning Panel chairs receive sitting fees of \$1,866 per meeting, and other members receive \$1,435 per meeting. These rates are being considered as a starting point to establish appropriate remuneration for IHAP members. The Department of Planning and Environment is consulting on the matter and will make a recommendation to the Minister.

The exact costs of running an IHAP will depend on factors such as whether councils share a panel, the number of applications the council receives and the frequency of meetings. Councils may find these costs are offset through reduced costs of legal challenges to planning decisions.

(2)

**The Hon. PETER PRIMROSE:** Minister, what is the total value of contracts awarded to Salt and Shein this year?

**Ms McNALLY:** I would have to take that on notice.

**The Hon. PETER PRIMROSE:** Did any of the contracts not go out to tender?

**Ms McNALLY:** I would have to take that on notice.

**The Hon. PETER PRIMROSE:** And if you could please explain, as part of that being taken on notice, why they did not go out to tender, if any did not?

**Mr ANTHONY ROBERTS:** We are happy to.

**The Hon. PETER PRIMROSE:** Thank you. How is this not an indication of favour being given to a particular political party?

**Mr ANTHONY ROBERTS:** I place on the record here that there is no favouritism in appointments or contracts. We follow guidelines throughout the department to the very letter. Personally, with all appointments that are made with my department, it is always with a view to appointing people based on merit. I ask the secretary, there are obviously provisions.

**Ms McNALLY:** One of the things we try to do in the department is make sure that where we are using firms such as recruitment firms we use a range of firms, we do not just stick with one firm. There are people selected through our panel arrangements and we spread that workload across the sector, Salt and Shein being one of those firms which is part of our using a range of firms within the department. One of the things we do is we have fairly strong policies around how we undertake contracts and the processes that we go through. I am more than happy to provide that information on notice.

## **(2) Answer**

The Department of Planning and Environment's procurement processes are aligned to the NSW Procurement requirements. As part of the NSW Procurement accreditation process, the Department recently completed an independent assessment of its procurement function and processes. Based on this assessment, the NSW Procurement Board awarded DPE level 2A accreditation.

**(3)**

**The Hon. JOHN GRAHAM:** It will be a recommendation. There are some exclusions, such as developers and real estate agents. Will you rule out lobbyists being appointed to these panels?

**Mr ANTHONY ROBERTS:** It is a tough gig being a lobbyist in New South Wales these days. I do not talk to them.

**Ms FRAME:** The people who are going to comprise the panels must have expertise in planning, architect or heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism or government and public administration.

**The Hon. TREVOR KHAN:** That probably cuts out the National Party anyway.

**The Hon. JOHN GRAHAM:** That goes to the credentials question; you have dealt with that issue. This is about the exclusions. You have excluded some categories. Will you exclude lobbyists?

**Mr ANTHONY ROBERTS:** Where that will be covered off, around conflicts, is where people will not be able to sit on the Independent Hearing and Assessment Panels [IHAP].

**The Hon. JOHN GRAHAM:** That is for individual decisions. I am asking about the appointment process itself. Will you exclude lobbyists?

**Mr ANTHONY ROBERTS:** I am happy to take that on notice, but is that being considered? I am keen, like you, to make sure that we get this right.

**(3) Answer:**

Amendments to the *Environmental Planning and Assessment Act 1979* introducing panels explicitly prohibit councillors, property developers and real estate agents from being panel members.

Lobbyists are not subject to a similar restriction and if they meet the expertise requirements, in areas such as planning, architecture or law, they may apply.

The panels will be subject to a strict code of conduct which will prevent them determining any matter in which they have a financial or non-financial interest.

It should be noted that lobbyists will represent a broad range of industries and are not necessarily involved in lobbying for planning related matters.

Professional lobbyists must register with the NSW Electoral Commission and are subject to the Department's Registered Lobbyist Contact Protocol and the Business Contact Protocol.

**(4)**

**The Hon. JOHN GRAHAM:** The Minister has given a view on that issue. I want to ask about the Housing Affordability Fund at this point. How much is sitting in the Housing Affordability Fund at the moment?

**Mr ANTHONY ROBERTS:** That would be a question for the Treasurer.

**The Hon. JOHN GRAHAM:** I will inform you: It is about a billion dollars. How much is expected to be spent this year from the Housing Affordability Fund?

**Mr ANTHONY ROBERTS:** I will take that on notice.

**(4) Answer:**

Treasury has approved \$151 million in 2017-18 from the Housing Acceleration Fund 2017-18 for projects commencing in 2017-18.

Please See attachments 1-6

**(5)**

**Mr DAVID SHOEBRIDGE:** Minister, will you provide a copy of the deed and all of the associated correspondence that Mr Nelson has referred to this Committee on notice?

**Mr DAVID SHOEBRIDGE:** Will you provide the correspondence that Mr Nelson said had required the amended deed on notice?

**Mr ANTHONY ROBERTS:** I am not really inclined to.

**The CHAIR:** Will you take it on notice?

**Mr ANTHONY ROBERTS:** I will take it on notice.

**(5) Answer:**

A voluntary planning agreement (VPA) was executed between the Minister for Planning and Johnson Property Group Pty Limited (JPG) on 26 July 2006.

Planning Circular 08-017 dated 23 December 2008 announced that the NSW Government would increase its infrastructure contribution to 50 per cent to generate a stimulus for the development industry, and the construction cost of rail, bus and social infrastructure facilities would be borne by the Government to 30 June 2011.

On 23 June 2011, the Minister for Planning and Infrastructure announced the NSW Government had extended the reduction of infrastructure contributions until 31 December 2011.

On 21 December 2011, the Minister for Finance and Services announced the NSW Government had extended the reduction of infrastructure contributions until 30 June 2012.

On 28 June 2012, the Minister for Planning and Infrastructure announced the NSW Government would extend the reduction of infrastructure contributions until a new planning system was developed.

The new reform has had the effect of reducing the monetary contributions JPG must pay under the VPA by 50 per cent and also removed the requirement to contribute towards the school building.

Following the announcement of the Planning Circular, JPG initiated re-negotiations with the Department of Planning and Environment, Roads and Maritimes Services and Hawkesbury City Council to reduce its infrastructure commitments in line with the changes introduced.

A Deed of Amendment to the 2006 Pitt Town Planning Agreement was executed on 6 April 2017 to reflect the Planning Circular.



## Documents related to the 2006 Pitt Town Planning Agreement

ID	Date	Document	Description
01	26/07/2006	Executed planning agreement – 2006/4214 – Pitt Town Planning Agreement	Planning agreement executed between the Minister for Planning, Johnson Property Group Pty Limited (JPG), Bona Vista Properties Pty Ltd, Fernadell Properties Pty Ltd and Vermont Quays Pty Ltd.
02	23/12/2008	Planning Circular – Review of infrastructure contributions	The circular provide advice on the implementation of the reforms to infrastructure levies and announced the Government will increase its contribution to 50 per cent until 30 June 2011, and will pay for the construction cost of rail, bus and social infrastructure to generate a stimulus for the NSW development industry.
03	23/06/2011	Media Release – Extension of reduced contribution until 31 December 2011	Media release advising the NSW Government has extended 50 per cent reduction of infrastructure contributions until 31 December 2011.
04	21/12/2011	Media Release – Extension of reduced contribution until 30 June 2012	Media release advising the NSW Government has extended 50 per cent reduction of infrastructure contributions until 30 June 2012.
05	28/06/2012	Media Release – Extension of reduced contribution until new planning system	Media release advising the NSW Government has extended 50 per cent reduction of infrastructure contributions until a new planning system is developed.
06	06/04/2017	Executed Deed of Amendment – 2016/8152 – Pitt Town Planning Agreement	Executed Deed of Amendment requiring the JPG to make a monetary contribution of approximately \$6 million upon the execution of the Amendment.

**(6)**

**The Hon. PETER PRIMROSE:** I recently met with community residents in Howlong near Albury. I indicated to them that you would be here today and if they wanted me to put a question to you I would be happy to do so.

This was their question:

On 29 August the Western Joint Regional Planning Panel approved the development application for an organic and green waste compost facility 600 metres from residents and 1.6 kilometres from the centre of Howlong. At a public hearing in June, 57 people spoke to the panel citing social and economic concerns. The panel did not acknowledge these concerns in their determination.

Why can a panel ignore the issues raised by these people? How is it that current planning laws allow the development of a composting facility within 600 metres of homes and 1.6 kilometres from the regional town of Howlong? Can you please explain how a facility of this nature and proximity is in the public interest of the people of Howlong?

I am not expecting you to immediately have those details to hand, but please make any comments you wish to make. My request is will you or one of your ministerial staff consider meeting with the residents of Howlong to discuss this further?

**Mr ANTHONY ROBERTS:** I will start by asking Deputy Secretary Ray to provide whatever information he has for us right now. I am very careful about meeting with individuals over specific sites. For policy I am happy to. I am happy to organise a meeting between them and my office. I am always happy to do that. We have an open door policy.

**The Hon. PETER PRIMROSE:** Thank you.

**Mr RAY:** The development application would have been assessed by the staff of the local council in accordance with the various guidelines that applied to that type of development. Often those guidelines in relation to odour and other environmental issues are prepared by the Environment Protection Authority. It would have been assessed in

accordance with those guidelines. There would have also been an opportunity for the residents not only to make a submission through the assessment to the council but to, as you say, speak before the joint regional planning panel. I do not have details of the particular decision but that is the procedure. There was certainly the opportunity there for the panel to consider all those issues but I would have to look and take on notice the details.

## **(6) ANSWER**

This meeting was arranged by MO, Steve Murray attended from the department but no notes were taken on the outcomes.

(7)

**Mr DAVID SHOEBRIDGE:** Minister, there is currently a gateway determination before your department relating to a site of almost 29 hectares that adjoins the Cumberland State Forest. That site is largely covered by blue gum high and turpentine forests, both of which are endangered ecological communities. Will you commit to not rezoning any blue gum high or turpentine forests for medium- or high-rise residential development?

**Mr ANTHONY ROBERTS:** This is still under assessment. It would be inappropriate for me as planning Minister to comment on it. Let me see if anyone has any further information that we can carefully add.

**Mr RAY:** This individual proposal is obviously at the gateway assessment stage. I do not have details of the proposal at the moment.

**Mr DAVID SHOEBRIDGE:** I am happy for you to take it on notice, including what consideration will be given to ensure that the blue gum high and the turpentine forests, which form a large part of the site, will be protected?

**Mr RAY:** It certainly will be a key consideration if they are the circumstances of the case.

**Mr ANTHONY ROBERTS:** We are quite happy to take that on notice.

**ANSWER:** Answered in supplementary question 81

**(8)**

**Mr DAVID SHOEBRIDGE:** Minister, in the 21 or 22 priority precincts that you outlined, can you advise how many new school sites have been identified, and where; how many new hospital sites have been identified, and where; and how many new parks have been identified, and where? I am happy for you to take that on notice but if any come to mind—even one—let us know.

**Mr ANTHONY ROBERTS:** I am happy to take that on notice.

**(8) Answer:**

I am advised:

The strategy proposes a range of opportunities to provide for new or upgraded education, health and recreation facilities in the area. The strategy focuses on district level infrastructure. A full schedule of district infrastructure is published in the exhibited strategy, available on the Department's website. While the strategy does list some local infrastructure, it is recognised that a more comprehensive local contributions plan will be developed by both Councils as part of the next phase of planning (the rezoning process).

The Department has prepared a draft Special Infrastructure Contribution (SIC) to complement the infrastructure planning already released as part of the recently exhibited strategy, including the Campsie Bypass. The SIC, when exhibited, will outline funding for prioritised items of district infrastructure. The release of the SIC will occur before any Priority Precincts are rezoned within the corridor.

As part of the future Priority Precinct investigation at Canterbury, Campsie, Belmore and Lakemba, there will be an opportunity to identify and rezone more open space and identify school sites as part of that rezoning process.

**(9)**

**Mr NELSON:** If I could just touch on the schools? As part of the process for each of these precincts we will be progressing with rezoning in four of the 10 stations, and in those four we will have a special infrastructure charge program, which will be out for consultation shortly, which will identify site by site, location by location, every school, every piece of open space, every regional road upgrade that might be needed, every piece of State infrastructure that will be provided in those communities. So there will be full transparency. We are working on it, and the recent drop-in sessions have really confirmed that the Government is on the right track, that it has been listening to what the community is saying—

**The Hon. JOHN GRAHAM:** I want to move to another issue.

**The Hon. TREVOR KHAN:** You are entitled to a full answer. You do not need to cut across.

**The Hon. JOHN GRAHAM:** I am entitled to ask questions in my own timing.

**The Hon. TREVOR KHAN:** Point of order: The question is still being answered and the Committee as a whole is entitled to know the information.

**The CHAIR:** The member is able to divert to another question. If the Minister has a reasonable answer he may want to take the rest of the question on notice.

**The Hon. JOHN GRAHAM:** I will be interested to see that.

**Mr ANTHONY ROBERTS:** Absolutely. I will be very keen to ensure that all the Committee sees that we are being open and transparent. Again I remind people that this is up on our website. A lot of these things can be looked at—in fact, we encourage people to engage with us around this because at the end of the day it is just about good government, and that is what I think we are here for.

**10)**

**The Hon. JOHN GRAHAM:** On a separate issue, Minister, now we have finished with that and it is taken on notice, have you been advised at any time of phone calls from your colleague Victor Dominello to Ryde councillors in relation to a Holdmark development?

**Mr ANTHONY ROBERTS:** I will have to take that on notice.

**The Hon. JOHN GRAHAM:** Are you aware of concerns that those phone calls linked preselections to councillors' votes on planning decisions?

**Mr ANTHONY ROBERTS:** I will take that on notice.

**Answer)**

I understand that this matter has been reported to the Independent Commission against corruption, and as a result it would be inappropriate for me to comment.

**(11)**

**Mr DAVID SHOEBRIDGE:** Is there a report that you can point to that looks at the 22 priority precincts and works out what their overall impact will be?

**Mr NELSON:** I can point to a number of land use and infrastructure strategies that have been released and I can point to a number that will be released later this year. You will see the relationship not only within the precincts but also more broadly within the regions.

**Mr DAVID SHOEBRIDGE:** If you give that detail on notice, I would appreciate it.

### **(11) Answer**

The Sydney Metropolitan Region is divided into Districts, each with its own District Plan. The Greater Sydney Commission will finalise District Plans and the housing targets and urban planning analysis contained within those plans includes the current portfolio of Priority Precincts.

The Government has released land use and infrastructure strategies for:

- i. Urban renewal corridors within walking distance of some of the new Sydney Metro stations such as Northwest (Cudgegong Rd – Cherrybrook) St Leonards / Crows Nest and Sydenham to Bankstown.
- ii. Urban renewal within walking distance of the new Parramatta light rail as part of the Greater Parramatta priority growth area.
- iii. Other urban renewal areas at Bayside West and Glenfield to Macarthur.
- iv. Land release areas such as Ingleside, Northwest, Greater Macarthur and Wilton.

The strategic planning work completed for the priority growth areas and urban renewal corridors sets out the objectives and ambition for each precinct. The plans forecast new homes and jobs over the next 20 years and identify the necessary infrastructure to support this growth.



(12)

**The CHAIR:** Minister, the Australian Bureau of Statistics has projected that the Australian population will increase to between 36.8 million and 48.3 million by 2061, and reach between 42.4 million and 70.1 million in 2100. It is anticipated that by 2050 Sydney will be home to approximately eight million residents. Given the anticipated population growth Australia, and more specifically New South Wales, are facing, what planning measures is your department considering and putting in place in order to ensure that planning decisions have a view to the long-term future and population growth, not just short-term pressures?

**Mr ANTHONY ROBERTS:** That is a very good question. This Government is planning for the future through the Greater Sydney Commission [GSC] and through my department. We understand that there will be a considerable population burden placed on Sydney. That is why the current Sydney regional planning work is being done by the GSC. It is important to note that through good design and good planning in the provision of infrastructure we can continue to create even better communities, particularly through priority precincts, as we plan for future growth. One of the issues I face is that we have a population issue in Sydney, which is different from the population issue in rural and regional New South Wales. We will see a declining population outside of regional centres. We need a whole-of-government approach as well as assistance from both local and Federal jurisdictions to ensure that small towns, hamlets, that are currently in existence and under pressure do not turn into bad places to live, or effectively close down.

We want to ensure that people can get a job in rural and regional New South Wales and so are attracted to move there. We know that rural and regional New South Wales is already attractive, and we want to make it more attractive. Currently, the North Coast and the South Coast are experiencing increases in population, but in some regions in the bush one in three people will be over the age of 65 by 2036. That is why it is critical to have good planning, so we are planning for the housing types that are required as well as the medical facilities that are required by an ageing population.

With respect to Sydney, we have an unprecedented spend on infrastructure. As I said, we have the best planners in the world working on ensuring that our plan for Sydney delivers strong and resilient communities. I can guarantee that in 20 years there will be more trees in the Sydney basin than there are now—a hell of a lot more.

**The CHAIR:** Please take the rest of my question on notice.

**Answer)**

I hope you found the above information suitable should you require more information regarding population growth I would happily make myself with the Greater Sydney Commission and the Department of Planning available for a meeting.