

Public Accountability Committee

NSW Government's Management of the COVID19 Pandemic

29 May 2020

#	Committee Member	Panelist	Question	Answer
1	Adam Searle	Minister Stokes	<p>RYDE HOSPITAL AND MACQUARIE PARK BUS EXCHANGE [P.3]</p> <p>What was not in either tranches one or two was your Government's half-a-billion-dollar promised upgrade of Ryde Hospital or the promised \$100-million Macquarie Park bus interchange.</p> <p>Can you inform the Committee about where those two Government committed projects are up to?</p> <p>Are they not in the fast-track assessment process because they have not got to development application [DA] stage or is it still sort of on the never-never?</p>	<p>I am advised:</p> <p>A development application for Ryde Hospital has not been received by the Department of Planning, Industry and Environment (the Department), which is why it cannot be included in the Planning System Acceleration Program.</p> <p>Transport for NSW is responsible for the Macquarie Park Bus Interchange and does not need the approval of the Minister for Planning and Public Spaces or the Department to undertake the work as the works could be development without consent permitted under the <i>State Environmental Planning Policy (Infrastructure) 2007</i> and approved under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
2	Adam Searle	Minister Stokes	<p>VISY DRY RECYCLABLES FACILITY [P.3]</p> <p>Minister, I think on 28 April you announced the first 24 projects in tranche one. Can you or the Secretary let us know how the Visy Dry Recyclables Facility got onto the list of projects to be fast tracked, given that the project had in fact been approved six days before the announcement?</p>	<p>I am advised:</p> <p>The public launch of the Planning System Acceleration Program (the Program) was on 28 April 2020. However, the official start date of the Program within the Department of Planning, Industry and Environment (the Department) to fast-track Tranche 1 projects was 20 April 2020.</p> <p>Tranche 1 covered the four-week period from 20 April 2020 through to 21 May 2020 and the Visy Dry Recyclables Facility was approved during this period. Each of the tranches covers a period of four weeks, which commences the day after the previous tranche finishes (i.e. Tranche 2 commenced on 22 May 2020).</p>

				As the Secretary said during the hearing, the Department did not wait for media events to commence work on these assessments.
3	Adam Searle	Minister Stokes	<p>PLANNING SYSTEM ACCELERATION PROGRAM METHODOLOGY [PP. 5-6]</p> <p>Just one example from tranche one was the Mount Druitt CBD—that is, the Local Environmental Plan [LEP]. I think in the documentation of tranche one the claim was that it would create just under 3,000 jobs. But then when you look at the press release from yourself and the Premier of 21 May, that same project, Mount Druitt CBD rezoning, the claim is that it will create 15,000 jobs. So within a few weeks it has gone from 3,000 jobs, or slightly less, to 15,000. Just to be clear, you are not saying that is actually the number that will be created over the next six or 12 months—it is a figure of how many jobs could be created over a decade? Two decades?</p> <p>...</p> <p>For example, most of the jobs claimed around the first tranche do appear to flow from LEP changes and the Mount Druitt one is a good one because there is a 7,000 increase from the announcement to a few weeks later afterwards. Are we assuming that that is the estimated or hoped for jobs to be created over the five-year life of that new LEP? Is that a correct assumption?</p> <p>...</p>	<p>I am advised:</p> <p>For rezonings – like Mt Druitt – the Department of Planning, Industry and Environment (the Department) uses a method developed by Landcom, to ensure a consistent, transparent and auditable means of reporting.</p> <p>The Planning System Acceleration Program (the Program) also uses Landcom’s workspace ratio model to estimate construction jobs, which are aligned to the value of the project. Workspace ratios are used by Landcom to provide high level guidance around the estimated number of jobs that could be generated from projects.</p> <p>The Program also uses this workspace ratio to determine jobs enabled through the delivery of employment land use (called ongoing direct jobs).</p> <p>Details of the methodology are available on the Department’s website:</p> <p>https://www.planning.nsw.gov.au/Policy-and-Legislation/COVID19-response/Planning-System-Acceleration-Program/Fast-tracked-assessments</p>

			<p>I am happy for you to take it on notice. I do not know and I am not asking if you cannot share some sort of State secret, but it would be interesting to understand the methodology that underpinned the original assessment and the final assessment of job estimates, because I note that a fair amount of the dollar value of these projects and job creation potential flowed from changes to LEPs rather than from specific infrastructure projects. Again, I am just trying to understand the basis upon which the dollar values and job estimates were reached so we can understand how the department reached those.</p> <p>...</p> <p>I had to work like Hermes to get it all through the system as quickly as possible but in that there were different tranches of projects. Some are planning proposals—rezonings. They are going to have different characteristics to public infrastructure projects that will have different characteristics again to private developments. Even then, obviously residential developments will have different characteristics to manufacturing jobs. The utility is comparing within categories, not so much between the different categories of development.</p>	
4	David Shoebridge	James Hebron	<p>CONFLICTS OF INTEREST [P.10]</p> <p>Have you provided written advice addressing this executive director of</p>	<p>I am advised by Mr Hebron:</p> <p>No. Mr Power is in communications rather than decision making or operational role. He has no role in the selection</p>

			<p>the Property Council who is on temporary secondment?</p> <p>Have you provided written advice addressing the actual or potential conflict of interest that he has with his role for the department?</p>	<p>process for the Planning System Acceleration Program. He has completed a conflict of interest declaration.</p>
5	David Shoebridge	Jim Betts	<p>CONFLICTS OF INTEREST [PP. 10-11]</p> <p>I want to be clear, Mr Betts. Given he (William Power) is employed by the Property Council of Australia and would require the confidence of the board, that to the extent that board members of the Property Council have a financial interest in their projects he has a pecuniary interest in that regard, I am wondering whether or not that is captured by your conflict of interest procedures and, if so, what if any pecuniary interest notifications he has provided?</p>	<p>I am advised:</p> <p>Mr Power has completed a conflict of interest declaration.</p>
6	Adam Searle	Jim Betts	<p>PLANNING SYSTEM ACCELERATION PROGRAM METHODOLOGY [P.12]</p> <p>The Powering Sydney's Future project in tranche one, which was the TransGrid, I think the upgrade of the transmission system, the initial estimate when you announced the fast-tracking on 28 April was that would create 70 jobs. Then within a matter of weeks it is 140 jobs. Can you tell us what criteria was used to produce each of those two different evaluations?</p>	<p>I am advised:</p> <p>For major projects the applicant/proponents do not use the Landcom methodology. Applicants/proponents provide initial values for Capital Investment Value and jobs as part of the EIS submission. During the course of the application processes and stages of assessment, the values change as a result of changes to scope (de-scoping or re-scoping) which in-turn changes these values during the lifecycle of the assessment.</p> <p>For this project, the number of jobs increased as the applicant provided further details following the launch of the first tranche of the Planning System Acceleration Program.</p>

7	Adam Searle	Minister Stokes	<p>PLANNING SYSTEM ACCELERATION PROGRAM METHODOLOGY [P.12]</p> <p>I would also like—particularly when it comes to the local environment plans (LEPs) and the claimed financial impact and the jobs—to understand exactly how you have calculated that because it does seem to be, as you have described it, an iterative process. It seems to have grown as it moved on.</p>	Refer to question 3.
8	David Shoebridge	Jim Betts	<p>MIRVAC COONARA AVENUE PROJECT [P.16]</p> <p>Can you advise the Committee whether or not the Mirvac Coonara Avenue project was one of those ranking A projects from the Urban Taskforce and, if so, what was the problem identified that they wanted resolved or cleared?</p>	<p>I am advised:</p> <p>The document referred to is from a private entity and was addressed to NSW Treasury. I am advised that the document is publicly available on this private entity's website.</p>
9	David Shoebridge	Jim Betts	<p>URBAN TASKFORCE LIST OF PROJECTS [P.16]</p> <p>To the extent that any of these projects are—first of all, could you provide on notice a full copy of the Urban Taskforce correspondence, including the attachment?</p>	Refer to question 9.
10	David Shoebridge	Jim Betts	<p>STAKEHOLDER ENGAGEMENT (NCOSS) [P.17]</p> <p>Did Mr Power reach out to NCSS and did Mr Power reach out to any social and affordable housing providers?</p>	<p>I am advised:</p> <p>During the COVID-19 Pandemic, the Department of Planning, Industry and Environment (the Department) has conducted regular meetings and engagement with a range of stakeholders across local government, industry and community sectors as well as regular webinars, policy briefings and correspondence management.</p>

				Through the course of the pandemic and the stakeholder team's work, the views and submissions of community and environmental organisations, homelessness groups, and community housing providers and groups representing community housing providers have been received by the team and have been fed into the work of the Department throughout this period.
11	David Shoebridge	Minister Stokes	<p>SOCIAL HOUSING [P.17]</p> <p>Are there any proposals for public or social housing in the tranche one or tranche two projects that are going to be shovel ready, being constructed within the next six months?</p>	<p>I am advised:</p> <p>The first tranche of the Planning System Acceleration Program included the first stage of the Ivanhoe Estate redevelopment which includes 259 social housing dwellings. Ivanhoe Estate is being delivered by a joint venture of Mission Australia and Frasers Property Australia alongside NSW Land and Housing Corporation. Once complete, all stages of the Ivanhoe Estate will provide a total of 950 community housing dwellings and 128 affordable homes.</p> <p>Construction for stage 1 of the Ivanhoe Estate is anticipated to commence in October 2020.</p>
13	David Shoebridge	Minister Stokes	<p>CONSTRUCTION WORK DAYS ORDER [P.18]</p> <p>Did you consult with local government before you made that order?</p>	<p>I am advised:</p> <p>The <i>Environmental Planning and Assessment (COVID-19 Development - Construction Work Days) Order 2020 (the Order)</i> was made in direct response to Public Health Orders that required worksites to practice social distancing. The Order has temporary effect and given the compact timeframe to respond to the impacts of the pandemic, widespread consultation was not possible.</p> <p>The stakeholder team in the Department of Planning, Industry and Environment meet with Local Government NSW weekly to discuss issues arising from the COVID-19 pandemic. Local Government NSW were made aware of the Order after it was made.</p>
14	David Shoebridge	Minister Stokes	<p>CONSTRUCTION WORK DAYS ORDER [P.18]</p> <p>Have you had any representations to your office from local councils since the making of the order?</p>	<p>I am advised:</p> <p>Only four councils have made representations to me since making the <i>Environmental Planning and Assessment (COVID-19 Development - Construction Work Days) Order 2020</i>.</p>

15	John Graham	Minister Stokes	<p>WORKING WITH COUNCILS ON STREETS AS SHARED SPACES [P.22]</p> <p>Are you working with other councils ahead of that 10 June date to get things in place or is this on hold until the rest of the projects come through after 10 June?</p>	<p>I am advised:</p> <p>We have made no further announcements relating to the Streets As Shared Spaces grants. We will be looking to announce the successful applications as quickly as we can. The Streets As Shared Spaces grants program has been incredibly popular since it was launched. When the applications closed on 10 June 2020, 103 councils had submitted approximately 150 applications.</p>
16	John Graham	Jim Betts	<p>FUNDING FOR STREETS AS SHARED SPACES GRANTS [P.22]</p> <p>It is a large amount of money for your portfolio. Where did the money from?</p>	<p>I am advised:</p> <p>The \$15 million funding for the Streets As Shared Spaces grants program has been allocated from within the budget of the Department of Planning, Industry and Environment. The funding is in addition to the \$246 million allocated to active transport in the NSW Budget.</p>
17	David Shoebridge	Minister Stokes	<p>DEVELOPER CONTRIBUTIONS POWER [P.26]</p> <p>Has any council approached you for the exercise of the powers?</p>	<p>I am advised:</p> <p>Yes. Also, the Department of Planning, Industry and Environment (the Department) has had conversations with a large number of councils about the directions. The Department has also consulted a group of 16 councils in formulating the directions.</p>
18	David Shoebridge	Jim Betts	<p>MANYANA [P.26]</p> <p>You sent officials down over the last few weeks to investigate whether or not breaches had been occurring. What was the result of those investigations?</p>	<p>Mr Betts addressed this question in the transcript on page 26.</p>
19	David Shoebridge	Jim Betts	<p>MANYANA [P.26]</p> <p>Given that there is only stage one approval, how is it that the proponent has been able to fence the entire site, which incorporates well beyond the proposed stage one approval?</p>	<p>I am advised:</p> <p>Whilst Shoalhaven City Council (Council) did not require fencing of the site boundaries (which is standard practice) as part of the Stage 1 Construction Certificate, Council considered that it was prudent to fence the entire site in consideration of WH&S requirements, to prevent unlawful access and the difficulties in fencing only Stage 1, given that it has not yet been cleared. Also a property owner is otherwise entitled to fence their property boundaries under the <i>Dividing Fences Act</i></p>

				1991. Gaps have been opened in the fencing to allow movement of wildlife.
20	David Shoebridge	Minister Stokes	<p>MANYANA [P.27]</p> <p>Given the far greater resources and capacity the State Government has to go through the acquisition process, would you be willing to review whether or not the State Government takes the lead role in an acquisition process— would you be willing to review whether or not the State Government takes the lead role in an acquisition process...</p> <p>albeit in conjunction with the council for the Manyana site?</p>	<p>I am advised:</p> <p>In situations such as these, it is usual for Council to negotiate an outcome and then approach the State for support. In this instance, the NSW Government is willing to consider assistance on this matter, however Council has advised it is not proposing to contribute to a co-funding arrangement for a permanent conservation plan for the land at Manyana.</p>
21	David Shoebridge	Minister Stokes	<p>MANYANA [P.28]</p> <p>The last thing I will ask is: Will you ask your department to consider whether or not it is in a position to undertake such an assessment, or to commence such an assessment being undertaken by the State Government?</p>	<p>I would encourage Council, who has proposed the acquisition, to demonstrate the ecological value of the land, the reasons for acquisition and come to the table with a proposed co-funding arrangement.</p>