



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

The Hon Fred Nile MLC
Chair GPSC 1
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Chair,

I refer to the GPSC Budget Estimates inquiry into the portfolios of planning and infrastructure on 24 October 2011.

Following that inquiry, the Government received 90 questions on notice.

I attach a copy of the answers to those questions.

Yours sincerely,

The Hon Brad Hazzard MP
NSW Minister for Planning & Infrastructure
Minister assisting the Premier on Infrastructure NSW

BUDGET ESTIMATES 2011- 2012
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

(1.)

What principles will underpin the review of planning in NSW?

The principles of the review will be finalised taking into account the extensive community consultation now taking place. The Government's objectives are to secure a planning system that provides for: certainty, transparency, sustainability, partnership with local government and high level of public participation and engagement.

(2.)

How were the process and procedures for the review of planning decided?

Cabinet decided on the process.

(3.)

What do you see the role of local councillors and councils as being within the NSW Planning System?

Local government is integral to the review of the NSW planning system as key participants in the planning system.

(4.)

As part of the current review of NSW Planning laws, is the Government planning to make changes to the Standard Instrument Local Environment Plan?

a.) If so, will Local Councils who have already completed their comprehensive LEP need to update their LEPs to conform to any new changes?

It is premature and inappropriate to speculate on any outcome at this early stage of consultation. However some additional flexibility will be introduced.

(5.)

How many of LEPs adopted using the standard LEP included Aboriginal heritage provisions?

All Standard Instrument LEPs contain compulsory heritage conservation provisions. The provisions specifically protect Aboriginal Places of heritage significance and any Aboriginal objects in them. All Aboriginal places and objects are also protected through the provisions of the *National Parks and Wildlife Act 1974*, whether or not they are listed or mapped in an LEP.

(6.)

How many of LEPs adopted using the standard LEP did not include Aboriginal heritage provisions?

Nil

(7.)

What community consultation will take place in the development of strategic regional land use plans?

Extensive community consultation is a key element of the Strategic Regional Land Use Plans. Over 1000 submissions were received in response to the NSW Coal and Gas Strategy Scoping Paper and issues raised in these submissions are being considered in the preparation of the draft plans.

Consultation with key stakeholders is also occurring through the Government's Strategic Regional Land Use Policy Stakeholder Reference Group. This Group comprises a broad membership representing a diverse range of interests, including Association of Mining Related Councils, Total Environment Centre, NSW Aboriginal Land Council, NSW Minerals Council, Australian Petroleum Production and Exploration Association, NSW Farmers Association, Construction Forestry Mining Energy Union, Nature Conservation Council of NSW, NSW Irrigators Council, Hunter Valley Wine Industry Association, Thoroughbred Breeders of the Hunter Valley and the Namoi Catchment Management Authority.

The principal role of this group is to provide advice and input to the development of all key elements of the Strategic Regional Land Use Policy, in particular the Strategic Regional Land Use Plans, and to ensure that key stakeholder views are considered

Draft plans will be placed on public exhibition for an extended period and all community submissions received will be carefully considered in the finalisation of the plans. During the exhibition period, the Department of Planning and Infrastructure will also conduct community forums throughout each region.

(8.)

What Aboriginal community consultation will take place in the development of strategic regional land use plans?

The NSW Aboriginal Land Council is a member of the Stakeholder Reference Group and is therefore being given an on-going opportunity to provide input on the draft plans.

Aboriginal communities will also have the opportunity to review and comment on the draft plans during the extended public exhibition periods for the plans. Consideration

will be given to the appropriate notification of the exhibition periods to ensure maximum opportunities for Aboriginal communities to comment on the draft plans.

(9.)

What mapping exercises/projects will take place in the development of strategic regional land use plans?

The preparation of the Strategic Regional Land Use Plans includes mapping of key land values including strategic agricultural land, primary industry clusters, biodiversity, and landscapes of Aboriginal cultural value

(10.)

What methodology will be used in the mapping exercise?

a.) Does it include Aboriginal cultural mapping?

Mapping methodologies vary according to the land value being mapped.

a.)The Office of Environment and Heritage has commenced Aboriginal sensitivity mapping, incorporating cultural heritage landscapes of significance to Aboriginal communities.

(11.)

Who will undertake the mapping projects?

Mapping is being coordinated by the Department of Planning and Infrastructure, with data inputs from other key agencies including Department of Trade, Investment, Regional Infrastructure and Services, Department of Primary Industries and Office of Environment and Heritage.

(12.)

Will particular areas of land be set aside for particular land uses based on the outcomes of any mapping exercises?

A number of policy options for dealing with mining and coal seam gas development in mapped areas will be considered by the Government, to ensure the overall objective of providing appropriate protection of strategic agricultural land and other valuable activities and resources.

(13.)

Will Aboriginal culture and heritage be included in the mapping exercises?

See answer to question 10a.

(14.)

What is the average time take for JRPP determinations?

As at 31 October 2011, the average assessment time for development applications determined by Joint Regional Planning Panels (Regional Panels) is 182 days.

(15.)

What is the average time for JRPP determinations for each JRPP in NSW?

The average assessment time for each Regional Panel in NSW is:

Region	Days
Hunter & Central Coast	217
Northern	166
Southern	189
Sydney East	149
Sydney West	218
Western	144

(16.)

What consideration has there been of the ongoing value of JRPPs in deciding development assessments?

The Regional Panels are being considered as part of the review of the planning system. Since being introduced on 1 July 2009, the Regional Panels have determined 527 development applications.

In conjunction with implementing the new State significant assessment pathway, the Government recently reviewed the function and membership of the Regional Panels. New regional development thresholds commenced 1 October 2011, and these will improve the effectiveness of the Regional Panels by returning the determination of a large number of DAs to local councils.

(17.)

Have there been any provisions to make JRPPs more independent by moving away from the state appointed representatives?

Regional Panels are independent bodies representing the Crown and are not subject to the direction of the Minister or the Department of Planning and Infrastructure other than on matters of procedure.

Regional Panels include two members nominated by the relevant local council, who join with three members appointed by the Minister. The three State appointed members and alternates for each panel were selected following an extensive

expression of interest selection process. Submissions were independently reviewed prior to appointments being recommended by the department.

The new arrangements for the appointments of Regional Panel Chairpersons now require the concurrence of the Local Government and Shires Associations of NSW. This process will be followed for the appointment of panel chairs prior to the terms of current members ending on 30 June 2012, and will provide a more balanced representation on the panels.

(18.)

In the case of the Landcom development at Spring Farm what is the minimum required distance between houses and Coal Seam Gas wells?

Technically five (5) metres, practically Landcom has ensured it is 300 metres.

(19.)

How was this distance determined?

The distance was determined by the former Labor government using the Department of Planning & Infrastructure's Locational Guidelines, Development in the Vicinity of Operating Coal Seam Methane Wells, June 2004.

(20.)

What correspondence did the department receive from concerned residents about this proximity?

After publicly exhibiting the Environmental Assessment for the Camden Gas Project at Spring Farm and Menangle Park (MP 06_0291), the Department received one submission from a resident concerned about the proximity of gas wells to residential property. This submission did not specify the location of the property concerned but appeared to relate to an existing, rather than a future, residence. The submission raised concerns about potential property devaluation and fire safety and hazard issues.

These matters were considered in AGL's Response to Submissions document and the Department's Director-General's Assessment Report. After considering the safety features of the wellheads and recommended minimum separation distances, the Assessment Report found the construction and operation of the project would not create any unacceptable risks for existing and future residences in the Spring Farm and Menangle Park urban release area.

(21.)

Is the department aware of any correspondence received by Landcom concerned about this proximity?

The Department is not aware of any correspondence received by Landcom about this proximity.

(22.)

Have there been similar issues identified with other releases?

Yes.

(23.)

When and how will sites for private development be chosen in the Redfern-Waterloo urban renewal project?

The Sydney Metropolitan Development Authority is, in accordance with the Urban Renewal SEPP, required to undertake a study for the purpose of determining:

- **whether a potential precinct should be developed as an urban renewal precinct, and**
- **the appropriate land use and development controls for the precinct.**

The study must assess the suitability of a potential precinct as an urban renewal precinct having regard to the following:

- **the planning significance of the site,**
- **the suitability of the site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any applicable government State, regional or metropolitan planning strategy,**
- **the implications of any proposed land use for local and regional land use, infrastructure and service delivery,**
- **any other matters required by the Director-General.**

The study is to be publicly exhibited with an invitation to the public to make written submissions.

Upon consideration of comments received during the exhibition period, the SMDA must then finalise these plans and submit them to the Director General of the Department of Planning & Infrastructure for consideration.

This study process has commenced and the Redfern Waterloo community as well as other key stakeholders will be consulted on this process accordingly.

(24.)

Noting that the Preliminary Master Plan currently underway falls well short of the comprehensive master plan promised, what funds have been committed to develop a full Master Plan covering all the areas raised in the RWA's Built Environment Plan 2?

The issue of the funding for the master plan for the social housing sites in Redfern Waterloo is matter that should be directed to the Minister for Family and Community Services.

The SMDA has no role in the funding of the master plan process for these sites.

(25.)

Will the Minister release the RED Strategy studies conducted in 2003 and 2004 and coordinated by the Redfern Waterloo Partnership project which provides the basis for the establishment of the Redfern Waterloo Authority?

This question should be referred to the Premier.

(26.)

When was the last meeting of the Redfern Waterloo Heritage taskforce?

21 March 2011.

(27.)

What are the plans for this taskforce with the windup of the Redfern Waterloo Authority?

As advised to the members of the Redfern Waterloo Heritage Taskforce (RWHT) at the last meeting, the RWHT has concluded its activities. The RWHT activities culminated with its report to the former Premier of NSW, a copy of which is available on the Redfern Waterloo Authority website .

(28.)

How will heritage concerns be managed for this precinct in the future?

The Sydney Metropolitan Development Authority (SMDA) will be considering heritage as part of its precinct plans. The SMDA is also continuing the engagement with key stakeholders on heritage in the Redfern Waterloo area.

(29.)

What resources will be allocated for the management of heritage in the Redfern Waterloo precinct?

Refer to the response to question 28.

(30.)

What are the current plans for the North Eveleigh sites?

The future of the North Eveleigh site is currently under consideration.

(31.)

Will the Approved Concept Plan continue to apply with Part 3A changes your Government has foreshadowed?

The North Eveleigh site remains a State Significant Site under the *Environmental Planning & Assessment Act, 1979*.

(32.)

What is the impact of the delay on the City Relief line on its sale?

The future of the North Eveleigh site is currently under consideration, including assessing the requirements of the site for future transport projects.

(33.)

Does the Government favour the sale to Sydney University or sale for commercial development?

Refer to the response to question 30.

(34.)

Will the Government keep the Australian Technology Park in Government ownership and ensure that its heritage buildings and equipment are preserved for and accessed by future generations?

a.) If not, what protection will the Government afford this very important heritage site?

The ATP is a key part of the planning for the Redfern-Waterloo Precinct and therefore will be a part of the Precinct Plans developed by the Sydney Metropolitan Development Authority.

The heritage assets at the ATP will continue to be managed in accordance with *NSW Heritage Act, 1977*.

(35.)

Will the Government consider financial support of the Pemulwuy Project to provide affordable Aboriginal Housing?

The NSW Government has already provided financial assistance to the Aboriginal Housing Company for the Pemulwuy Project. Any future requests for funding assistance will be considered on their respective merits.

(36.)

What are the vacancy rates in SHFA properties?

Retail vacancy rate – proportion of the Authority’s retail properties that are vacant as at 31 October 2011 (excluding ground leases for lettable area) – 5.64%

Commercial vacancy rate – proportion of the Authority’s commercial properties that are vacant as at 31 October 2011 (excluding ground leases for lettable area) – 12.87%

(37.)

What is being done to reduce vacancy rates?

The Authority advertises vacant property leases on the NSW eTenders website, in newspapers and magazines, and on its website. The Authority also engages leasing agents to seek and assist potential tenants for vacant premises.

Once six currently approved leases are executed, the retail vacancy rate will decline to 3.32% and the commercial vacancy rate will decline to 12.45%.

(38.)

Has the government carried out costings for the construction of ferry wharves at Barangaroo, as recommended by the Barangaroo review?

a.) Has the Government allocated funds to pay for the construction of these?

This question should be referred to the Minister for Transport

(39.)

If the White Bay cruise ship terminal goes ahead, will the government commit to allowing non-cruise ship related uses of the site to be determined by Leichardt Council?

The project approval for the White Bay Cruise Terminal permits non- cruise ships related uses, such as functions, on the project site during non cruise ship days, notwithstanding to a restrictive basis and consistent with the outcome of the Land and Environment Court considerations.

(40.)

Will the government rule out locating a function centre at White Bay, as recommended by the _____ review _____ into _____ Barangaroo?

The project approval for the White Bay Cruise Passenger Terminal, allows the Terminal to be used for functions (restricted to 500 patrons at any one time) on non-cruise ship days. The size and regulation of functions allowable under the project

approval was modified in September 2011, to better protect community amenity. This is the outcome of the Land and Environment Court consideration.

(41.)

What value has the government placed on the land at Barangaroo South?

This question should be referred to the Premier

(42.)

How was this value arrived at and did it account for approval of 560,000 sq metres of commercial, hotel and retail space?

This question should be referred to the Premier

(43.)

What steps has the government taken to act on the recommendation of the Barangaroo review that more affordable key worker housing be included on the site?

This question should be referred to the Premier

(44.)

What consideration has the Government given to the Ecotransit Sydney proposal for a submerged light rail link between Barangaroo and Balmain, which was submitted to the Barangaroo review?

This question should be referred to the Premier

(45.)

What liability does the government have to compensate Lend Lease should the plan be changed to remove the hotel in the harbour or reduce the scale of buildings at the site?

This question should be referred to the Premier

(46.)

To what extent is the NSW Government subsidising Q-Station lessee Mawland through fee concessions or contributions to the estimated \$500,000 costs of the proposed new development at the North Head Quarantine Station?

This question should be referred to the Minister for Primary Industries

(47.)

To what extent is the NSW Government subsidising Q-Station hotel operator Mirvac through fee concessions or contributions to the estimated \$500,000 costs of the proposed new development at the North Head Quarantine Station?

This question should be referred to the Minister for Primary Industries

(48.)

What income is the State Government currently receiving from the Mawland lease?

This question should be referred to the Minister for Primary Industries

(49.)

What, if any, concessions have been sought for scheduled future payments?

This question should be referred to the Minister for Primary Industries

(50.)

In regard to the rent paid as a result of the CoAslt lease

- a.) How much has been received to date?
- b.) When and in what form was it received?
- c.) What period is covered by the rent paid?
- d.) In what account are these Yasmar rental funds held?
- e.) Is this account designated specifically for such Yasmar income?
- f.) Have the funds received been utilised for the restoration of Yasmar house and grounds?
- g.) If not, how have they been allocated or used?
- h.) Other than CoAslt has income been received from any other source in regard to Yasmar?
- i.) If so, how much, from what source and on what terms

This question should be referred to the Minister for Primary Industries

(51.)

Has the title to the Yasmar Estate been transferred from the Department of Juvenile Justice to the Department of Lands?

This question should be referred to the Minister for Primary Industries

(52.)

When did this transfer occur?

This question should be referred to the Minister for Primary Industries

(53.)

What was the reason for the length of time it took to effect this transfer?

This question should be referred to the Minister for Primary Industries

(54.)

Is it true that the formal CoAslt Lease document as agreed re Yasmar was not locatable for a period?

a.) If so, what was this period?

b.) If so, what changes to departmental protocol have been made to ensure that such an event does not occur again?

This question should be referred to the Minister for Primary Industries

(55.)

What protocols are in place to keep track of important documents such as the original of a State significant Crown Land Reserve Lease?

This question should be referred to the Minister for Primary Industries

(56.)

Has the Minister received advice regarding the failure to pay the requisite Initial Rent of \$120,000 on Commencement Day, this being 9 November 2007?

This question should be referred to the Minister for Primary Industries

(57.)

What is the reason for a reduction from \$120,000 per annum rent down to a CPI adjusted \$400 per annum?

This question should be referred to the Minister for Primary Industries

(58.)

What is the current unpaid rent on this site?

This question should be referred to the Minister for Primary Industries

(59.)

Development Applications

a.) How many development applications are currently in the system awaiting processing after the six month lag in announcing the transitional arrangements on Sep 30th 2011?

b.) What do these delayed development applications represents in dollar terms and have the applicants been given a timetable for their eventual processing?

a-b.) This information is publicly available on the Department of Planning & Infrastructure's website.

All projects that remain in the system have continued to be processed since the Government announced its repeal of Part 3A of the EP&A Act. The Department of Planning has performance benchmarks for the assessment of major project applications and these are reported on regularly.

(60.)

Job impact of delays in processing applications

a.) Has the delayed reform of the planning systems been responsible for job losses in the construction & housing sectors and blunted new job creation in these key sectors?

a.) There have been no delays in processing Part 3A applications remaining in the system.

Since the repeal of Part 3A was announced there have been 208 projects and modifications determined to the value of over \$6.74 billion, representing approximately 28,608 jobs (as at 10/11/11).

(61.)

Role of Local Councils since taking Government

a.) During the delay in the processing of applications what was the role of local councils in the planning function?

b.) During the last six months have we seen planning powers returned to local communities – can you provide specific examples of this type of community decision making?

c.) Over the last six months how many councils have established new council wide local environmental plans (LEP) – can you provide specific examples of council LEPs and what has been achieved?

a.) There was no delay in processing of development applications (DAs). Developers were given opportunity to submit DAs to local councils if they wished to.

b.) As a result of the stage 1 repeal on 13 May 2011, 63 projects were removed from Part 3A with advice provided to proponents that if they wish to proceed with their proposals, development applications must be lodged with the relevant local council.

Since 13 May 2011, there have been 4 DAs each in excess of \$100 million lodged with local councils that would otherwise have been Part 3A projects. These for example, involve a pet food processing plant at Bathurst with a CIV of \$100 million, and a storage facility at Auburn with a CIV of \$165 million.

It is estimated that the new State Significant Development system will result in approximately 50% less developments being dealt with by the State compared with the former Part 3A system.

c.) Four (4) Standard Instrument or comprehensive LEPs have been completed in the last 6 months, for the local government areas of Coonamble, Urana, Gundagai and Parramatta. Twelve (12) more are at the final stage before completion.

Parramatta: promotes increased housing density and diversity around public transport hubs, while providing greater protection for low density neighbourhoods and environmentally sensitive areas along the Parramatta River.

Coonamble, Gundagai and Urana: provide sufficient zoned land for future residential and employment growth within existing towns.

A total of 35 Standard Instrument LEPs have been completed, with 92 having been granted certification to exhibit a draft plan for public comment.

(62.)

Planning System Review

a.) What feedback have you received to date from Planning System Review – what key themes have been established in the public consultations across the spectrum from developers, housing bodies, local communities and councils?

b.) What priorities have been established by the review vs key policy areas such as the environment vs the role of medium density developments in cities?

c.) Has the review to date made any specific references to need for transparency in planning decision making & how this might be achieved?

a.) **The independent Planning Review Panel are undertaking the review and are making publicly available on the planning review website all notes taken at community forums, stakeholder meetings and submissions received. These can be viewed at www.planningreview.nsw.gov.au.**

b.) **The independent Planning Review Panel has asked for consideration to be given to four key areas as part of the initial consultation stage. These are:**

- **What should be the underpinning objectives and philosophy of a new legislative structure?**
- **How should plan making be undertaken**
- **How should applications for proposals for development be assessed and determined**
- **What should be the availability of conciliation, mediation, neutral evaluation, review or appeal from determinations concerning development proposals**

c.) **No not at this early stage of consultation – noting that it is the Government's objective to strengthen transparency in the planning system**

(63.)

Transitional Planning System

- a.) How does the interim planning assessment system sit alongside the planning review – Has it already defined key elements of the planning system, given the roles given to key players such as local councils, the Planning Assessment Commission and the Minister, without stakeholder consultation?
- b.) With regard to the new interim planning assessment system how were local councils consulted on their new expanded role in assessing projects under \$20mIn?
- c.) Do local councils consider that they have the requisite resources and systems in place to manage this new project assessment workflow?
- d.) Regarding 25 objections from residents to allow approval – this seems an arbitrary and potentially high number in terms of project impacts – how will this work in practice?
- e.) Can you please clarify the role of local councils in terms of objections they may have both under \$20mIn, over \$20mIn and those defined State Significant Development and State Significant Infrastructure?
- f.) What is the role of Council objections, if at all, in the bigger projects as managed by regional panel or Planning Assessment Commission?
- g.) Is there seen to be the need to provide additional financial resources to local councils to support their role in the new planning process?
- h.) In terms of the independent Joint Regional Planning Panel that determines larger projects above \$20mIn, what is the key criteria for assessment and especially regarding environmental impacts vs supporting business and jobs creation?
- i.) Can you explain the exact definition of a State Significant Development – is it based on size of the project above \$100 mln or is it based on some wider measure of state economic impact?
- j.) How will State Significant Developments (SSD) be determined by the Planning & Assessment Commission at "arms length" to the Minister – can you be more specific by what is meant by "arms length"?
- k.) How will State Significant Infrastructure projects be prioritized under the new transitional planning system - Will it align with the infrastructure projects outlined in the Budget or is there a broader short list of projects considered as State Significant?

a.) The interim assessment system for proposals of State significance was introduced to replace Part 3A of the EP&A Act, and is now part of the planning system which is the subject of the NSW Planning System Review. The interim assessment system may be replaced or altered and improved upon as a result of the outcomes of the review.

b.) There is no change to the role of councils in assessing development applications under \$20 million.

c.) Local councils previously assessed development applications under \$20 million and will continue to do so under recent changes to the criteria for regional development. Development between \$10 million and \$20 million, some designated development, coastal developments and subdivisions previously determined by Regional Panels will now be determined by councils. Depending on the staff delegations in place at each council, after the assessment of the application has been completed, there are minimal additional resources required to determine these applications.

d.) The number of objections received to an application will not determine whether an application is approved or refused, but where there are 25 or more submissions an application will be referred to the independent Planning Assessment Commission for determination, or to the Minister for applications made by or on behalf of a public authority. Notwithstanding, the Minister for Planning and Infrastructure retains the power to delegate to the PAC or a case by case basis any development assessment.

The number of 25 objections is considered an indicator of public concern which would warrant the referral of an application to a higher level of decision making, is based on the department's assessment experience and is the same as that in place under the former Part 3A.

e.) Development that does not meet the criteria for regional development will continue to be assessed and determined by the local council.

For applications to be determined by Regional Panels, there is always an opportunity for the elected council, or an individual councillor to prepare a submission to the Regional Panel, which is separate to the council officers assessment report, and the council or councillor may present to the panel at its public meeting.

For SSD and SSI applications, the local council will be consulted at every stage to provide input into the preparation of the Director-General's Requirements (DGRs), as part of the applicant consultation in preparing the environmental impacts statement (EIS), at the exhibition of the EIS, and where relevant in the assessment of the proposal by the department, including consulting on draft conditions of consent.

Where a local council objects to a SSD or SSI application, this is a formal trigger for the application to be determined by the PAC or Minister rather than under delegation.

f.) Council's role in the assessment of Regional development is outlined in (e) above.

Where a council has lodged an objection to a SSD or SSI proposal the application will be forwarded to the PAC who will consult with council directly prior to the application being determined, or in the case of applications made by a public authority forwarded to the Minister for determination.

g.) The development application fee will generate reasonable financial resources to local councils. The department has stated that assistance is available for councils and applicants with the assessment of proposals removed from Part 3A. This assistance may be provided through the LEP gateway process where applications would require concurrent rezonings or assistance from the Department's Project Delivery Unit where multiple agency approvals are required.

h.) Regional developments are assessed by council staff under section 79C of the EP&A Act, including assessment of environmental impacts on both the natural and built environments, and social and economic impacts in the locality, suitability of the site and issues raised in submissions.

i.) Under the EP&A Act, SSD may be declared by a State environmental planning policy or by Ministerial order following advice from the PAC about the State or regional planning significance of the development.

The classes and criteria of SSD are set out in Schedule 1 of the SRD SEPP and SSD sites and their criteria are in Schedule 2 of the SRD SEPP. The criteria vary across the different classes and sites, and include CIV, the size of certain operations, the capacity or volume of material used in a particular process, the location of the development and environmental significance.

j.) The PAC is not subject to direction from the Minister or the Department of Planning and Infrastructure, except in relation to administrative procedures, or to conducting a public hearing on an application. The PAC makes its decisions independently and on merit without reference to the Minister.

k.) SSI projects are subject to a separate assessment pathway which will improve the efficiency of the assessment of these applications. The assessment of all applications assessed by the Department is prioritised with resources allocated to ensure its performance benchmarks are met along with the Government's infrastructure delivery objectives.

(64.)

State Significant Infrastructure vs. State Significant Developments

a.) Why are the State Significant Infrastructure (SSI) determinations and decision making not also treated with same "arms length" provisions as the State Significant Developments?

b.) Why does the minister have more say in SSI vs. SSD – does this create an inconsistent system that decreases users confidence in the planning process?

c.) In the case of a State Significant Infrastructure projects that combine private and public partners how is the approval determination made – what is the Minister's role vs the Planning Assessment Commission?

d.) How will Infrastructure NSW overlay and interact with the SSD and SSI planning assessment system – will its priorities be put ahead of those already in approval queue?

e.) With respect to funding SSI projects, will monies raised for Restart NSW be used? How will projects within the SSI be prioritized for funding vis a vis nominated Budget projects and those short listed by Infrastructure NSW?

a.) The Planning Assessment Commission (PAC) has delegation to determine all applications other than those made by or on behalf of a public authority. SSI applications will generally be made by or on behalf of a public authority. These SSI applications, and SSD applications made by or on behalf of a public authority such as for public housing, schools, hospitals and some port facilities, will be determined by the Minister as these applications would typically be large scale public infrastructure projects and are generally part of a whole of government infrastructure plan.

b.) It is appropriate for the Minister to retain the determination function for SSI and other applications which are consistent with the government's infrastructure delivery

objectives. Increased transparency in the assessment and determination of both SSI and SSD applications will deliver improved public confidence in the planning process.

c.) Applications which involve a public-private partnership (PPP) will be applications that are made by or on behalf of a public authority, and therefore will be determined by the Minister. However there may be circumstances where the private partner has made a reportable political donation, or where due to potential environmental impacts or the nature of submissions received the project warrants an additional level of independent expert review.

In these circumstances the matter may be referred to the PAC for advice prior to determination on a case by case basis, or be specifically delegated to the PAC for determination by way of a separate instrument.

d.) SSD and SSI projects initiated by Infrastructure NSW will go through the same assessment process as other State significant applications, including obtaining Director General's Requirements for an environmental assessment, the preparation and exhibition of an Environmental Impact Statement, and the assessment of the application by the department.

e.) The prioritising and funding of Infrastructure NSW projects will ensure project delivery is consistent and integrated with growth management. The Department's role is to ensure appropriate assessment and determination processes to enable Infrastructure NSW to co-ordinate and manage infrastructure delivery across NSW.

(65)

Stamp Duty Concession for 1st Home Buyers

a.) With regards to the Budget changes to the stamp duty concession for 1st home buyers from January 1st 2012 what bring forward activity in the housing market is expected for the current December qtr?

b.) What other planning measures, besides release of the 10,000 new lots over 4 years announced on April 2nd and re-announced in the Budget, are in play to address the ongoing supply issues in the NSW Housing market?

c.) With the noted land release how much will you pay for supporting infrastructure like Schools, Shops, Kerb and guttering, sewerage and water?

a.) This question should be referred to the Treasurer

b.)

• Land with the potential for over 2,000 dwellings in the Area 20 precinct near the Rouse Hill Town Centre has been rezoned.

• Plans for land with the potential for 24,000 dwellings in the following precincts has been released (planning to determine future zoning commenced) for urban development - Marsden Park (10,000 dwellings), Catherine Fields (Part) (3,000), East Leppington (3,000 dwellings) and Leppington (8,000 dwellings).

- Land with the potential for 29,000 dwellings in the following precincts has completed or is currently undergoing public exhibition - Schofields Precinct (3,300 dwellings), Box Hill & Box Hill Industrial Precincts (9,700 dwellings, 120ha employment land) and Austral and Leppington North (16,000 dwellings and 220ha employment land).
- Land at North Penrith has been rezoned to permit approximately 1000 additional homes.
- Targets identified in the new State Plan (NSW 2021) to facilitate delivery of 25,000 additional dwellings per year in Sydney (including the Central Coast) and to maintain stocks of zoned and trunk serviced land so that they always exceed land with potential for 50,000 dwellings.
- The Special Infrastructure Contribution discount has been extended to December 2011.
- The homebuyer's tax has been repealed and the timeframe for stamp duty extensions has been extended.

c.)

- The Government has outlined its investment program for infrastructure, such as schools and roads, in 2011-12 Budget Paper No. 4.
- Local government is responsible for kerb and guttering. Shops are generally developed by the private sector.
- Water supply and sewer infrastructure are provided by the relevant water authority. The water authority servicing plans would contain relevant detail.

(66.)

Western Sydney

- a.) Minister what is being done to maximize the opportunities associated with the major western corridor of Sydney framed by Blacktown, Penrith, Liverpool and Campbelltown?
- b.) What balance is being struck between Western Sydney development and the agricultural industries that it is replacing such as market garden food production in the city fringe areas?

a.) Strengthening investment and employment opportunities and improving liveability in Western Sydney are key concerns of the current Government.

Examples of action underway to maximise opportunities include:

- Strengthening the role of Regional Cities such as Penrith and Liverpool and Major Centres such as Blacktown and Campbelltown, through investment in health, education, transport infrastructure and services
- Development and infrastructure provision for the Growth Centres, with the South West Rail and North West Rail Links and planning for Leppington as a Major Centre; and
- Planning and infrastructure provision for the W Sydney employment lands, with freight and intermodal logistics planning at Moorebank and Enfield.

b.) The Government is determined to achieve a balance between urban development and resource land use, including agriculture, by:

- focussing new urban development in the North West and South West Growth Centres on Sydney's fringe;
- carefully managing any other land release proposals outside the Growth Centres; and
- Providing strong support for agriculture throughout the Sydney Basin as an important contributor to the city's economy and employment.

(67.)

Infrastructure

- a.) How will you build and fund key infrastructure areas such as North West rail when the Budget does not provide for full funding in this area?
- b.) What other Asset sales are being considered for Infrastructure beyond Port Botany and Desalination plant?
- c.) With respect to Port Kembla and Newcastle ports – what assurances can be given that there is not going to be a plethora of sales next 2yrs to fund infrastructure – how to fund once these monies spent- 15 to 20yr same requirements for infrastructure once again but no monies in place?

This question should be referred to the Treasurer

(68.)

Northwest Rail Link

- a.) Can you provide what the estimated total cost of the Northwest rail link project will be and when the overall project will be completed?
- b.) What project cost risks has the Government considered for major projects such as the Northwest rail link given the heavy competition for skilled labour from the resources sector over at least the next 5 years?
- c. What contingencies plans are in place if key input costs such as labour prove more expensive than expected?
- d. Given the potential for cost blow out of these major projects what has Treasury advised in terms of potential impacts on the Budget position over the forward estimates?

This question should be referred to the Minister for Transport

(69.)

Can the Minister for Planning and Infrastructure please advise on the status of the Eastern Suburbs light rail feasibility study that was promised before the election

- a.) What is the specific date on which the feasibility study will be released?
- b.) Will the feasibility study cover the promised extension to the UNSW?
- c.) What funding is expected to be allocated to the Eastern Suburbs Light rail project?
- d.) Will the feasibility study include a detailed time line for each stage of the project?
- e.) Will the feasibility study include an expected date of completion for the project?

This question should be referred to the Minister for Transport

(70.)

Can the Minister for Planning and Infrastructure please advise on the status Planning System review announced back on July 12th 2011.

- a.) Has the listening and scoping phase being progressing as expected?
- b.) Is the Planning review panel still expected to release the first issues paper in December?
- c.) How does the new State Significant Development (SSD) planning framework announced on September 30th fit within the overall planning review?
- d.) Has the new SSD diminished the capacity of the planning review to develop meaningful reform given it already defines the role of key stakeholders such as local councils?

a.) The independent Planning Review Panel is undertaking community forums across the State as part of the listening and scoping phase. The community forums commenced on 12 September and will end on 18 November 2011. A total of 91 sessions were held across the State. As of 14 November there are more than 320 written submissions.

b.) Yes.

c.) The review of the NSW planning system is being undertaken by the independent Planning Review Panel. Commenting on what will be included within the Issues Paper and the scope of the review is premature and inappropriate.

d.)The review of the NSW planning system is being undertaken by the independent Planning Review Panel. Commenting on what will be included within the Issues Paper and the scope of the review is premature and inappropriate.

(71.)

Can the Minister for Planning and Infrastructure please advise on the status of Premier O'Farrell pre-election commitment that 50% and not 70% of new developments will be in areas already development?

- a.) Has this pre-election commitment been incorporated into the planning review as a key policy criteria?
- b.) Has this commitment been assessed from an environmental impact perspective?
If no environmental analysis has been undertaken when will it occur – is a specific date available for the publication of this review?
- c.) Have the broader social costs and ramifications of this commitment been considered?
- d.) If social impacts have not been considered when will it occur – is a specific date available for the publication of this review?

The Government is currently implementing a range of measures to boost housing delivery across Sydney to meet the demands, needs and aspirations of all new residents of the city. We are not focussed on specific ratios but are keen to provide housing choice across the city to all who need it in the most cost efficient and environmentally and socially sustainable fashion.

a-e.) The planning review focuses on processes and procedures rather than policy setting.

(72.)

Can the Minister for Planning and Infrastructure please advise on the status of the decentralisation policy that was presented pre-election

- a.) Has this pre-election commitment been incorporated into the planning review as a key policy criteria?
- b.) Has this commitment been assessed from an environmental impact perspective?
- c.) If no environmental analysis has been undertaken when will it occur – is a specific date available for the publication of this review?
- d.) Have the broader social costs and ramifications of this commitment been considered?
- e.) If social impacts have not been considered when will it occur – is a specific date available for the publication of this review?

This question should be referred to the Deputy Premier

(73.)

Can the Minister for Planning and Infrastructure please advise on the status of the Hands Off Our Homes policy initiative that launched pre-election

- a.) Has this pre-election commitment been incorporated into the planning review as a key policy criteria?
- b.) Has this commitment been assessed from an environmental impact perspective?
- c.) If no environmental analysis has been undertaken when will it occur – is a specific date available for the publication of this review?
- d.) Have the broader social costs and ramifications of this commitment been considered?
- e.) If social impacts have not been considered when will it occur – is a specific date available for the publication of this review?

(a) The principle espoused during the pre-election highlighted the former Labor government's enthusiasm for blithely resuming peoples' homes to on-sell to developers and is not a policy of the Liberals & Nationals Government.

(b-e) As the former Labor government's policy has not been including in the planning review, these questions are not applicable.

(74.)

Can the Minister for Planning and Infrastructure please advise on the status of the clean up of the radioactive site at Hunters Hill that was identified as a key problem in late 2010

- a.) Has an environmental assessment of the site been undertaken?
- b.) If no environmental analysis has been undertaken when will it occur – is a specific date available for the publication of this review?
- c.) Has another site been identified where this radioactive material can be adequately treated and disposed of?

d.) If this analysis and decision has not been made when will this work be carried out and is there a specific date for the publication of this report?

This question should be referred to the Minister for Finance

(75.)

Can the Minister for Planning and Infrastructure please advise on the status of the Warnervale Town centre development proposal that was a pre-election commitment?

- a.) Has any funded been committed to developing a feasibility study for this project?
- b.) Has a feasibility study been completed for this development by the Government?
- c.) If not when is this feasibility study scheduled for release by the Government?

The Warnervale Town Centre site was rezoned through an amendment to the State Environmental Planning Policy (Major Development) in 2008. Since that time, a number of Government agencies, including the Department of Planning and Infrastructure, have been working with Wyong Shire Council and major landowners to resolve implementation issues associated with the development.

The Department of Planning and Infrastructure is currently assessing a development application, under Part 3A transitional arrangements, from Woolworths (Fabcott P/L) for a supermarket-based shopping centre which, when developed, will establish the core retail functions for the town centre. In addition, Wyong Council is currently assessing a development application for Yerambah Estates' first stage residential release (129 lots) at the eastern end of the Town Centre. In 2012 Landcom are expected to submit an initial development application (150-250 lots) for their site at the western end of the town centre.

a.) No. Responsibility for considering the development feasibility of individual sites, or projects, within the town centre rests with the individual owners within the site.

b.) Refer to answer a. above.

c.) Refer to answer a. above.

(76.)

Can the Minister for Planning and Infrastructure please advise on the status of the Warnervale Railway station proposal

- a.) Has any funded been committed to developing a feasibility study for this project?
- b.) Has a feasibility study been completed for this development by the Government?
- c.) If not when is this feasibility study scheduled for release by the Government?
- d.) What discussions have taken place between the Government and local developer David Hannan regarding the Warnervale Railway station proposal?

A development application for the proposed Warnervale Railway station was lodged by Railcorp with Wyong Shire Council in 2005. I understand that the application remains undetermined while environmental issues are being resolved.

a.) The Department of Planning and Infrastructure advise me that it is not aware of any specific feasibility study undertaken under the former Labor Government during the subsequent 6 years. I will consider whether such a study is necessary.

b.) Refer to answer a. above.

c.) Refer to answer a. above.

d.) On 14 July 2011 a meeting was held at Gosford with key stakeholders including Wyong Shire Council, Landcom, the RTA, landowners, Regional Development Australia, Department of Premier & Cabinet and the Department of Planning & Infrastructure to discuss the new Warnervale Town Centre. At the meeting David Hannan made a presentation of his proposal for the upgrade of the existing Warnervale Railway Station. I understand that David Hannan may also be seeking to submit an unsolicited proposal to Government with respect to upgrading the existing Warnervale Railway Station. Should that be the case, established processes for dealing with unsolicited proposals will be followed.

(77.)

Can the Minister for Planning and Infrastructure please advise on the status of the Calderwood project in Albion park

a.) Does the NSW Planning Department still support this development?

b.) What is the status of the joint legal action brought against the project by the Wollongong & Shellharbour Councils?

c.) What role is the Planning Assessment Commission (PAC) playing in the final project decision?

d.) Does the Minister expect that he may have to intervene in the decision making and approval process of this project?

The project application for stage 1 of Calderwood is with the Planning Assessment Commission for determination.

a.) The Director General's assessment report of the stage 1 project application recommends that it be approved. A copy is available on the Department's website.

b.) The Land and Environment Court appeal of the previous Minister's determination of the Calderwood Concept Plan was heard on 25-26 July 2011. The matter is now awaiting the judgement.

c.) The Planning Assessment Commission is the determining authority for the stage 1 project application.

d.) No

(78)

Can the Minister for Planning and Infrastructure please advise on the status of the Shell Cove Marina Project?

- a.) Has any funding been committed to developing a feasibility study for this project?
- b.) Has a feasibility study been completed for this development by the Government?
- c.) If not when is this feasibility study scheduled for release by the Government?
- d.) What discussions have taken place between the Government and Shellharbour Council?

a- d.) The Department of Planning and Infrastructure is not aware of or involved in any feasibility studies or funding for the Shell Cove Marina Project.

(79)

Phones

- a.) How many blackberries does DPC assign to your Ministerial staff and to whom have they been issued?
- b.) How many iPads does DPC assign to your Ministerial office and to whom have they been issued?
- c.) How many iPads have you purchased for your office and to whom have they been issued?
- d.) How many iPhones does DPC assign to your Ministerial office and to whom have they been issued?
- e.) How many iPhones have you purchased for your office and to whom have they been issued?
- f.) For each phone or device, how much was each bill from April to October?
- g.) How many have phones or devices have been lost in your office?
- h.) What is the cost of replacing those phones or devices?

a- e.) For all Ministerial Offices, there is a total of:

- i. Blackberries – 151**
- ii. iPads – 19**
- iii iPhones – 3**

f.) Ministerial Offices in the NSW Government from April 2011 to October 2011 spent a total of \$88,902. This compares with \$238,567 spent under the previous NSW Government from October 2010 to March 2011.

g- h.) For all Ministerial Offices in the NSW Government, there has been one stolen phone, which cost \$577 (ex GST) to replace.

(80)

Media and Public Relations

- a.) How many media or public relations advisers are employed for each of your portfolio agencies?
- b.) What is the forecast for 2011-12 for the number of media or public relations advisers to be employed and their total cost?
- c.) How many media or public relations advisers are employed in your ministerial office?

- a.) This information is publicly available in Annual Reports.
- b.) I am unable to predict future numbers.
- c.) Ministerial staff numbers and salary bands are available on the Department of Premier and Cabinet website.

(81.)

Overseas Trips

- a.) Have any of your overseas trips in the past year been paid for in part or in full by using public money?
- b.) If so, did any of your relatives or friends accompany you on these trips?

a-b.) Information regarding Ministerial travel is available on the Department of Planning and Infrastructure's website, in accordance with Ministerial Memorandum M2009-10 'Release of Overseas Travel Information'.

(82.)

Office Costs

- a.) What is the annual remuneration package for your chief of staff?
- b.) What is the annual remuneration package for your head media advisor?
- c.) What is the annual remuneration package for each of your staff?
- d.) What is the estimated expenditure for your office budget in 2011-12?
- e.) Have any office renovations or fit outs been undertaken in your ministerial office since April?
- f.) If so, could you give details of contracted costs?
- g.) What is your office budget?
- h.) How many political advisors are in your office?
- i.) How many administration staff?
- j.) How many Department Liaison officers are assigned to your office?
- k.) How many staff in the Department are assigned to Ministerial support duties?

a.-c. and h.-i.) Ministerial staff numbers and salary bands are available on the Department of Premier and Cabinet website.

d. and g.) Based on actual expenditure patterns, total forecast expenditures for all Ministerial offices are set out to be \$36,900,000 in 2011/12. This compares to \$47,046,453 spent by the former NSW Government from April 2010 to March 2011.

e. and f.) \$7,898 (excl. GST)

j.) Refer to the answer to the Question on Notice LC 0681, that details this information as at 7 August 2011.

k.) Each Minister is provided with a Ministerial driver, with the Premier provided with three Ministerial drivers.

(83.)

Cabcharge

In terms of your ministerial office, how much did your office spend on taxi fares, including Cabcharge since April?

For all Ministerial offices, the cost of Cabcharge was \$38,806.38 over 6 months from April 2011 to September 2011. This is compared with the cost of \$78,023.11 in the 6 months of the previous NSW Government from October 2010 to March 2011.

(84.)

Restructure

- a.) Are any of your portfolio agencies undergoing a restructure?
- b.) How many jobs are expected to be cut as a result of that restructure?
- c.) How many people are expected to have their wages cut as a result of that restructure?
- d.) How many voluntary redundancies are expected to be offered as a result of that restructure?

a.) The Redfern Waterloo Authority was restructured in December 2010 when the Sydney Metropolitan Development Authority (SMDA) was established. The permanent establishment of the SMDA including recruitment processes are ongoing.

As part of this restructure, the RWA's Aboriginal Employment Program (AEP) was transferred to Australian Technology Park Sydney Ltd (ATPSL), with relevant staff transferred to that organisation. All other RWA staff were transferred to the SMDA.

The RWA will also cease to exist once the Redfern Waterloo Authority Repeal Bill is passed and proclaimed. All remaining staff employed by the RWA will transfer to the SMDA at that time.

b.) As a consequence of the above restructure processes three positions were declared excess to requirement.

As part of the restructure processes, including recruitment and selection, staff employed under Section 27 of the Public Sector Employment Management Act, 2002 (temporary employees) may conclude their temporary contracts and, where appropriate, be appointed as full time employees.

c.) No staff will have their salaries cut.

d.) One voluntary redundancy has been offered and accepted as a consequence of the above restructure processes. Other staff who have been declared excess are currently on secondment to other agencies.

(85.)

Agency Costs

- a.) What is your agency's catering budget?
- b.) Since April, has the agency changed its branding?
- c.) How much was spent on rebranding the agency?
- d.) How much has been spent on stationery?

a.) The Department of Planning and Infrastructure has a modest allocation to meet the cost of basic refreshments at public forums and community and stakeholder meetings.

b.) No.

c.) Nil.

d.) Nil.

(86.)

Correspondence

- a.) How long is the average turn around for responding to correspondence in your agency?
- b.) How many pieces of correspondence have been outstanding for more than 60 days?

a.) The Department of Planning and Infrastructure received 7,335 pieces of correspondence in 2010-11. The average turnaround for responding to correspondence in 2010-11 was 36 days.

b.) During 2010-11, 253 items were more than 60 days overdue when completed.

(87.)

Paying bills on time

- a.) Since April, on how many occasions has the agency not paid a supplier or contractor for more than 30 days?
- b.) How many bills have been outstanding for longer than that period?

a and b.) The Department of Planning and Infrastructure (DP&I) paid 8,682 accounts from 1 April 2011 to 30 October 2011. More than 90 per cent were paid within 30 days.

The repayment terms of DP&I suppliers vary. Additionally, the Government's payment of accounts policy requiring agencies to pay small business suppliers within 30 days (unless an alternative time period is provided) was effective from 14 July 2011 (Treasury Circular 11/12 – Payment of Accounts).

(88.)

Grants to non-government organisations

- a.) Does your department provide recurrent grant funds to non-government organisations?
- b.) If yes:
 - i. What are the names of all organisations in receipt of funding?

- ii. What is the total amount of funding received by each organization including goods and services tax?
- iii. On what date was the funding advanced?
- iv. What was the purpose for each grant or funding advance?
- v. Was any funding withheld or returned?
- vi. If so, what were the reasons for withholding or requiring the funding to be returned?
- vii. What is the indexation rate applied to non recurrent grant funds in 2011/2012?

a.) Yes.

b.) i to vi.) Information about funds granted to non-government community organisations, including the name of the organisation receiving the grant and the amount of funds granted, is made publicly available in Annual Reports published by Departments and Statutory Bodies.

vii.) The Department does not index grant funding.

(89.)

Feasibility studies, audits, taskforces or reviews

a.) Is your department currently undertaking any feasibility studies, audits, taskforces or reviews?

b.) If so;

- i. What are the terms of reference or details of each study, audit, taskforce or review?
- ii. Who is conducting the study, audit, taskforce or review?
- iii. Was each study, audit, taskforce or review was publically advertised seeking expression of interest or competitive tenders?
- iv. Is there a contract in place detailing terms of engagement for the study, audit, taskforce or review?
- v. What is the timeline of each study, audit, taskforce or review?
- vi. What are the details of any costs involved in each study, audit, taskforce or review?

a.- b.) As with previous NSW Governments, the Government undertakes feasibility studies, audits, taskforces and reviews to inform government decision making. A number of feasibility studies, audits, taskforces and reviews are currently being undertaken across the NSW Government.

(90.)

Parliamentary Secretary

a.) Can you please list all travel related costs for your Parliamentary Secretary incurred in their capacity as Parliamentary Secretary since 1 July 2011:

- i. kilometres travelled
- ii. accommodation,
- iii. air fares
- iv. meals/entertaining?

b.) Can you please provide details of the following activities undertaken by your Parliamentary Secretary since 1 July 2011

- i. meetings attended in their capacity as Parliamentary Secretary?

- ii. functions attended in their capacity as Parliamentary Secretary?
- c.) How often do you meet with your Parliamentary Secretary?
 - i. Are these meetings documented?
 - ii. Who attends these meetings?
- d.) Who provides instructions and direction to your Parliamentary Secretary, you or your Chief of Staff?
- e.) Has the Parliamentary Secretary been provided with Speech, Voice or Media Training since becoming Parliamentary Secretary?
- f.) If so:
 - i. Who conducted the training?
 - ii. When was it conducted
 - iii. Where was it conducted?
 - iv. What were the costs of the training?
 - v. Who paid for the training?

a.) There was no travel cost incurred by the Parliamentary Secretary for Planning and Infrastructure

b.-d.) Parliamentary Secretaries provide assistance to the Premier and other Ministers, including signing correspondence; receiving deputations; officiating at functions; and assisting the Premier and Ministers in some of their duties. The duties to be performed are those allocated by the Minister, or which have the Minister's endorsement.

e.-f.) The Department of Premier and Cabinet has not incurred any expense for this purpose.