

Inquiry into Badgerys Creek land dealings and property decisions

Written questions on notice from 19 October 2009

Hon Frank Sartor

Questions from Ms Sylvia Hale

**1. Do you agree with the proposition that the Urban Taskforce, Minister Tripodi and Mr Eddie Obeid were keen for development not to be constrained by measures that sequenced the release of land in the south-west of Sydney? **

A Firstly, in relation to the urban Task force I believe they argued against several of the governments action. They favored a levy based on land value uplift, rather than the levy implemented. They also wanted the levy lowered. As for sequencing, they generally argued for a much more laissez faire approach.

Minister Tripodi generally favoured a more laissez faire, or market based, approach to most planning matters, but I cannot recall any specific conversation with him about sequencing in the growth centres.

I don't recall Mr. O'Beid ever raising with me the issue of sequencing in the growth centres.

2. Did either Mr Tripodi or Mr Obeid attempt to circumvent or undermine any protocols that were in place or proposed?

A Not to my knowledge.

3. Did Mr Tripodi speak to you on any occasion about the south-west land releases when you were Minister for Planning?

A I only recall discussions about the surplus lands, the Western Sydney Parklands Trust, and about the system of levying for infrastructure. Some of the discussion may have been in Cabinet and I cannot elaborate further for obvious reasons.

4. If so, when did that occur and what was the content of such discussions?

A At the time the government was examining funding for the Growth Centres' infrastructure and funding for the North West and South West rail links which formed part of the Metropolitan Strategy.

5. Were you ever conscious of attempts to undermine your position as Planning minister because of your failure to release or rezone land in south-west Sydney?

A There was a diversity of views within the government about land release. Some Ministers, including the former Treasurer, wanted more land released. These were always complex issues because of the infrastructure implications to government.

6. Did Mr Tripodi or Mr Obeid ever indicate to you their opposition to either the establishment or operations of the Growth Centres Commission?

A I cannot recall if this occurred.

7. Were you aware that a former fellow company director and friend of Mr Tripodi, Michael Daniele, had an interest in land near to the Medich group's Badgerys Creek holdings that Mr Daniele was seeking to have rezoned?

A NO, if your assertion is correct.

8. You commented that the scrapping of the Growth Centres Commission soon after Ms Kenneally became Planning Minister was not based on 'sound policy rationales'. Why did you believe that?

A In an opinion piece in the SMH of 31 October 2009 I lamented some of the Rees government's policy reversals, and this was one of them. I didn't agree with it, but every minister and cabinet is entitled to their own view.

9. Were you aware of any pressure being placed on Mr Angus Dawson, former head of the Growth Centres Commission, to adopt an ad hoc approach to land releases in the Growth Centres?

A I was aware that Mr Dawson had to deal with some determined land holders and developers who strongly argued their case. I believe he acquitted himself very well and always in the public interest.

10. You and Mr Haddad met with Mr Anthony Medich in August 2007. In an earlier email to Mr Haddad, Mr Medich indicated that he wished to discuss not only the Badgery's Creek lands but also 2 Lynne Parade Prestons, a hardware retail outlet, in relation to "Possibility of 'Office Equipment' as permissible future use". A briefing note prepared by Departmental Officer noted that Mr Medich wanted to sell office equipment from the retail shop, but that this was prohibited under the current zoning. The officer concluded, "It would be inappropriate for the matter to be re-examined at this time". Despite this opinion, did you discuss the Medich's retail business at the meeting?

A I do not recall Anthony Medich being at the meeting of 15 July 2007, but I do recall Roy Medich being there. I do not recall discussing this retail issue, or it even being raised.

11. Is it appropriate for the Minister for Planning to engage in discussions about what can or cannot be sold in a retail outlet?

A Yes, in some circumstances it can be quite appropriate. Sometimes when constituents, councils, or occupiers or owners of land have problems with permissible uses they have raised these issues with the Minister. It is from such feedback that one gleans information as to whether some zones are too restrictive or have unintended consequences.

It was particularly relevant during my time as Planning Minister as the number of zones was being greatly reduced in the new standard LEP and quiet a number of Councils raised issues of permissibility in the new zone definitions.

The question of permissibility for all sorts of uses was one of the most frequently raised issues.

If such discussions do not demonstrate a policy issue that needs to be addressed, then it remains a matter for the local consent authority.

12. Mr Anthony Medich also indicated in his email that he also wanted to discuss the Schofield's town centre. A department briefing note indicated that the Mediche's had entered into an agreement to purchase land at the corner of Railway Parade and Burdekin Rd, Schofields. What information did you provide them about the relocation of the proposed train station and new town centre?

A I believe they were aware of the emerging view of both the GCC and the Department of Transport that the indicative location of the Rail Station in the N-W structure plan should be moved.

A process was commenced to settle the more detailed precinct plan and this involved public exhibition.

The officer present with me at the relevant meetings outlined the reasons why the location was proposed to be moved and, from my recollection, Mr Medich disagreed.

No other information was provided or was relevant at the time.

13. Mr Medich also indicated that he wished to discuss subdivision of land at Singleton that Medich Group had an interest in. Given that you were briefed that there had been an earlier meeting with the Belford Group and the regional DoP officers and that Singleton Council was involved, was it considered appropriate for you to further discuss this matter with Mr Medich?

A I don't recall that I did discuss this matter with Mr Medich. However, just because official shave met with a developer has never, nor should, preclude a developer from raising the matter with their relevant Minister.

14. During the time that you were Minister, did you or any of your ministerial staff ever indicate to any person or group that they should consider donating to the ALP and/or attending an ALP fundraiser? If so, what were the details?

A Not in relation to any planning discussion.
I certainly didn't recommend that they donate to the Liberal Party or the Greens, or the Shooters Party, or even the Nats.
But it is likely that when Labor Party Fund raisers are scheduled that they come up in conversation with variety of people including fellow MP's. All political candidates are engaged in fund raising events at some stage.

15. Did you ever discuss donations or fundraisers with any member of the Medich family? If so, please provide details.

A NO.

16. Did you ever talk to any member of the Medich family at any social event about any of their landholdings or developments? If so, please provide details.

A I am not sure if industry functions, or Labor Party functions can be described as “social events’. NO, I did not discuss such matters at any event, even if they were raised by a member of the Medich family or anyone else, which I cannot recall occurred.

17. Did you ever discuss, even in general terms, government land release policies with any member of the Medich family at any social occasion? If so, please provide details.

A No I did not discuss it at any event. Whether it was raised with me I do not remember, but I avoided such discussions and would have referred him to an appropriate meeting.

18. Did you ever discuss, even in general terms, government land release policies with Mr Graham Richardson outside of a work context?

A NO.

19. Other than at a formal meeting, have you ever discussed the BCC site with Mr Richardson?

A NO

20. If yes, when did that discussion take place and what was the content of that discussion?

A N/A

21. Did the decision not to rezone the Badgerys Creek land originate with you, or do you agree with Mr Haddad’s view that you concurred with his recommendation?

A I had a view which I consistently held over many months, and which I expressed at the meeting with the Medich group on 5 May 2008. I cannot remember whether Mr Haddad was of the same view. Ultimately, it was my decision.

22. Were you and Mr Haddad of the same opinion with regard to the Badgerys Creek land?

A I do not remember the Director General having a different point of view.

23. Why did you feel the need to meet with Graham Richardson to explain why the rezoning would not be proceeding?

A I did not meet with Mr Richardson to discuss any planning matter. I think this question may have been meant for someone else.

F E Sartor

28 October 2009