



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 4

BUDGET ESTIMATES 2010-2011

QUESTIONS ON NOTICE

General Purpose Standing Committee No. 4

Planning, Infrastructure and Lands

Wednesday 15 September 2010

Answers to be lodged by: Monday 11 October 2010

Budget Estimates Secretariat
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Hearing date	Portfolio	Answer to be lodged by
15 September 2010	Fair Trading	11 October 2010 [21 days]
15 September 2010	Arts	11 October 2010 [21 days]
15 September 2010	Housing	11 October 2010 [21 days]
15 September 2010	Small Business	11 October 2010 [21 days]
15 September 2010	Veteran's Affairs	11 October 2010 [21 days]
15 September 2010	Planning	11 October 2010 [21 days]
15 September 2010	Infrastructure	11 October 2010 [21 days]
15 September 2010	Lands	11 October 2010 [21 days]
16 September 2010	Transport	12 October 2010 [21 days]
16 September 2010	Central Coast	12 October 2010 [21 days]
16 September 2010	Roads	12 October 2010 [21 days]
16 September 2010	Western Sydney	12 October 2010 [21 days]

Questions relating to the portfolio of Planning

15 September 2010, 2:00 pm – 6:00 pm

Questions from Mr Shoebridge

St Vincent's Research Centre

Regarding the Department of Planning approval of 4 August 2010 of Concept Plan 09-0010 St Vincent's Research Precinct for the 9 story building on the corner of Liverpool & West Streets in Darlinghurst.

Minister, this proposed building is almost directly across Liverpool St from the Darlinghurst Public School. It is along a major thoroughfare that children use to walk to the Darlinghurst Public School.

1. What specific measures does the Department of Planning have in place to ensure the ongoing safety of the children from the Darlinghurst Public School from the increased traffic flows and pollution?
2. What assessments/studies has the Department undertaken to guarantee that Darlinghurst Public School is not impacted by this development?

Questions from Mr Pearce

Given that the Department of Planning's own Local Reference Group rejected the need for an affordable rental housing development in Belinda Street, Gerringong and acknowledging the overwhelming opposition to the size, bulk and scale of this development, can the Government explain to residents why it proceeded with this project?

With respect to the 3 affordable rental housing SEPP developments in Bomaderry can the Government please explain:

3. Why the NSW Government dispensed with the need to make s94 development contributions to two of the three developments in question?
4. Why the NSW Government did not adhere to the Shoalhaven City Council car parking code just like any other developer?
5. Why the NSW Government failed to consult affected residents in the local area?
6. Given state-wide community concern about the affordable rental housing SEPP and the manner in which it overrode the right of local communities to have a say in the future of their urban environment, can the Government please advise if there are any plans to review or change the community consultative mechanisms contained in the SEPP?

In relation to the Part 3A project at Kendall Bay:

7. What is the current status of the Kendall Bay Remediation Project?
8. On 8th May this year, the Member for Drummoyne told a community meeting that she had been informed that Jemena was seeking contractors to undertake the remediation of Kendall Bay. Can you confirm that this is the case?
9. Has the Department or Minister received a plan of management or environmental assessment from Jemena in relation to the remediation of Kendall Bay?
10. If not, given the Director-General's Requirements included a deemed refusal period of 60 days from 28th December 2008, what action has the Government taken to expedite the remediation process?
11. If so, when can the community expect the assessment to go on public exhibition?
12. When can the community expect to be consulted about the remediation plans?

In relation to the development proposal for a private hospital at 360 Crown Street, Wollongong:

13. Does the proposal conform to the floor space ratio in the Wollongong Local Environmental Plan 2009?

14. If not, what measures will the Department of Planning take to ensure that if approval is granted the development does not exceed the floor space ration?
15. Will the Department guarantee it will not allow overdevelopment on the site?

In relation to the release of land at West Dapto and Calderwood:

16. What actions has the Department taken to help to see land release opened in West Dapto and Calderwood?
17. How many community consultation meetings and on what dates has the Department of Planning held in relation to the release of land at West Dapto and Calderwood?
18. What plans does the Department of Planning have for the provision of 'services' infrastructure such as medical centres, emergency services, community services and schools following the release of land in West Dapto and Calderwood?
19. Will the Government commit to building a new road connecting East and West Dapto?
20. Has the Department of Planning undertaken any studies into the possibility of creeks flooding in the West Dapto area because of poor river management or climate change?
21. Are there flood evacuation plans being considered in conjunction with the release of land in West Dapto and Calderwood?
22. Please advise of the current status of the seniors living application in Corrimal Street Wollongong which has been referred by Wollongong Council to the Department of Planning.
23. Please advise of the current status of the application to build a DFO in Kembla Grange which has been referred by Wollongong Council to the Department of Planning.
24. Has the Department of Planning identified any:
 - a) Tourism land in the Illawarra?
 - b) Employment lands in the Illawarra?
 - c) What actions has the Department taken to progress the development of these areas?

Questions relating to the portfolio of Lands

15 September 2010, 2:00 pm – 6:00 pm

Questions from Mr Pearce

In relation to Killalea State Park:

1. What are the Government's plans with respect to the Killalea State Park?
2. Can the Government assure the community that this public space will not be further developed?

Leasehold Conversions

3. If the application and application fees for conversion of a crown road to freehold was submitted prior to 30 June 2009, will the rent payments still being charged be deducted from the final purchase price of the land?
4. How many staff within the Land and Property Management Authority are working on the conversions of crown roads and perpetual leases?
5. How much revenue has been collected through the charging of these rents upon landholders who in good faith have had their applications in on time, paid the applicable application fee on time, and then have been penalised due to the inadequate resources of the Department and Government bureaucracy?
6. Why are there environmental covenants being placed upon perpetual leases when there is already the Native Vegetation Act 2003?

Questions from Mr Shoebridge

Land Claims and Land Rights in NSW

7. What was the Land and Property Management Authority's actual expenditure on litigation associated with Aboriginal Land Claims in:
 - a) the 2007/08 financial year
 - b) the 2008/09 financial year, and
 - c) the 2009/10 financial year?
8. What was the Land and Property Management Authority's budget for litigation associated with Aboriginal Land Claims in:
 - a) the 2007/08 financial year
 - b) the 2008/09 financial year, and
 - c) the 2009/10 financial year?
9. What parcels of public land previously reserved for travelling stock purposes have been disposed of or reserved for other purposes in
 - a) the 2007/08 financial year
 - b) the 2008/09 financial year, and
 - c) the 2009/10 financial year?
10. How and by whom are decisions made to dispose of such public lands?
11. What decisions have been made by the Government in relation to travelling stock reserves and their future management?
12. The Land and Property Management Authority issues limited titles for some land converted to the Torrens Title system and unlimited titles for other land. What policy or criteria governs the LPMA's decision to place a limitation on the title of land?
13. How many limited titles have been issued by the Crown to private entities in:
 - a) the 2007/08 financial year
 - b) the 2008/09 financial year, and
 - c) the 2009/10 financial year?

14. What targets or other Key Performance Indicators does the Land and Property Management Authority have in place for processing Aboriginal land claims?
15. How does the Land and Property Management Authority determine which Aboriginal Land Claims should be processed (ie by age, location etc)?
16. Approximately what percentage of time do staff in the Land Claims Investigation Unit spend working on assessing the status of land claimed?
17. Approximately what percentage of time do staff in the Land Claims Investigation Unit working on the investigation of claims determined to potentially be claimable following a status check?
18. What process is followed by the Land and Property Management Authority before a licence is issued over Crown land? In particular, what role does the Aboriginal Land Claims Unit play in this process?
19. What processes does the LPMA (at both the Head Office and District Offices) have in place for ensuring authorities that deal with Crown Land, such as Reserve Trust Managers or Authorities proposed compulsory acquisition of Crown land, are aware of Aboriginal Land Claims that are yet to be determined?

Sydney Harbour Foreshore Authority leases – The Rocks

20. Were you aware that Andrew Kelly had been involved in a possible business venture with the Kazals prior to being re-employed by you as a consultant in June 2009?
21. Were you aware that the Kazals had been paying Andrew Kelly a retaining fee when you re-hired him in 2009?
22. Is it the case that SHFA in the past leased its buildings for as little as \$1, as was reported in relation to a George Street business, Ox on The Rocks, at 135 George St, in 1996?
23. Is that still SHFA's practice – to enter into discount leases for commercial businesses?
24. How does that discount lease practice tally with the 2004 Business Directive from the Director General of Lands that all rents must be market rents?
25. What are the 5 smallest annual lease amounts currently paid by a leasee to SHFA and for what SHFA property are each paid?
26. Did Mr. Robert Domm do any investigation of the leases with the Kazal family and their associated companies before his resignation?
27. Did Mr Tony Stewart the Member for Bankstown talk to you or lobby you in any way about Mr Charif Kazal's wish to go overseas?

Killalea State Park

28. Is it the case that any existing leasing arrangement of Killalea State Park are now required to be renegotiated or otherwise recommenced, given the financial collapse of the companies that constituted Killalea Coastal Investments Pty Ltd?
29. Does Mariner Property Investments still retain any legal rights or options over the site for presenting a DA and taking up the lease?
30. Last year you said "I would expect that, even if the current lease goes ahead, it would not be in the form of the original proposal. That is just my expectation. I think the Department of Planning indicated that to start with—that it wants to reduce the scale of it." What is the current situation?
31. Has Killalea State Park Trust been negotiating with any other corporate entity or person about this lease?
32. What legal advice did you receive about whether the lease would be null and void if it was passed onto a third party by shares being sold by Mariner Finance?

Rail Corridors

33. Minister, can you update us about the proposals for rail trails, that is, proposed trails in:
 - a) Riverina Highlands

- b) Molongo Valley,
 - c) Cowra to Eugowra,
 - d) Molong to Yeoval,
 - e) Goulburn to Crookwell,
 - f) Culcairn to Corowa,
 - g) Monaro
 - h) Dubbo
 - i) Wagga Wagga city to Forest Hill or Ladysmith?
34. Given the move back towards rail is it likely that any of these proposed trails would need to be converted back into a rail line in future, for example the Wagga Wagga to Tumbarumba branch line?
35. In regards to the proposed Very Fast Train, what role if any will Lands have in designating any land to be set aside for a future rail corridor, if needed, between Sydney and Melbourne and Sydney and Brisbane?
36. Will Lands be involved in any VFT feasibility study insofar as crown lands may be involved?

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There were no additional questions on notice lodged by members relating to the portfolio of Infrastructure.