

**QUESTION ON NOTICE : MAJOR PROJECTS**

On 15 October 2008, Ms Sylvia Hale MLC asked a question of the Minister for Planning, during the Budget Estimates Committee Hearing which was taken on notice.

**Question:**

**Ms SYLVIA HALE:** May I point out that I have absolutely no faith in the assessments that are done, given that I have made submissions and have found that many of the issues that I have raised on behalf of constituents have been ignored in those assessments. I do not think the assessment process in any way meets the need. Minister, how many part 3A development applications have been refused since the part was introduced?

**Mr HADDAD:** My advice is that probably between 80 and 90 development applications have been refused.

**Ms SYLVIA HALE:** How many have been granted or approved?

**Mr HADDAD:** Including modifications, probably 800 to 850. I am happy to come up with the exact number. It is in the range of about 850 to 900, and about 80 to 90 that have been refused. I will qualify "refused", if I may. When I say that I am talking about numbers that have been refused after the decision. Of course, one aspect of part 3A is that we do not open the gates before we are satisfied that there is adequate documentation. We have an adequacy test and we have changes to projects in many cases before they hit the public exhibition stage. So whether that is a refusal or what category we put them in, but many of the development applications that we determine are not necessarily the ones that came immediately to the department. That is taking a long time and an appropriate time before they hit the exhibition period because we have introduced what we call an adequacy test, which we do not have under part 4.

**Ms KRISTINA KENEALLY:** Not to correct my director-general, but I might clarify that the numbers that he spoke of referred to major project approvals. I am advised that since August 2005 the Government has processed 995 major project applications, including 226 lodged under the new part 3A system. The results, I am advised, that 915 were approved, and are expected to create 87,735 new jobs and \$28.9 billion capital investment value for New South Wales. Of those 915, 583 were projects in regional areas valued at \$10.65 billion, creating 24,415 jobs. The other 332 approvals were in the metropolitan area worth \$18.25 billion and generating 63,320 jobs. I am advised that 80 major project applications were refused and withdrawn.

I will take on notice how many of those 80 were under part 3A. During 2007-08 there was a high level of public involvement in assessing processes. There were more than 14,000 public submissions lodged, with an average of 14,000 hits a month on the website of the Department of Planning. That harps back to the previous question about the number of submissions that we receive. I am also advised that 19 projects were declared to be of local significance and handed back to the council.

**Answer:**

80 applications have been withdrawn (where the applicant has been advised of a lack of support) or refused. 35 were withdrawn and 45 refused.

Of the 45 refused, 1 was a Part 3A project. It should be noted that the key issues and concerns associated with potential and/or Part 3A proposals are addressed by either:

- Declining to declare the project Part 3A (whether discretionary or non-discretionary);
- in issuing Director Generals Requirements highlighting key concerns;
- through the adequacy test where an Environmental Assessment is prepared; and
- through amendments to the proposal following public exhibition.

**METROPOLIS 2008**

On 15 October 2008, Mr Harwin placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**The Hon. DON HARWIN:** Is the Prime Minister or the Premier going?

**Ms KRISTINA KENEALLY:** I will take that on advice. It is probably a question for them and their diary secretaries.

**Answer:**

The Premier attended.

**MINISTERIAL STAFF**

On 15 October 2008, Mr Don Harwin MLC asked a question of the Minister for Planning, during the Budget Estimates Committee Hearing which was taken on notice.

**The Hon. DON HARWIN:** None? That makes the next question redundant! Your backbench has been very busy today, Minister, and Tony has been running around with lots of questions for Linda. How many ministerial staff do you have?

**Ms KRISTINA KENEALLY:** In fact we do not have a full complement of ministerial staff at the moment. I am advised we have 10.

**The Hon. DON HARWIN:** How many of them are media advisers?

**Ms KRISTINA KENEALLY:** One.

**The Hon. DON HARWIN:** What is that person paid?

**Ms KRISTINA KENEALLY:** I would have to take that on notice. I note that pay scales for ministerial staff are not set by individual Ministers. That may be a question that is more appropriately asked of the Premier.

**Answer:**

Ministers' staff are employed by the Director General, Department of Premier and Cabinet, pursuant to the *Public Sector Employment and Management Act 2002*.

Arrangements for the employment of special temporary employees to carry out work for political office holders are the same for Ministers, Parliamentary Secretaries and the Leader of the Opposition.

Pay rates for staff are set against a pay scale designed to suit the staffing requirements of each Minister's office.

As a result, please refer this question to the Premier.

**QUESTION ON NOTICE: MULLUMBIMBY SUPERMARKET DEVELOPMENT**

On 15 October 2008, Ms Sylvia Hale MLC asked a question of the Minister for Planning, during the Budget Estimates Committee Hearing which was taken on notice.

**Question:**

**Ms SYLVIA HALE:** I will revert to planning more generally, and specifically the Woolworths big box proposal at Mullumbimby. I imagine you are in receipt of the letter addressed to you dated 30 September 2008 from the Mullumbimby Community Action Network and that you also no doubt would be aware of the considerable community unhappiness about the Woolworths proposal. Will you review the section 96 application from Woolworths to build its full building without adequate sewerage arrangements being in place?

**Ms KRISTINA KENEALLY:** I cannot confirm the letter. I would have to check with my office before confirming receipt of the letter. My department has received an application to modify the development consent that the previous Minister issued for the construction of the supermarket and bottle shop. The application, including amendments made as a result of the first public exhibition period, have been publicly exhibited. The department is currently assessing that application. Of course I will consider all the issues raised in public and agency submissions in making a decision on that application.

**Answer:**

I confirm that the letter has been received and that on 29 October 2008, a response to the letter was forwarded to the Mullumbimby Community Action Network.

I will carefully consider all issues, including sewerage arrangements, when making my decision on the application.

**SENIORS LIVING RESORT, OXFORD FALLS**

On 15 October 2008, Mr Harwin placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**The Hon. DON HARWIN:** Minister, I refer to MP05-0113 Seniors Living Resort, Oxford Falls. How does a retirement village in Oxford Falls qualify as state significant, and will it be determined by you under part 3A?

**Ms KRISTINA KENEALLY:** As a new Minister I cannot answer that question, but I am happy to take advice or to take it on notice, unless Mr Haddad would like to speak to it.

**Mr PERICA:** I will have to check the exact clause under which that was called in. At moment an application has not been lodged. There is agreement that it will qualify under part 3A. I would like to check the records to establish whether that came in under the clause for major projects.

**The Hon. DON HARWIN:** So you will take that question on notice and get back to us with an answer?

**Mr PERICA:** Sure.

**Answer:**

- On 1 December 2005, the Minister declared the Oxford Falls proposal as a Major Project under Clause 13, Schedule 1 of the Major Project SEPP and therefore it is a project to which Part 3A of the E P & A Act 1979 applies.
- The proposed development exceeded \$50 million in value, and was determined to be important in achieving regional planning objectives, particularly in respect to;
  - providing Seniors Living accommodation in an area of high demand; and
  - providing construction and operational employment opportunities
- On 6 April 2006, the Minister authorised the submission of a Concept Plan for the proposal pursuant to Section 75M of the E P & A Act 1979.
- An Environmental Assessment was lodged in October 2006 and has been amended a number of times but remains inadequate and cannot proceed to exhibition.
- I will be the consent authority if and when an adequate Environmental Assessment is lodged.

**SANDON POINT**

On 15 October 2008, Ms Hale placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**Ms SYLVIA HALE:** Do you recall a representative of the Stockland company writing to former Minister Sartor in June 2006 asking the Minister to intervene in a commercial dispute between Stockland and Wollongong City Council over an aspect of the Sandon Point residential development? If you recall that, do you recall also writing a memorandum to the Minister on 23 July 2006 advising him that it was inappropriate for Stockland to have requested the Minister's intervention? What was the underlying reason for your advice to the Minister that it was inappropriate to intervene?

**Mr HADDAD:** I recall this briefing note—not the details—because it was the subject of media interest. Yes, I recall my advise to the Minister. At the time there was an assessment process underway and at that stage of the assessment the issue of acquiring the road or not was not necessarily a planning consideration in that context, as I have wrote in my briefing note to the then Minister.

**Ms SYLVIA HALE:** Are you aware that the Minister became involved in that matter despite your advice?

**Mr HADDAD:** To be honest, I do not know. I am not aware of whether he was involved, other than through the media reporting. From my recollection, he had given his explanation. I can assure you that in terms of the assessment process the advice to the Minister was on the basis of the merit assessment itself. It did not go into the merits of the road being there or not subsequent to that.

**Ms SYLVIA HALE:** I think you might take it on trust that the Minister intervened and, I think, contacted Wollongong council. [*Time expired.*]

**The Hon. LYNDA VOLTZ:** Point of order—

**CHAIR:** Ms Sylvia Hale will have to put that question on notice.

**Answer:**

I am advised that the Director General provided a briefing note to the former Minister on 21 July 2006. The briefing note covered negotiations between Wollongong City Council and a developer regarding a land transfer for road access. The brief advised that it was inappropriate for Stockland to request the former Minister or the Department to intervene in commercial negotiations. The former Minister was given a set of options where such intervention may have been appropriate, including exhaustion of alternative dispute resolution mechanisms and possible solutions.

**SOCIAL IMPACT STATEMENTS**

On 15 October 2008, Ms Hale placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**Ms SYLVIA HALE:** Thank you, Minister. I now raise the issue of social impact statements. As you know, when applications are made to extend trading hours, the applicant is required to submit a social impact statement. Given that those social impact statements are frequently very self-serving and really have little credibility in the eyes of the public, will you consider requiring applicants to fund the compilation of a social impact statement, but for a disinterested third party to undertake appointment of the organisations that prepare them?

**Ms KRISTINA KENEALLY:** I apologise: Maybe I am misunderstanding your question, are you referring to applications to extend trading hours?

**Ms SYLVIA HALE:** Often you find that.

**Ms KRISTINA KENEALLY:** Hotel licensing?

**Ms SYLVIA HALE:** That is probably the most common case?

**Mr PERICA:** My understanding is that it is a Gaming and Racing requirement to lodge those as part of the extension of hours and impacts of poker machines.

**Ms SYLVIA HALE:** I know it is in relation to that, but I understand it could be also in relation to other applications. But I may be wrong.

**Mr PERICA:** I think it is for gaming machines.

**Ms SYLVIA HALE:** I stand corrected on that.

**Ms KRISTINA KENEALLY:** We will consider your question and if there is any appropriate answer we will provide that.

**Answer:**

An element of the planning reforms yet to be commenced will be the ability for a consent authority to grant a development consent subject to a condition that enables the consent authority to review a condition at any time or interval specified in the consent. The types of conditions that may be the subject of a review will be ones that permit extended hours of operation or that relate to the maximum number of people permitted in a building. It is possible that consent authorities in dealing with development applications for certain classes of development such as hotels or other licenced premises that will be the subject of reviewable conditions will require social impact statements to be prepared as part of the assessment process. To this end, I have referred the Committee's views to the Department of Planning on this matter so they can be considered in relation to this aspect of the reforms.



**HOUSING CODES**

On 15 October 2008, Mr Harwin placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**The Hon. DON HARWIN:** How many submissions did you receive on the housing code? Why have they not been made public yet? Can you understand that people are worried that their concerns will not be taken into consideration unless they are made public?

**Mr HADDAD:** Could I am maybe just explain? I am sorry, I do not have the exact number of submissions. I am happy to take it on notice and come back. I just want to support the statement that we have been concerned, including as a result of the trials, to ensure that the code is not only user friendly but that the code delivers the outcome. That is all.

**Answer:**

A total of 270 submissions on the NSW Housing Code were received.

I have been advised by the Department that while the public release of submissions on the housing code is not a requirement of the *Environmental Planning and Assessment Act* (EP&A Act), all submissions will shortly be made available on the Department of Planning website.

Reviewing public feedback on the draft Codes is an important step in the process. The feedback has informed a review of the draft housing code by the Department.

**QUESTION ON NOTICE : ASSESSMENT TIMES**

On 15 October 2008, the Hon Don Harwin MLC asked a question of the Minister for Planning, during the Budget Estimates Committee Hearing which was taken on notice.

**Question:**

**The Hon. DON HARWIN:** Okay, let us deal with the first one first. What part does shortages of resources play?

**Ms KRISTINA KENEALLY:** The information I have—and I am happy to take the question on notice—is that we have seen a slight increase in the number of net days it has taken the department to assess major projects, although my understanding is that that is because the department has focused more on complex projects and returned those of local significance back to local council. So in fact the complexity of projects that we are considering has increased. Under the current mini-budget process, all administrative arrangements or all administrative units under my portfolio are being reviewed. That is a question I am asking and will be considering as part of the mini-budget process.

**Answer:**

I am advised by the Department of Planning that the average statutory assessment time during the 2007/08 financial year was 82 days, a slight increase from 77 days in 2006/07. This is due to the increasing complexity and rigorous assessment of the projects and the need for thorough public consultation.

**HERITAGE WORKS AT THE AUSTRALIAN TECHNOLOGY PARK**

On 15 October, 2008, The Hon Sylvia Hale MLC placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo:

In 1997, a Heritage Assessment Grant of \$300,000 was made to the Australian Technology Park for the conservation and interpretation of machinery in Bays 1 and 2 at the Eveleigh Workshop... [At 2000,] \$40,000 had been expended.

Has the residual funding [to SHFA] been released? If so, what was it spent on? Was it spent on those items for which it was intended, namely the conservation and interpretation of machinery in bays one and two? If not, what has happened to those grant funds?

**Answer:**

The Australian Technology Park's Annual Reports for the years 2000-01, 2002-03 and 2003-04 outline works undertaken to restore heritage machinery from the Eveleigh workshops. These works are consistent with conditions attached to the Heritage Assessment Grant by the NSW Heritage Office.

In 2003, the Minister Assisting the Minister for Infrastructure and Planning opened the Eveleigh Heritage Walk through the former locomotive workshops, including Bays 1 and 2. The walk showcases restored machinery and provides interpretive signage describing the workshops' history.

The Australian Technology Park has an ongoing heritage asset management strategy.

**REMEDICATION OF THE OLD GASWORKS SITE AT BARANGAROO**

On 15 October, 2008, The Hon Don Harwin MLC placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo:

What assessment has been undertaken of the cost of remediation of the old gasworks site at Barangaroo? What is the value of the remediation required and what is the specific contamination that needs to be addressed?

**Answer:**

The former gas works site is being investigated under the Contaminated Land Management Act which is administered by the Department of Environment and Climate Change.

The Honourable Member should direct his question to the Minister for Environment and Climate Change, within whose portfolio the Department of Environment and Climate Change rests.

**HARDIE HOLDINGS**

On 15 October 2008, Ms Hale placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**Ms SYLVIA HALE:** Could I ask how many times did your predecessor or the Director General meet with representatives of Hardie Holdings during 2006 and 2007?

**Mr HADDAD:** I will take that on notice.

**Answer:**

I am unable to provide advice on meetings attended by the former Minister for Planning.

The Director General advises that he met with representatives of Hardie Holdings to receive representations concerning the company's sites in the context of the Lower Hunter Strategy, on four (4) occasions over two years. Departmental Officers were present at these meetings.

**INFRASTRUCTURE LEVIES**

On 15 October 2008, the following questions were placed on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**CHAIR:** How much money is the State Government currently holding that was collected from those levies? How much was received in each quarter since the imposition of those levies?

**Mr DAWSON:** At this stage I would have to take that question on notice. I am not sure yet how much, if any, has been collected within the growth centres. There may be some, but it would be a relatively small amount. I would have to take that question on notice. We would also have to take on notice your question relating to other State infrastructure levies.

**CHAIR:** Do you agree with that, Mr Haddad?

**Mr HADDAD:** Yes.

**CHAIR:** You cannot give us a ballpark figure?

**Mr HADDAD:** No, I am sorry; it would not be accurate. I will have to take that question on notice and I undertake to get back to you.

**CHAIR:** Of those State infrastructure levies that have been collected how much has the State Government expended? Can you provide us with the projects on which they have been expended? Has any of the relevant structure been completed?

**Mr DAWSON:** Within the growth centres—the exact amounts I will take on notice—there are State infrastructure works in association with Colebee in the south-west but there are road works in association with Richmond Road-Symonds Road, Camden Valley Way-Cobbitty Road and a recognition of some state schools. In the current budget papers there is in excess of \$500 million. I can get the exact infrastructure figure allocated in current Budget Paper No. 4 for works and services associated with development in the growth. Developers are undertaking a substantial number of in-kind works and they will then receive a credit based on our practice note for those works.

**Answer:**

The Growth Centres Commission has not collected any money from the Special Infrastructure Contribution.

I am advised that there is a total \$518.2M in state infrastructure works for the Growth Centres as detailed in 2008-09 Budget Paper No. 4.

Please see attached for approved state infrastructure investments within the Growth Centres.

## SUPPORTING DEVELOPMENT IN THE GROWTH CENTRES

### Approved State Infrastructure Investments 2008-2009

#### **North West Growth Centre**

|             |   |                |
|-------------|---|----------------|
| Roads       | - planning for Riverstone Railway Overpass                                  | \$2m           |
| Rail        | - land acquisition for North West Metro<br>- Richmond Rail Line Duplication | \$132m         |
| Water       | - water, waste water and recycled water                                     | \$57m          |
| Education   | - Rouse Hill High School<br>- Nirimba TAFE redevelopment                    | \$22m<br>\$5m  |
| Police      | - upgrade Riverstone Police Station   | \$18m          |
| Heritage    | - Rouse Hill House and Farm Education Facility                              | \$2.2m         |
| Electricity | - Marayong zone substation<br>- Mungerie Park zone substation               | \$14m<br>\$27m |

#### **South West Growth Centre**

|             |  |                       |
|-------------|--|-----------------------|
| Roads       | - Camden Valley Way, Bernera Rd to Cowpasture Road<br>- Camden Valley Way, Cowpasture Rd to Narellan Rd<br>(planning)<br>- Cowpasture Road, Camden Valley Way to Main Street | \$6m<br>\$5m<br>\$13m |
| Rail        | - land acquisition for South West Rail Line  | \$80m                 |
| Health      | - Liverpool Hospital Redevelopment   | \$106m                |
| Electricity | - Oran Park zone substation  | \$29m                 |

|   |                 |
|---|-----------------|
| <b>Total investments approved by 2008/09 State Budget</b> | <b>\$518.2M</b> |
|---|-----------------|

\* Please note the figures in this table are taken from 2008-09 Budget Paper No. 4.

**QUESTION ON NOTICE: MAJOR PROJECTS GUIDELINES**

On 15 October 2008, the Hon Don Harwin MLC asked a question of the Minister for Planning, during the Budget Estimates Committee Hearing which was taken on notice.

**Question:**

**The Hon. DON HARWIN:** Minister, I go back to the answer you gave to Ms Sylvia Hale's earlier question relating to the adequacy test. It could be said that the adequacy test was the donation margin, but we will not go there.

**Ms KRISTINA KENEALLY:** You would say that. If you have any allegation to make, take it to the Independent Commission Against Corruption.

**The Hon. DON HARWIN:** Minister, you have not made public the guidelines for the adequacy test. Where are they and can you tell us what are the guidelines for that test?

**Mr HADDAD:** We have a number of guidelines on our website. Some of them are in final form, some of them are in a draft form, and some of them are under review. I am happy to come up with a more detailed list.

**Answer:**

I have been advised that the Department of Planning's website ([www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)) has a number of guidelines, fact sheets and policies which provide comprehensive advice on the Part 3A assessment process, including the adequacy test:

**Fact Sheets (Final)**

Fact Sheet 1: Why the major projects assessment system was introduced

Fact Sheet 2: What is considered a major project?

Fact Sheet 3: Steps in the major project assessment process

Fact Sheet 4: State significant sites

Fact Sheet 5: Independent hearing and assessment panels

Fact Sheet 6: Merit appeal rights

Fact Sheet 7: Critical infrastructure

Fact Sheet 8: Debunking the myths

**Guidelines (Final)**

Guidelines For Major Project Community Consultation

Criteria for declaring development to be a Major Project under Clause 13 of Schedule 1 of the Major Projects SEPP.

Guideline for State significant sites under the Major Projects SEPP.

Updated assessment fees for major projects and State significant sites.

**Environmental assessment policies (Finals and drafts)**

There are a number of regional and State statutory planning policies and Departmental guidelines on the Department's website. These policies are used in the assessment of



development proposals and thus integral in the drafting of adequate Environmental Assessments by proponents. The areas covered are:

Advertising and signage

Affordable housing

Aquaculture

Alpine resorts

BASIX

Bilateral agreement with the Commonwealth Government

Bushfire protection

Coastal protection

Contaminated land

Design quality

Infrastructure

Intensive agriculture

Major hazards

Mining, petroleum and extractive industries

Public entertainment and temporary structures

Seniors living

Sydney's drinking water

Sydney Harbour planning controls

**Yasmar Estate**

On 15 October, 2008, Ms Cusack MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**Yasmar Estate**

This Crown Land Reserve 1011588 is a major public asset and also on the State Heritage Register. The people of NSW have a deep and vested interest in what's happening with, and at, Yasmar. Accordingly, I submit the following questions

1. On 2 July 2008 the Approvals Committee of the Heritage Council resolved to DEFER consideration of any Development Application concerning the Yasmar site until various statutory documentation was in place including a Plan of Management - why did it then give the go ahead for DA-015 at its next meeting on 6 August?
2. Apart from a presentation by the Director General of Dept of Lands on 6 August, which did not address heritage issues, what occurred in one month to cause such a total U-turn?
3. The community representatives who presented at the July meeting were advised by letter of the decision to defer. Why were they then NOT told that the question of Yasmar would be re-opened at the August meeting?
4. Why were they not advised that the Heritage Council had reversed its July decision, and decided to approve the Development Application for Yasmar East Wing?
5. Why did Minister Kelly's media release issued on or soon after 6 August indicate that the Heritage Council had effectively handed over its role as heritage decision-maker regarding to Yasmar to the Dept of Lands, but made no mention that the DA had been approved?
6. On what grounds did the Heritage Council give approval to demolish all buildings in the Yasmar East Wing, this being in breach of the Heritage Act 1977 which prohibits any demolition in relation to an item on the State Heritage Register unless the buildings involved are deemed so derelict as to be irretrievably unsafe?
7. Given that the Minutes of 6 August reveal that the Conservation Management Plan of 2003 dealt only with Yasmar House so a new CMP for the entire site would be needed, what structural reports or other safety information was provided by the Dept of Lands for consideration by the Heritage Council in regard to the East Wing?
8. Why were details of the August Minutes not made available until early October, and then only as a result of repeated requests by community representatives ?
9. Why were the full Minutes of July not placed on the Heritage Council website as soon as they were confirmed? Why do these July Minutes refer to a 100year lease?

10. Why do the July Minutes reveal the Heritage Council as actively considering, and in favourable terms, the handover of the entire Yasmar site to one user, the DA applicant?
11. Is any such future 100-year handover already being discussed by the Minister? By the Department? By the applicant? By anyone else in or out of the Heritage Council?
12. What is the Minister's timetable for appointing a proper Yasmar Management Trust Board as required by the Crown Lands Act, and will this Board include representatives from Ashfield Council and the Haberfield community?

**Answer:**

1. On 2<sup>nd</sup> July, the Heritage Council DEFERRED the Application for Yasmar because further clarification on future heritage planning was to be sought from the Department of Lands. I am advised that further discussions were held with the Department of Lands. Lands requested an opportunity to present to a future Heritage Council meeting. A presentation was made by the Director-General of the Department of Lands to the Heritage Council meeting on 6<sup>th</sup> August 2008. Reasons for the Heritage Council's decision are provided in the Minutes of the meeting which are publicly available on the Heritage Branch website.
2. I am advised that further discussions were held between the staff of the Heritage Branch and the Department of Lands. Those discussions occurred at the request of the Heritage Council and resulted in an agreement that the Department of Lands should provide a presentation to the Heritage Council in relation to the overall future planning and intended management for this significant State listed site.
3. I am advised that the presentation of the Director-General of the Department of Lands was a response to the Heritage Council's determination made at the July meeting. The proposal had not changed and the Heritage Council was already made aware of the submissions which had been received.
4. The Heritage Council was not the consent authority for this application and could not make a determination on the approval or otherwise of the Development Application.
5. At that stage the Development Application had not been determined by Ashfield Council, the consent authority.
6. I am advised that in assessing the significance of the site for listing on the State Heritage Register, the subject portion of the site was not specifically identified as being of State heritage significance in and of itself. Although no approval was given in this case it should be noted that the Heritage Council has the authority to give approvals for Controlled Activities for items listed on the State Heritage Register, this may include demolition in particular circumstances as specified in Section 63(3) of the Heritage Act.
7. The Department of Lands provided a Draft Plan of Management for the site and other documentation as noted in the minutes of 6<sup>th</sup> August 2008.

8. The details of the August minutes were made available as soon as was possible.
9. The details of the July minutes were made available as soon as was possible. I am advised that one of the members of the Heritage Council mistakenly made reference to a 100 year lease; this error was corrected at the time. The actual lease would be for a twenty year period.
10. The Heritage Council noted that an adaptive reuse of the entire site by one user may have better outcomes in terms of heritage management and conservation than having the site split between separate users. It was also noted that a future adaptive reuse of Yasmarr House would be desirable.
11. I am advised that no discussions have been undertaken by the Heritage Council or Heritage Branch. I cannot answer for any outside agencies or individuals.
12. This question would be better addressed to the Minister for Lands.

**DONATIONS AND PART 3A APPROVALS**

On 15 October 2008, Ms Hale placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

13. Under the new model Code of Conduct for Local Government Councillors if a development applicant has made a donation of over \$1000 to a Councillor's campaign fund or to the Councillor's party the Councillor must declare a non-pecuniary interest and must at the very least consider not participating in the vote on that application. Have the current Minister or the previous Minister for Planning ever declared a non-pecuniary interest in a development application that was being determined under part 3A where the applicant was a donor to the NSW ALP?

14. Will the Minister declare a non-pecuniary interest in any DA or similar application under Part 3A from a party donor?

**Answer:**

13. I cannot answer for the previous Minister. On my behalf, I advise the answer is no.

One of my first acts as Minister for Planning was to sign into effect laws that required an applicant to declare any political donations over \$1000 made in the past two years, and to require the consent authority to make these declarations publicly available within 14 days.

These laws will increase transparency in the planning and assessment system.

14. The Planning Assessment Commission will determine applications where there are potential conflicts of interest for a Planning Minister, including projects in a Planning Minister's electorate, or applications where the Minister has a pecuniary interest.

**Lower Hunter and Catherine Hill Bay**

On 15 October 2008, Ms Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**Lower Hunter and Catherine Hill Bay**

On 12 April 2008 the Sydney Morning Herald ran a story that referred to documents that had not been presented to the Upper House following a s. 52 order by the House to produce all documents relating to the lower Hunter strategy. Specifically, the story referred to an email dated September 2006 from the Department of Planning's then regional director for the Hunter Mr. Steve Brown in which Mr Brown warned that the government was making "massive" concessions to developers "with little justification" and in which he expressed concern about the Hardie Holdings residential development near Branxton.

15. Why was the document referred to in the Sydney Morning Herald story not provided to the House under the s52 order for papers?
16. Has the Department checked if any other relevant documents did not make their way to the parliament? What was the outcome of this check?
17. Has the Department located the document referred to in the Herald story or any other documents that should have been provided to the parliament under the s52 order?
18. Have those documents been provided to the parliament?
19. What action has the Director-General taken to review the Department's procedures in light of the document not being provided to the parliament?
20. Given that the Planning Department rated the Sweetwater proposal last out of 91 potential development sites for the lower Hunter why was it subsequently approved as a development site?
21. How many times did the Minister meet with representatives of Hardie Holdings during 2006 and 2007?
22. Why was initial advice from the Department of Planning about the inappropriateness of the proposed residential developments at Catherine Hill Bay not accepted by the Minister?
23. How many times have the current and former Minister met with Rosecorp and Coal and Allied or their representatives to discuss the Catherine Hill Bay and Gwandalan proposals?

**Answer:**

- 15 I am advised that the document has not been located on any official Departmental file relating to the Lower Hunter Regional Strategy in either the Hunter Office or Head Office. I am also advised it would appear that Mr Brown did not retain a copy

of his email on an official Departmental file. If the document was separately provided by Mr Brown or another officer in response to the call for papers it would have been excluded as Cabinet in Confidence as it provided comments in relation to a draft cabinet minute that had been circulated.

16 The Department provides all documents captured by the scope of a call for papers in accordance with NSW Government protocols.

17 I am advised that the Department has thoroughly checked all files relating to this matter in both the Hunter Office and Head Office and the document was not located. It would appear that Mr Brown did not retain a copy of his email on an official Departmental file.

18 Refer 17

19 Refer 16

20 The answer to this question was provided at the Budget Estimates Committee hearing. The initial ranking by the Department of Planning related to a far bigger proposal for the Sweetwater/Huntlee site which would have had significantly greater environmental impacts than the final negotiated outcome which will include significant environmental offsets.

21 I am unable to provide details of meetings attended by my predecessor.

22 The Department's initial views regarding proposals for Catherine Hill Bay related to a larger development footprint that would have had significantly greater environmental impacts than the final adopted outcome.

In relation to the Rosecorp proposal, the original proposal was substantially altered through a rigorous assessment process involving an Independent Hearing and Assessment Panel. This resulted in changes that were so significant the revised proposal was readvertised. Both the footprint of the development and the development yield were reduced. Modifications included:

- restrictions on building height and implementation of design controls within Hamlet 1 of Catherine Hill Bay, the area closest to the existing village, to ensure the visual impact of the development is minimised;
- increased setbacks to the headland and provision of a headland walking track;
- provision of adequate screening between the development and heritage items at Catherine Hill Bay, including Wallarah House, as well as parameters to ensure an appropriate adaptive re-use of the Bin Building.
- the removal of development from areas containing habitat for the threatened Leafless Tongue Orchid;
- the upgrade of Pacific Highway intersections at Catherine Hill Bay and Gwandalan;

- provision of local and regional contributions, including the establishment of a Community Infrastructure Fund for Catherine Hill Bay.

The approval for the development will also deliver numerous benefits to the region and local communities, including:

- the transfer of about 305 hectares of private land to public ownership, including 294 ha of conservation lands that supports several threatened flora and fauna species and endangered ecological communities.
- improvements to public access to the Catherine Hill Bay headland and neighbouring Moonee Beach, with the provision of a coastal walkway, road access and new public car parking.
- provision of a parkland green buffer between the development and the existing Catherine Hill Bay township to ensure the character of the existing village is not diminished.
- retention of heritage items on site including the 1960s colliery facility, Wallarah House and Bin Building (including potential construction of a roof top viewing terrace)
- local developer contributions at Catherine Hill Bay to maintain and enhance community facilities and enhance the quality of facilities accessible to the existing township, including a new 5.2 ha village park;
- infrastructure works including road and sewer upgrades, including sewer provision to existing dwellings at Catherine Hill Bay.
- \$2.9 million in regional contributions for the development at Catherine Hill Bay and Gwandalan to help improve the region's infrastructure, such as education, emergency services and public transport.

23 I am unable to provide details of meetings attended by my predecessor.

On my behalf, I advise that I have not met with Rosecorp and Coal and Allied or their representatives to discuss the Catherine Hill Bay and Gwandalan proposals.



**CURRAWONG**

On 15 October 2008, Ms Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

24. Will the government heritage list the former union site at Currawong? If not, why not?

25. Will the government incorporate the Currawong site into the adjoining National Park? If not, why not?

**Answer:**

24. I am awaiting advice on this point from the independent panel.

25. The proposal involves transferring the majority of the site to National Park, and this is being considered.

**SEPP 1**

On 15 October 2008, Ms Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

26. Given the evidence from Wollongong and elsewhere that SEPP 1 is abused by some developers for corrupt purposes will the government be moving to abolish or at least significantly tighten the requirements for SEPP 1 objections?

**Answer:**

I am advised that through the Department's ongoing work on planning for the strengthening of centres, that there is less of a need to include and/or rely on the provisions of SEPP 1. Further to this, generally new Local Environmental Plans (LEPs) minimise or exclude the use of SEPP 1, except by exception.

Further to this, in May this year the Department issued a circular to all Councils reminding them of their obligations to report every quarter on the use of SEPP 1. The Director General will soon be writing to all Councils to again remind Councils of their obligations for SEPP 1 reporting and to advise that their delegations are likely to be revoked if they do not meet their reporting obligations.

I have sought advice from the Department of Planning on the ICAC's recommendation that Regional Planning Panels should assess development applications that use SEPP 1.

However, as part of the implementation of the planning reforms the Government has already indicated that it will use the new Regional Planning Panels to provide a third party review mechanism for development proposals over a certain size, where the height or floorspace standards have been varied by more than 25%. This will prove to be a strong anti-corruption measure.

**ICAC REPORT INTO CORRUPTION RISKS IN DEVELOPMENT APPROVAL PROCESSES**

On 15 October 2008, Ms Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

At last year's estimates hearing of this committee, on Monday 15 October 2007, my colleague Lee Rhiannon asked then Minister Sartor if the government intended to provide a formal response to the ICAC position paper on corruption risks in the NSW development approval process. The Minister's response was "*The Government will provide a response in due course. It is a matter for the whole of Cabinet.*"

27. Has the Cabinet endorsed a formal response to the ICAC report?
28. Which of its recommendations has the Government decided not to implement?
29. Why has it decided not to implement those recommendations?

**Answer:**

- 27-29. The ICAC has been consulted in respect of the NSW Government's response to recommendations contained in the Independent Commission Against Corruption (ICAC) Position Paper of September 2007 (Position Paper).

Notwithstanding this, the *Environmental Planning and Assessment Amending Act 2008* ('Amending Act'), and proposed implementation of other aspects of the current planning reforms, include a number of provisions that were relevant, or responded to, the ICAC recommendations in the Position Paper. The planning reforms are being implemented on a staged basis with a number of provisions having already been commenced.

These measures include:

- (a) The Amending Act establishes the Planning Assessment Commission (PAC) which will have responsibilities for, amongst other things, advising the Minister with respect to Part 3A projects (for example where independent assessment or technical expertise is required) or determining certain classes of Part 3A projects under delegation. The PAC will not be subject to the direction or control of the Minister in exercising these functions and will be subject to ICAC and Ombudsman requirements.
- (b) The Amending Act creates a new third party right of review by Joint Regional Planning Panels (JRPPs) and/or the PAC in relation to classes of DAs where proposed development would fail to meet applicable development standards (for example, height and floor space ratios). This is a new right to review which is not currently available under the existing Act provisions;

- (c) The Amending Act provides for the establishment of Joint Regional Planning Panels which will be the consent authority for certain classes of development. These panels will comprise of members nominees from both State and local government and increase transparency in decision making. JRPP members will be subject to the ICAC and Ombudsman Acts.
- (d) The Amending Act also provides for the establishment of Independent Hearing and Assessment Panels to assess and advise on planning proposals. Councils may voluntarily establish IHAPs or will be required to establish IHAPs in certain circumstances. Councils will be required to report on where they make decisions that are not consistent with IHAP recommendations. IHAPs will improve impartiality and bring increased expertise to the DA assessment process.
- (e) Consideration is being given to amending the *Environmental Planning and Assessment Regulations 2000* to require councils to give reasons for their decisions in a broader range of circumstances (for example, where a council makes a determination which is not consistent with the council planner's recommendation).

Other initiatives undertaken by the Department of Planning in response to ICAC recommendations include:

- (a) Issuing Planning Circular PS08-003 requiring Councils to monitor their use of the Director General's assumed concurrence under SEPP 1 and report on a quarterly basis to the Department.
- (b) The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (Political Donations Act) came into effect on 1 October 2008. This act inserted new and amended provisions into the Environmental Planning and Assessment Act 1979 (EPA Act) and the Local Government Act 1993.
- (c) The amendments to the EPA Act require the disclosure of reportable political donations or gifts when planning applications are made to minimise any perception of undue influence by:
  - requiring public disclosure of the political donations or gifts at the time planning applications (or public submissions relating to them) are made, and
  - providing the opportunity for appropriate decisions to be made about the persons who will determine or advise on the determination of the planning applications.

**ICAC REPORT INTO CORRUPTION RISKS IN DEVELOPMENT APPROVAL PROCESSES**

On 15 October 2008, Ms Hale placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**Ms SYLVIA HALE:** My question relates to the ICAC report into corruption risk in development approval processes. At last year's estimates hearing of this Committee, on 15 October 2007, my colleague Ms Lee Rhiannon asked then Minister Sartor if the Government intended to provide a formal response to the ICAC position paper on corruption risks in the New South Wales development approval process. The Minister's response was:

*The Government will provide a response in due course. It is a matter for the whole of Cabinet.*

Has Cabinet endorsed a formal response to that report? Which of the ICAC recommendations has the Government decided not to implement? If there are recommendations that the Government has decided not to implement, why not?

**Ms KRISTINA KENEALLY:** I will take that question on notice.

**Answer:**

Refer to responses to Questions 27-29 on the notice paper.

**STOCKLAND AND SANDON POINT**

On 15 October 2008, Ms Hale MLC placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

30. How much did the Sandon Point Commission of Inquiry cost and who paid that cost?
31. Why did the NSW Planning Department choose to ignore the Findings and Recommendations of Sandon Point Commission of Inquiry to protect significant Aboriginal and natural heritage values?
32. Why were the Offices of Commission of Inquiry Commissioners and Heritage dismantled and absorbed into the Planning Department?
33. How will the Minister demonstrate that she has "*conscientiously address(ed) the principles of ESD... to take into account the public interest*" (P63 of Supreme Court judgment at Sandon Point, CA 40893/07) when considering future Development Applications relating to Sandon Point?

**Answer:**

30. I am advised that costs associated with this inquiry were defrayed from the budget of the former Office of Commissioner's of Inquiry for Environment and Planning. I am further advised that as staff from that office worked across a number of projects, costs were not itemised.
31. I am advised that the Department of Planning considered the findings of the Commission of Inquiry in its assessment report, together with a subsequent review commissioned by the Government (the Hill report) and other matters dictated by statute.
32. Neither office has been dismantled. The former Heritage Office was remodelled as the Heritage Branch of the department of Planning to better enable and highlight heritage issues within cores business and planning policy activities. The Heritage Branch continues to service the independent Heritage Council exactly as before.  
  
Formal independent inquiries under the planning legislation were never disrupted nor have they ceased. A more defined role, at arms-length from the Minister and Department, has been assumed by the Planning Assessment Commission.
33. This will be a matter for the Department of Planning to address and consider in any report on an application relating to the site and in making its recommendation.

**BASIX**

On 15 October 2008, Ms Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

34. Why are Councils prohibited from implementing tougher sustainability standards than BASIX?
35. Why are BASIX outcomes measured on the basis of commitments in DAs rather than what is finally constructed?
36. How is BASIX compliance ensured in final construction? What happens if BASIX commitments have not been met?

**Answers:**

34. Councils are free to implement some local sustainability measures but these must not conflict, or be more stringent, than the water and energy savings mandated by BASIX.

BASIX is already one of the most robust sustainable planning measures in Australia and it delivers a consistent policy across all of NSW

It delivers certainty to the development industry and it provides affordability for home buyers.

The best approach to improve sustainability is to look at the BASIX saving targets for all parts of NSW, not to change the standard for just a few local government areas.

In this way sustainability standards can be coordinated at a State level and can be set in response to any Federal Government directions on climate change including opportunities that may arise from a Carbon Pollution Reduction Scheme.

35. BASIX outcomes reporting to date has focused on the commitments that applicants have chosen in generating their BASIX certificates.

This is because there is a time lag of about one or two years from application to Council and the completion of a BASIX compliant house.

However any savings estimated have been based on the number of dwellings that are predicted to be finally constructed in the reporting period.

BASIX has applied to all of NSW since July 2005 and this means that there is now a significant number of houses constructed that are BASIX compliant.

The Department of Planning is currently working with utilities such as Sydney Water and Energy Australia to independently verify the actual water and energy use in a sample of these constructed BASIX dwellings.

The results will be compared to the savings calculated on the BASIX certificate and will inform Government on any changes in policy that may be needed to ensure that BASIX continues to deliver the required sustainable outcomes.

36. BASIX commitments are checked for installation and operation as part of the normal certification process that applies to all aspects of completing building works.

The council or private certifier must check that BASIX commitments have been met before issuing an occupation certificate for the dwelling.

Failure to carry out a BASIX commitment is a breach of the development consent.

It could leave the applicant open to on-the-spot fines, council not issuing an occupancy certificate or legal action by the council.



**BOWRAVILLE BUS DEPOT**

On 15 October 2008, Ms Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

37. Has the Department or the Minister received a complaint regarding the operations of the Bowraville bus depot?

38. Has the Department investigated whether the Bowraville Bus depot is complying with the relevant zoning?

**Answer:**

37. I have not received complaints regarding this matter. I am advised by the Department of Planning that the Department has not been approached directly regarding the complaint but the matter was raised with the former Minister for Planning.

38. The Department of Planning advises me that the need for any investigation is a matter for the relevant local planning authority. Neither I nor the Department have a role.

**AFFORDABLE HOUSING**

On 15 October 2008, Ms Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

39. Will the government amend the EP&A Act or write a new SEPP to allow mandatory levying for affordable housing in new or re-zoned multi-unit developments?
40. If yes, by when?
41. Is Planning NSW reviewing State Environmental Planning Policy no. 10 – Retention of Low-cost Rental Accommodation, and State Environmental Planning Policy no. 70 – Affordable Housing (Revised Schemes)?
42. When will this review be completed?
43. Will an options paper be released? When?

**Answer:**

39. The EP&A Act currently provides for the levying of contributions for affordable housing on new or re-zoned multi-unit developments. Contributions based on these powers are being levied in Green Square, Pyrmont-Ultimo and Willoughby. Measures to extend these powers to other areas are currently being considered by the Department of Planning.
40. The timing of the measures is yet to be determined.
41. The Department of Planning has an active role in the administration of SEPP 10 and SEPP 70 and the provisions of these Policies are continually under review.
42. Refer to 41. above.
43. The appropriate method and forum for obtaining comment on review findings is under consideration.

**LAWSON HALL**

On 15 October 2008, Ms Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

44. When will Amendment No.1 to the Blue Mountains LEP Heritage Schedule be gazetted?
45. Will Lawson Hall, also known as the Lawson Mechanics Institute be included in the Heritage Schedule? If not, why not?
46. Is the Minister aware of the RTA Great Western Highway widening plan that allows the Lawson Mechanics Institute to remain in situ?

**Answer:**

44. I understand the draft Amendment No.1 of the Blue Mountains LEP has recently been returned to Council by the Department of Planning so that an outstanding objection from the RTA can be addressed. After Blue Mountains Council has resolved this objection and forwarded the draft plan to me, I will then consider making and gazetting the LEP.
45. The listing of items in the LEP is a matter for Council.
46. The RTA's road widening plans are a matter for the administration of the Minister for Roads. I am not aware of the details.

**REDFERN WATERLOO AUTHORITY**

On 15 October, 2008, Ms Gardiner MLC placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

47. How many times have you met with representatives of the Redfern-Waterloo Authority? Please provide dates of meetings, with whom you met and the issues you discussed.

48. How many times have you met with representatives of the Aboriginal Housing Company? Please provide dates of meetings, with whom you met and the issues you discussed.

49. How many times have you met with representatives of the Aboriginal Housing Company? Please provide dates of meetings, with whom you met and the issues you discussed.

50. What are the salaries of the 3 most senior executives in the Redfern-Waterloo Authority? And what overseas or interstate travel has been undertaken by them since the establishment of the Redfern-Waterloo Authority?

51. What is the cost of rental for the premises occupied by the Redfern-Waterloo Authority? What is the length of the lease? And to whom is the rental paid?

52. Do you agree with Redfern-Waterloo Authority CEO, Robert Domm, that it is in the "public's interest" to sell the North Eveleigh site?

53. How do you intend to balance your role as Minister for Planning as well as Minister for Heritage when deciding on the future of Eveleigh?

54. Why hasn't there been a Redfern-Waterloo Update newsletter since July 2008? Is it acceptable that the Redfern-Waterloo Authority is not keeping the public informed on issues affecting that area?

55. What will your Department do to ensure the heritage future of the Eveleigh workshops?

**Answer:**

47. I have met with representatives of the Redfern-Waterloo Authority on a number of occasions over the past three years, in my capacity as a local Member of Parliament and more recently as Minister for Redfern-Waterloo. Numerous issues were discussed relevant to my electorate and Ministerial responsibilities.

48. My diary indicates that since becoming Minister for Planning 9 weeks ago, I have not met with representatives of the Aboriginal Housing Company.

49. See answer to question 48

50. The three most senior executives in the Redfern-Waterloo Authority are Robert Domm (CEO), Petar Vladeta (General Manager) and Richard Clark (Director - Development Projects). Mr Domm receives no salary from the RWA. Mr Vladeta receives an annual salary from the RWA of \$239,755 and Mr Clark receives an annual salary of \$178,820. Mr Clark attended the UDIA National Congress conference in Adelaide between 3-7 April 2006 on behalf of the RWA and has not undertaken any overseas travel.. Neither Mr Domm nor Mr Vladeta have undertaken any overseas or interstate travel during their employment with the RWA.

51. The RWA currently pays \$10,464 per month (ex GST) to Group Colleges Australia for rental of Level 11 at 1 Lawson Square Redfern. The RWA's current lease option expires in September 2009.

52. I am advised that the quote attributed to Mr Domm is incorrect. The CEO of RWA was quoted recently in the Sydney Morning Herald as saying words to the effect that, to serve the public interest, the sale of the North Eveleigh site needs to be conducted through an open and competitive process.

53. I am advised that under the RWA's Built Environment Plan, about 6.7 hectares of rail heritage buildings are to be preserved. The Australian Technology Park, which forms part of the former Eveleigh Rail Yards, is a fine example of rail heritage preservation and adaptive reuse. I am further advised that, under the RWA's proposed Concept Plan for the North Eveleigh site, all heritage buildings listed in the State Environmental Planning Policy are to be preserved. A heritage interpretation strategy is also being prepared for the site. The RWA's application is currently before the Department of Planning and its recommendation will come to me in due course.

54. I am advised that the RWA has produced 16 Redfern-Waterloo Updates since August 2005. About 16,000 copies of each edition of the newsletter are hand delivered to all dwellings in the operational area and some immediate surrounds. A further R-W Update will be distributed before the end of this year to advise the local community of recent developments. All newsletters are also posted on the RWA's website.

55. See answer to question 53

**POLITICAL DONATIONS**

On 15 October 2008, Ms Gardiner placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

56. Have you received in your capacity as a Member of Parliament, any donations from developers who have applications with which you're involved as the decision making authority and if so, how do you propose to deal with those matters?

**Answer:**

56. See answer to question 14.

**INFRASTRUCTURE LEVIES**

On 15 October 2008, Ms Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

57. Major development corporations and organizations representing them have publicly stated that the State infrastructure levies are responsible for Sydney's current housing crisis.
- (a) What is your view on the role of State infrastructure levies on the current housing crisis?
- (b) Has your Government investigated the possibility of lowering the State infrastructure levies and if so when was that investigation undertaken, and by whom and has there been any analysis done of the likely effect a reduction in State infrastructure levies would have on boosting the number of houses being built in NSW generally and Sydney specifically?
58. Has your Government conducted any analysis on the impact of State infrastructure levies and Section 94 levies on residential and/or non-residential development? If so, please advise details of the analysis or analyses.
59. In 2007-2008 can you advise how many local Councils failed to comply with Section 94 planning requirements in expenditure of those funds? Have you or your Department taken any action against those councils to ensure compliance with the expenditure provisions? Please provide details of those councils your Department has taken action against.
60. Please give details, broken down by Council of unexpended Section 94 funds accumulated, but not spent by the end of 2007-2008 and rolled forward to the 2008-2009 financial year?
61. Please advise by local Council how much interest accumulated on Section 94 funds during the 2007-08 financial year?

**Answer:**

57. Housing affordability continues to be a priority for the Government. Unfortunately the Government is only capable of influencing housing affordability in four ways:
- Ensuring sufficient supplies of zoned and serviced land
  - Ensuring infrastructure contributions are reasonable and appropriate
  - Ensuring that the assessment process is quick and effective

The Government is working in each of these areas to influence the supply of affordable land.

The State Government announced a revised infrastructure contributions policy in October 2007, which is being implemented through amendments to the Environmental Planning and Assessment Act 1979, a reduction in the Growth Centres levy from \$33,000 to \$23,000 and the negotiation of contributions on a site by site basis. A key thread through this work is ensuring that an appropriate balance is reached between the provision of affordable housing and the supply of infrastructure to new communities.

It should be noted that recent interest rate changes and market subsidies (such as the First Home Owners Grant) are likely to be effective in encouraging developers to release land as demand returns.

58. The Government conducts analyses on the consequences of State and local levies when establishing any new levy proposal. As a result of these assessments the Government has in some cases, reduced its contribution and considered capping local contributions as well to reduce developer levies.
59. There are no specific timeframes within the Environmental Planning and Assessment Act 1979 for Councils to expend Section 94 funds. Under the recent amendments to the Act (yet to commence) there will be greater accountability for Councils to report to the Government on how they have expended their funds.
60. This data is not currently collected by the Department of Planning. Under recent amendments to the Environmental Planning and Assessment Act (yet to commence) there will be requirements for Councils to report to the Government on these matters.
61. This data is not currently collected by the Department of Planning. Under recent amendments to the Environmental Planning and Assessment Act (yet to commence) there will be requirements for Councils to report to the Government on these matters.



**GROWTH CENTRES**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo:

62. In view of the Mayor of Blacktown's criticism of your Government's grab for Section 94 levies in the Growth Centres, can you advise what discussions you have had with Leo Kelly in regard to Section 94 levies? What discussions have taken place with Leo Kelly specifically on the appropriateness or otherwise of the State Government controlling accumulated Section 94 levies?
63. What is the current average time of the rezoning process in the north-west sector and the south-west sector?
64. Can you please state how many homes have been built in each of the following first release precincts: Edmondson Park, Oran Park, Turner Road, North Kellyville, Riverstone, Alex Avenue, Area 20, Colebee and Riverstone West.

**Answer:**

62. In respect to the holding of Section 94 funds within the six growth centre Council areas, discussions have taken place with all Councils through the GCC Local Government Coordination Committees. The matter was also discussed between the Mayor of Blacktown Cllr Leo Kelly, the General Manager of Blacktown Ron Moore and Angus Dawson, CEO, and Ian Reynolds, GM Operations, Growth Centres Commission at a meeting at Blacktown Council on 10 March, 2008. Appropriateness of government policy was not discussed at these meetings. The mechanism as to how it could be implemented was discussed.

63. The GCC estimates the current average time for preparing a precinct plan (including rezoning, state infrastructure plan, development control plan, and Section 94 plan) is approximately 30 months. In the case of Oran Park and Turner Road, the Commission produced its first precinct plan package for 12,000 lots, a Town Centre, and employment lands in less than 18 months (work commenced in July 2006 with rezoning in December 2007).

64. The Growth Centres Commission does not sell land. The Commission is charged with getting as much land available to the market with the best use of Government resources. A housing display village and sales centre have been constructed in Colebee and development approval has been granted for 200 lots in Oran Park and 233 lots in Turner Road.

**GROWTH CENTRES**

On 15 October 2008, Ms Gardiner placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

65. How many times have you visited the North West Growth Sector since January 2008 and in whose company and for what purpose?

66. How many times have you visited the South West Growth Sector since January 2008 and in whose company and for what purpose?

**Answer:**

65. My diary indicates that since becoming Minister for Planning 9 weeks ago, I have not yet visited the North West Growth Sector.

66. My diary indicates that since becoming Minister for Planning 9 weeks ago, I have not yet visited the South West Growth Sector.

**NORTH WEST AND SOUTH WEST GROWTH CENTRE**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo:

67. Are you aware of concerns of councils in the North West growth sector or South West growth sector at your Government requiring all Section 94 levies to be paid to your Government? Have you met with representatives of the councils to discuss these issues and will you now reverse that situation to ensure that councils can manage their own funds?

**Answer:**

The GCC is aware of Councils' issues in respect to the Government holding Section 94 funds within the Growth Centres. These issues are the subject of ongoing discussions with the Councils and the GCC.

**PART 3A PROJECTS**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

68. How many projects are currently sitting on your desk under Part 3A of the Environmental Planning and Assessment Act?
69. What is the average time taken to approve or refuse a 3A project in the last 12 months?
70. Since your appointment as Minister how many Part 3A projects have you called in and how many have you determined? Please detail the projects.

**Answer:**

68. None
69. 82 days using the statutory timeframe.
70. There has been 1 discretionary project called in since my appointment, namely the Terranora Residential Development at Tweed Heads (a \$1Billion mixed use development).

There have been a further 39 applications that have automatically come to the Department under the Major Projects State Environmental Planning Policy, for which I, as the Minister for Planning, am the approval authority.

I have determined 7 applications, outlined below

**Part 3A**

- Hebburn No. 3 Chitter & Tailings Reclamation Project
- Sunnyside Coal Mine
- Gunlake Quarry
- Residential subdivision – George Bass Drive, Rosedale
- Freeway North Business Park, Beresfield
- Breakfast Point Development – Plantations Precinct

**Part 4**

- Mobil Terminal, Port Botany – Removal of underground tank

**PLANNING ASSESSMENT COMMISSION (PAC)**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

71. Frank Sartor appointed the current members of the PAC just prior to him being removed from the front bench. Will you maintain the current members of the PAC for their complete term?
  
72. Can you advise whether the members who were appointed to the PAC are currently being paid, notwithstanding that the PAC will not commence now till 1 November. Please advise how much each of the members of the PAC will be paid and if they are differing amounts, please advise the basis of determination of those amounts.
  
75. How will the PAC determine the fees to be paid to it for applications similar to current Part 3A applications that come to you as Minister for Planning?

**Answer:**

71. Appointed members will continue as appropriate and as provided for under powers set out in schedule 3 of the Environmental Planning and Assessment Amendment Bill 2008.
  
72. Planning Assessment Commission members were not paid prior to commencement of the Commission on 3 November. Rates of payments are yet to be determined.
  
75. The Planning Assessment Commission will not receive fees. The Department of Planning will continue to receive the fees currently prescribed under the Environmental Planning and Assessment Regulation.

**PART 3A – HEFFRON ELECTORATE**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

73. How many Part 3A projects have been called in, in your time as the Member for Heffron and how many of those projects resulted in you having personal discussions with the Minister for Planning?

74. In future if you receive a development application under Part 3A for the electorate of Heffron, how will you ensure propriety and objectivity in the processing of that application

**Answer:**

73 There have been 89 discretionary applications called in statewide during my time as Member for Heffron, by the former Minister. A further 531 applications automatically come to the Department under the Major Projects SEPP during my time as the Member for Heffron. On projects of major significance such as the Port Botany expansion and the proposed geomelt incinerator on the Orica site, I had discussions with the Minister for Planning and I made a submission during the period of public exhibition.

74 They will be referred to the Planning Assessment Commission. See answer to question 14.

**PART 3A GUIDELINES**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

76. You would be aware that the public has no idea how Part 3A is applied by you as Minister in determining whether an application should be called in, or whether it should be approved. Can you explain what each of the following guidelines establish in term of process and when each will be finalised and publicly released:

- (c) Protocol for working with Councils on matters of major infrastructure and development proposals works?
- (d) Draft guidelines for Independent Hearing and Assessment Panels under Part 3A of the Environmental Planning and Assessment Act
- (e) Integrating threatened species assessment and Aboriginal Cultural Heritage assessment into Part 3A of the Environmental Planning and Assessment Act
- (f) Draft guideline criteria for construction projects under the Major Projects SEPP
- (g) Steps in the assessment and approval of major projects under Part 3A.
- (h) Guideline – what is the level and scope of assessment for Major Projects (Preliminary Assessment)
- (i) Concept plan application process under part 3A.
- (j) Steps in the Assessment and approval of major projects under Part 3A.

**Answer:**

76. (c) The Protocol will provide enhanced stakeholder consultation guidance. It is expected that the Protocol will be finalised by mid-2009
- (d) Part 3A Independent Hearing and Assessment Panels ceased to exist effective 3 November 2008.
  - (e) Guidelines for the assessment of Threatened Species and Aboriginal Cultural Heritage is being reviewed and updated. They will be gazetted and made available by mid-2009.
  - (f) This guideline is currently available on the Department of Planning website and is in final form. The guideline sets down threshold criteria for constructions related projects. It provides up-front certainty for proponents

(g) – (j)

I am advised that all these guidelines were draft documents only, but were available to broad range of interested stakeholders including community groups. These guidelines are currently being reviewed by the Department and will be rolled into a set of broad Part 3A guidelines. It is expected that the guidelines will be finalised and publicly released by mid-2009.



**METROPOLITAN PLANNING**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

77. The Metropolitan Strategy was due to be reviewed in 2010 – do you envisage it will now have to be reviewed at an earlier date? If so, why? If not, why not?

**Answer:**

Action G5.6 of the Metropolitan Strategy requires that a review of its aims and actions be undertaken every five years to coincide with the census cycle. The review is required to address contextual issues such as population change, household change, migration trends and travel trends.

This five-yearly review is about to commence using the most recent data from the 2006 Census and the recently released NSW Population and Household Projections, with the intention that an updated version of the Strategy will be available by the end of 2010.

**EMPLOYMENT LANDS**

On 15 October 2008, Ms Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

78. In 2007 as part of the Employment Lands Action Plan, \$1million was allocated to the Employment Lands Development Program. Have these monies been spent? If so, please detail where. If not, why not?

**Answer:**

A sum of \$1 million was approved, subsequently spent, as the "Employment Lands Initiative" in the 2006-07 financial year to support the staffing of the "Employment Lands Development Program".

The new Metropolitan Strategy for Sydney "City of Cities" released at the end of 2005 included an action to extend the Metropolitan Development Program (MDP) to include employment lands. This was to provide a mechanism to monitor demand and supply of employment lands and allow easier identification of medium-term to long-term requirements for additional land and identify how this demand can be met.

This initiative became the establishment of the Employment Lands Development Program which has been an ongoing process of development and enhancement of platforms, data bases and analytical capabilities. In 2006-07 this included supporting the Employment Lands Task Force, compilation of data on total land stocks and additions and losses published in the Employment Lands Action Plan in March 2007, and subsequent analysis of the strategic significance of existing employment lands.

**INFILL HOUSING**

On 15 October 2008, Ms Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**Question No. 79:** Ms Gardiner asked the Minister for Planning and Minister for Redfern Waterloo

What is being done to address the barriers to accelerate infill housing development given 60-70% of new housing in Sydney to 2031 will be in infill areas?

**Answer:**

The Government of New South Wales is addressing this issue on a number of fronts. In terms of strategic land use planning, the Department of Planning is working with local government to set housing targets in each local government area and to ensure local planning controls will supply sufficient zoned land to meet those targets.

The Government is also determined to support appropriate infill housing development and I have recently announced a reorganisation of the State's planning agencies to achieve real improvements in the delivery time of rezonings and major development proposals providing for land release or urban renewal.

Part of this restructure will include the appointment of dedicated project managers to speed up the processing of development applications for major projects, including major and State Significant urban renewal or infill housing projects.

**SUBREGIONAL STRATEGIES**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

80. When will you release the final versions of the following subregional strategies Inner North / East / Sydney City / Inner West / North East / West Central / South West / East / South / North / North West?
81. How many submissions have you received on the following subregional strategies: Inner North / East / Sydney City / Inner West / North East / West Central / South West / East / South / North / North West?
82. Have you or will you make any of the submissions on the subregional strategies public? If so, when? If not, why not?
83. Was the release of any of these subregional strategies advertised in the local areas they are concerned with? Please list where they were advertised and when they were advertised.
84. How much did the Department of Planning spend on advertising the subregional strategies from the time they were released to today?
85. When do you envisage you will release the final plans for West Dapto?

**Answer:**

80. Submissions received during public exhibition of the draft subregional strategies are currently being assessed with a view to releasing final strategies in 2009.
81. The total number of submissions received for each of the draft subregional strategies is as follows:
- |              |    |
|--------------|----|
| East         | 52 |
| Inner North  | 44 |
| Inner West   | 38 |
| North        | 28 |
| North West   | 81 |
| North East   | 51 |
| South        | 35 |
| South West   | 32 |
| Sydney City  | 23 |
| West Central | 29 |

82. It is not intended to make copies of individual submissions public, however a Submissions Report analysing the origin and nature of comments received and identifying the main themes of submissions is currently being finalised. Once this is complete I will also consider its public release.

83. All were advertised in local papers and major newspapers as follows:

| <b>Subregional Strategy</b> | <b>When advertised (within date range)</b> | <b>Newspaper</b>   |
|-----------------------------|--|--|
| east                        | 11th-27th July 2007                        | Eastern Suburb Spectator, Wentworth Courier, Southern courier, Sydney Morning Herald & Daily Telegraph Public Notices  |
| inner north                 | 11th-19th July 2007                        | The Weekly Times, The Nth Shore times, Mosman Daily, Sydney Observer, Nth Side Courier, Nthrn District Times, Sydney Morning Herald & Daily Telegraph Public Notices               |
| north east                  | 11th-25th July 2007                        | Northern Beaches Weekender, Sydney Morning Herald & Daily Telegraph Public Notices   |
| north                       | 30 <sup>th</sup> October-6th November 2007 | North Side Courier, Northern District Times, Hornsby Advocate, North shore Times, Hill Shire Times, Sydney Morning Herald & Daily Telegraph Public Notices                         |
| south west                  | 22-23 January 2008                         | Campbelltown MaCarthur & Camden Advertiser, The Liverpool City Champion, Liverpool Leader, Macarthur Chronicle, South Western Rural Advertiser, Wollondilly Advertiser             |
| south                       | 22-29th January 2008                       | Canterbury Bankstown Express, Canterbury Bankstown Torch, Cooks River Valley Times, The Glebe, Inner Western Courier, St George & Sutherland Shire Leader                          |
| west central                | 22-24th January 2008                       | Auburn Review Pictorial, Canterbury Bankstown Express, Canterbury Bankstown Torch, Fairfield Advance, Fairfield Champion, Inner West Weekly, Parramatta Advertiser, Parramatta Sun |

|             |  |  |
|-------------|--|--|
| north west  | 22 -25th January<br>2008                 | Blacktown Advocate, Blacktown City Guardian,<br>Blacktown City Sun, Blue Mountains Gazette,<br>Hawkesbury Courier, Hawkesbury Gazette,<br>Hills News , Hills Shire Times, Mt Druitt Standard,<br>Parramatta Sun, Penrith Press, Rouse Hill Times,<br>Western Weekender |
| inner west  | 7th -10th July 2008 &<br>1st August 2008 | The Glebe, The Inner West Weekly, The Inner West<br>Courier, La Fiamma, Balmain & Rozelle Village Voice  |
| Sydney city | 8th-10th July 2008                       | Central City Weekly, The Glebe, Inner Western<br>Courier, Wentworth Courier  |

84. \$54,297 has been spent on advertising the draft Subregional Strategies to-date.
85. Wollongong City Council's Administrators requested that the Growth Centres Commission be involved to assist in addressing a number of issues including access, flooding, biodiversity, phasing of development and the provision of major infrastructure. The review is expected is expected to be provided soon. Once the review is completed the draft local environmental plan to rezone the area, including the draft local infrastructure contributions plan and the State's Special Infrastructure Contributions Plan, can progress to finalisation. Public exhibition may be required for any new or changed components of the plans for West Dapto.

**LAND RELEASE AND HOUSING DEMAND**

On 15 October 2008, Ms Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**Question No. 86, 87 & 88:** Ms Gardiner asked the Minister for Planning and Minister for Redfern Waterloo

86. As a BIS Shrapnel report said fewer than 3,000 residential lots have been released every year in Sydney since 2004, down from a peak of nearly 9,000 lots eight years ago, will you now admit Sydney has a housing crisis?
87. As the Housing Industry Association (HIA) recently reported that the number of new homes being built has dropped 37% since 2002/03 will you now admit Sydney has a housing crisis?
88. Can you advise what conditions specific to NSW in your view are slowing down the housing market? Why is our housing industry dead on arrival when other states seem to be doing OK considering the current world economic crisis?

**Answer:**

86. No. The figures quoted are for greenfield locations only and therefore do not reflect housing activity in established areas of Sydney.

The housing market has historically experienced cycles of peaks and troughs. While the share of housing supply provided from greenfields areas has declined in Sydney the level of production has continued at high levels in established areas.

There is a healthy stock of greenfields land ready for developers to subdivide and build on as the market improves.

87. No. The recent decline in housing starts has been amplified as it follows the higher than normal production levels in the period 1998 to 2002 during the boom generated by the Olympics and pre-empting the application of the GST.

While current total dwelling production levels in Sydney are at a low point in the cycle, the average production over the last five years is close to the historic long term 25 year average.

88. The macro-economic conditions have hit NSW harder than other states and there are demographic differences for example:
- a. there has been a slower rate of population increase compared to other states;
  - b. most people who move to new greenfields release areas come from nearby areas and these people, living on Sydney's west, have suffered most from interest rate rises as they have lower average weekly household income than elsewhere in Sydney;

- c.** the dwelling preferences of people living in NSW differ greatly from the overall Australian preference with a higher percentage of people live in medium and high density dwellings than in other states; and
- d.** in greenfield locations, some developers are slowing production or postponing projects due to slow sales and/or difficulty accessing funds due to the global credit crisis.

The above factors are largely outside the control of State Government.



**BARANGAROO**

On 15 October 2008, Ms Gardiner placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

89. In relation to funding of parkland at Barangaroo, in the SMH 1.10.08 "Waiting...Sydney's 1836-style park" you said, "If the mini budget makes a change to the mechanics of the funding then we will look at that." Then in the ABC News Online 1.10.08 you said, "The funding for the park is not subject to the mini budget." Will the funding of parkland be affected by the mini budget or not?

**Answer:**

89. Barangaroo is cost neutral to Government.

The funding for the headland park is derived from the commercial development at the southern end of the precinct, and is not subject to the mini-budget.

The decision to 'forward fund' the park – that is, a Treasury advance of the funds prior to the commercial development at the southern end of the precinct that is repaid with interest when the development occurs – is subject to the mini-budget.

**CALLAN PARK**

On 15 October, 2008, Ms Gardiner MLC placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

Q90. What assessments have been done of the total expenditure required to optimally provide ferry wharf access and improved train access to the Barangaroo site? How will you ensure that public transport is addressed and provided before an additional 20,000-25,000 workers try to find their way to and from the Barangaroo site? Does your Government have a plan?

Q91. In your capacity as the Planning Minister do you have a view on whether it is preferable to have a ferry wharf for the extra 20,000-25,000 workers, or a passenger terminal for international cruise boats?

**Answer:**

The Government is still considering transport options as part of the planning process for Barangaroo.

**BARANGAROO**

On 15 October 2008, Ms Gardiner placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

92. How many briefings have you had in relation to Barangaroo since you became Minister for Planning and please specify with whom those briefings were undertaken.

93. How many times have you met with Todd Murphy? Please provide the dates of any meetings.

**Answer:**

92. Following my appointment as Minister for Planning on 8 September 2008, I was formally briefed by the Chairman of the Board of the Sydney Harbour Foreshore Authority, Mr Mike Collins, and the CEO, Mr Robert Domm on the Barangaroo project. I also had discussions with the Office of the Coordinator General and Treasury regarding the project.

I meet regularly with Mr Collins, Mr Domm and other staff at SHFA who are working on Barangaroo.

On 7 November 2008 I announced that the Government would create a single focus agency for the project, the Barangaroo Delivery Authority. I also announced that Mr Collins would play a significant role on the Board of the new Authority.

93. I have had no meetings with Mr Murphy directly, but he has attended several meetings I have had with Mr Domm and Mr Collins regarding Barangaroo.

**JOINT REGIONAL PLANNING PANEL**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

94. What will each planning arbitrator placed in a council to determine planning decisions be paid and how will their pay be calculated and from whom will the pay be received? Will these figures be made public and if so, when?
95. What will each member of a Joint Regional Planning Panel (JRPP) be paid and how will their pay be calculated and from whom will the pay be received? Will these figures be made public and if so, when?
96. Is there a list of qualifications that must be met before a person qualifies as a planning arbitrator, member of an Independent Hearing and Assessment Panel (IHAP) or a JRPP? If so, what are they and if not, why not?
97. Given that the role of the IHAPs, JRPPs and PAC are to judge planning applications on their merit, what role do you see is left for the Commissioners of the Land and Environment Court?

**Answer:**

94. Standard rates for planning Arbitrators are yet to be determined. Payment will be received from local councils. Once determined, standard rates of payment will be made public.
95. Standard rates for planning JRPP members are yet to be determined. Payment will be received from State Panel Secretariat. Once determined, standard rates will be made public.
96. These matters are set out at the following sections of the Environmental Planning and Assessment Bill and will become effective upon commencement:
- Planning Arbitrators – section 23(K)
  - Independent Hearing & Assessment Panel Members – section 23(I)
  - Joint Regional Planning Panel Members – schedule 4, clause 2
97. Commissioners will continue to hear merit appeals, as they do now.

**V8 SUPERCARS**

On 15 October 2008, Ms Gardiner placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

98. Who undertook the assessment of what benefits would flow to the State from the V8 race being run at Homebush? Can you specify how taxpayers will get a net benefit for a project that's going to require a \$30 million injection of taxpayer's funds?

99. What analysis was done to establish what the net benefit would be if the race were run at Eastern Creek rather than Homebush Bay?

**Answer:**

98. I am advised it was evaluated by the Department of State and Regional Development using widely accepted input-output model methodology. DSRD advises that benefits include:

- \$100-110 million over five years based on expenditure by the proponent and by visitors who come to the State;
- 30,000 hotel visitor nights in Sydney each year;
- an additional \$1.1 million from payroll taxes over the five year period;
- 110 new full time jobs;
- track overlay sourced from businesses in and around Western Sydney (unless not possible or the cost is uncompetitive);
- expect to attract over \$20 million in media exposure each year.

99. I am advised that at no time did V8 Supercars propose to hold a street race at Eastern Creek.

**MINISTERIAL MEETINGS WITH DEPARTMENT OF PLANNING STAFF**

On 15 October 2008, Ms Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

100. Please provide the dates and issues you discussed during any meetings you have undertaken with the Director General Sam Haddad, since your appointment as Minister. Did the Director General specify any concerns about the implementation of the new panels system and if so, what were his concerns?
102. How many times have you met with Norma Shankie-Williams since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
103. How many times have you met with Chris Wilson since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
104. How many times have you met with Chris Johnson since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
105. How many times have you met with Richard Pearson since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
106. How many times have you met with Jason Perica since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
107. How many times have you met with Damian Furlong since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.

**Answer:**

100 & 102-107

I met with the Director General and all of his Executive Directors soon after becoming the Minister for Planning. These meetings provided me with briefings on key initiatives being undertaken, and various matters being considered by the Department of Planning. These initial meetings included a briefing on the NSW Government's Planning Reforms package, including the 'panels system'. No specific concerns were raised by the Director General. His advice related to operational issues to ensure efficiency and transparency.

I meet with the Director General on a weekly basis to discuss a range of issues. I also meet with the Director General and other members of the Planning Executive on an as needs basis as matters arise.

**GROWTH CENTRES**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo:

101. How many times have you met with the Chief Executive Officer of the Growth Centres Commission, Angus Dawson since your appointment as Minister for Planning? Please provide dates, issues you discussed and names of whom else was in attendance.

**Answer:**

The Minister and the Chief Executive Officer (CEO) of the Growth Centres Commission met on Tuesday 9 September 2008 for the CEO to brief the Minister on the Growth Centres Commission. Also in attendance were Mr Tony Pooley and Mr Darryl Watkins from the Minister's office. The CEO attended a number of meetings with the Minister at the Western Sydney Cabinet meeting held on Tuesday 7<sup>th</sup> October 2008.

**MEETINGS AND BRIEFINGS**

On 15 October 2008, Ms Gardiner placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

108. Were you briefed on the Planning portfolio by former Minister Frank Sartor? Please provide dates of the meetings and a list of the issues you discussed.

109. How many times have you met with Robert Domm since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.

110. How many times have you met with Michael Collins since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.

111. How many times have you met with Treasury officials to discuss the Planning portfolio? Please provide dates of the meetings and a list of the issues you discussed.

112. How many briefings have you had on Callan Park? Please provide dates, issues you discussed and names of who was in attendance.

113. Have you met with the Friends of Callan Park? If so, provide dates. If not, why not? Can you advise what your attitude is to the demands of the Friends of Callan Park in relation to public ownership and use of Callan Park?

114. Were you aware prior to the Premier's announcement on 9 October that he intended to change your Government's previous policy in relation to Callan Park and announce he will keep Callan Park in public hands?

**Answer:**

108. Yes, on 24 September. We discussed the implementation of the planning reforms and various issues in the planning portfolio.

109. My diary indicates that since becoming Minister for Planning 9 weeks ago, I have had at least five meetings with Mr Domm. Issues discussed at these meetings include Barangaroo, the Bays Precinct, Callan Park, the Rocks Markets, and the budget for the Sydney Harbour Foreshore Authority.

110. My diary indicates that since becoming Minister for Planning 9 weeks ago I have had at least six meetings with Mr Collins. Issues discussed at these meetings include Barangaroo, the Bays Precinct, Callan Park, the Rocks Markets, and the budget for the Sydney Harbour Foreshore Authority.

111. My diary indicates that since becoming Minister for Planning 9 weeks ago I have had at least three meetings with Treasury officials. Issues discussed at



these meetings include Barangaroo, infrastructure charges and levies, and the budgets for all areas under my administration.

112. My diary indicates that since becoming Minister for Planning 9 weeks ago I have had one briefing on Callan Park from Mr Mike Collins, the Chair of the Board of the Sydney Harbour Foreshore Authority, and senior staff from SHFA, on 25 September 2008. The Member for Balmain also attended this briefing. I have also had a number of meetings to discuss Callan Park with Mr Collins, as well as with other SHFA staff, the Member for Balmain, the Mayor and Deputy Mayor of the City of Leichhardt, Professor Richmond Jeremy and Mr John Barrett from the University of Sydney, and Ms Lee Rhiannon MLC and Ms Sylvia Hale MLC.
  
113. No I have not met with the Friends of Callan Park. However, I understand that the Friends of Callan Park have welcomed my announcement on 22 October 2008 that the Government would offer a 99 year lease of 40 ha of space at Callan Park to Leichhardt Council for care, control and management.
  
114. The Premier's statement on 9 October was consistent with Government policy at the time: 90% of Callan Park would remain public open space under the Government's proposed Land Use Plan. On 22 October 2008 I announced that the Government would not proceed with the Land Use Plan and would offer a 99 year lease of 40 ha of space at Callan Park to Leichhardt Council for care, control and management.

**HILL TOP**

On 15 October 2008, Ms Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

115. How many briefings have you had on the Southern Highlands Regional Shooting Complex? Please provide dates of the meetings and a list of the issues you have discussed.

116. Have you met with the Hill Top Residents Action Group? If so, provide dates. If not, why not? Can you advise what your view is in regard to the Hill Top Residents Action Group proposals?

**Answer:**

115. I have had one (1) briefing from the Department of Planning that was specifically on the Southern Highlands Regional Shooting Complex. The briefing was undertaken by the Director General and the relevant Executive Director from the Department of Planning who advised me on the outcomes of the assessment and the recommendations.

116. My diary indicates that since becoming Minister for Planning 9 weeks ago, I have met once with the representatives of the Friends of Hill Top.

I have not yet made a determination on this matter.

**STAFFING MATTER**

On 15 October 2008, Ms Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

117. How do you justify spending \$116,000 on a Manager of Ministerial Liaison when your Government has given NSW a \$42 billion debt?

**Answer:**

The Manager, Ministerial Liaison is a Department of Planning position. The Department advises me that the position's salary is \$91,589 - \$105,923 per annum. The amount quoted in the question is the remuneration package for the position (maximum salary plus leave loading and employer's contribution to superannuation).

As long as we have a democratic system in the form of Government and the Parliament, the subject position is required to meet parliamentary requirements such as the timely coordination of section 52 Call for Papers, the provision of clear and thorough Departmental advice for the recent budget estimates hearings and timely and accurate responses to supplementary questions to service Members such as yourself, Ms Hale and Ms Cusak.

**PARRAMATTA MOTORCROSS**

On 15 October 2008, Ms Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

118. How many briefings did you have on the Parramatta Motorcross event before approving it?

**Answer:**

I received a detailed briefing note and analysis of the proposal from the Department of Planning, together with a recommendation, in accordance with the Environmental Planning and Assessment Act, 1979.

**WIND FARMS**

On 15 October 2008, Miss Gardiner placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

119. Given there is a 20% renewable energy target to be met by 2020, how many wind farms have been approved since January 2007? How many wind farms are currently at your Department awaiting approval? What is the reason for the delay of approving wind farms?

**Answer:**

The following three wind farms have been approved since 1 January 2007:

1. Cullerin wind farm (30 MW) on 21 February 2007;
2. Conroys Gap wind farm (30 MW) on 31 May 2007; and
3. Black Springs wind farm (18.9 MW) on 10 July 2008.

The Department of Planning currently has applications for a further eight wind farms:

1. Gullen Range wind farm (278 MW) – the proposal was on public exhibition from 4 August 2008 to 5 September 2008. The proponent is currently preparing a Submissions Report;
2. Silvertown wind farm (1,794 MW) – on public exhibition from 1 October 2008 until 3 November 2008;
3. Glen Innes wind farm (66 MW) – on public exhibition from 5 November 2008 until 17 December 2008;
4. Crudine Ridge wind farm (120 MW) – proponent is currently preparing an Environmental Assessment;
5. Boco Rock wind farm (146 MW) – proponent is currently preparing an Environmental Assessment;
6. Kyoto wind farm (120 MW) – proponent is currently preparing an Environmental Assessment;
7. Table Top wind farm (390 MW) – proponent is currently preparing an Environmental Assessment; and
8. Ben Lomond wind farm (210 MW) – proponent is currently preparing an Environmental Assessment.

There has been no delay in assessing and approving appropriate wind farm developments. All current wind farm applications are either on public exhibition for comment or are awaiting documentation from the proponent required to comply with the requirements of the *Environmental Planning and Assessment Act 1979*.

**MEETINGS AND BRIEFINGS**

On 15 October 2008, Ms Gardiner placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

120. How many meetings have you had with the Minister for Infrastructure, Joe Tripodi? Please provide dates of the meetings and a list of the issues you discussed.

121. Given that one of your spokesperson's was reported as saying "The minister's door is open to any member of Parliament who wants to talk about planning issues in their community," how many Members of the Lower House have you met with? How many members of the Upper House have you met with? List names of those whom you have met with, the dates you met with them and the issues you discussed.

**Answer:**

120. My diary indicates that since becoming Minister for Planning 9 weeks ago I have had at least four meetings with the Minister for Infrastructure and Finance and Ports and Waterways. Issues discussed include the passenger cruise terminal at Barangaroo, infrastructure charges and levies, and coordination between Hunter Development Corporation and the Newcastle Ports Corporation at the Mayfield site.

121. My diary indicates that since becoming the Minister for Planning 9 weeks ago, I have met with the following members of Parliament:

- a. Mr Barry O'Farrell MP and Mr Jonathon O'Dea MP and a delegation from Ku-ring-gai Council area - to discuss the Planning Panel, the Metropolitan Strategy and heritage.
- b. Mr Jonathon O'Dea MP – in his electorate, for a guided tour of Ku-ring-gai Council area to examine the proposed zonings for the new LEP.
- c. Ms Clover Moore MP – to meet with Prof Jan Gehl and discuss work he has done for the City of Sydney
- d. Ms Lee Rhiannon MLC and Ms Sylvia Hale MLC – to discuss Callan Park and various issues within the Planning portfolio
- e. Ms Marie Andrews MP and a delegation from her electorate – to discuss the proposed sand mine at Somersby
- f. Mr Roy Smith MLC and Mr Robert Brown MLC – to discuss the proposed shooting range at Hill Top
- g. Mr David Harris MP – to discuss the Warnervale Town Centre, the Wyong Employment Zone and the Wallarah 2 proposal
- h. The Hon Verity Firth MP – to discuss Callan Park, and with a delegation from her electorate, to discuss the Bays Precinct
- i. The Hon Kerry Hickey MP – with a delegation from his electorate, to discuss a rezoning matter
- j. The Hon Frank Sartor MP – to discuss matters in the planning portfolio

- k. Mr Steve Whan MP – to discuss land release in Queanbeyan
- l. Mr Andrew Stoner MP – to discuss a local proposal in his electorate.
- m. Ms Jodi McKay MP- to discuss the Hunter Development Corporation.

I also had a meeting scheduled with Ms Pru Goward MP regarding wind farms, but unfortunately that has had to be rescheduled to 12 November 2008.

**e-News**

On 15 October 2008, Miss Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

122. Why hasn't an eNews @Planning newsletter been released since July 30?

**Answer:**

The Department has issued two Eflashes since July 2008 on the donations disclosure law.

The Department also issues a regular longer Enews bulletin which includes a range of updates and links to new publications/documents. These are published on our website.

The Department published an Enews on October 27, 2008, which can now be seen on the Department's website.



**DEPARTMENT OF PLANNING EXPENDITURE ON LEGAL ACTION**

On 15 October 2008, the Hon Ms Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

**Question No. 123:** Ms Gardiner to the Minister for Planning and Minister for Redfern Waterloo

123. Can you explain why in the Department of Planning's 2006-07 Annual Report the amount spent on legal action jumped by 625% in one year? (From \$142,880 in 2005-06 to \$893,000 in 2006-07) What was the Department of Planning's expenditure on legal action in 2007-08?

**Answer:**

I am advised by the Department of Planning as follows:

The Department of Planning was established on 29 August 2005. The Department's Annual Report for the 2005-2006 therefore ran from that date until 30 June 2006. Accordingly, the reported amount spent on legal action for 2005-06 did not cover a 12 month period.

I am further advised that expenditure on legal action fluctuates in accordance with the level of legal action to which the agency is exposed.

Department of Planning expenditure for legal action for the 2007-2008 financial year was \$921,269.

**HERITAGE OFFICE**

On 15 October 2008, Miss Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

124. As you also have the role of overseeing heritage in NSW are you satisfied with the partial merger of the NSW Heritage Office with the Department of Planning? How will you corral decision making around heritage issues away from planning issues when the Heritage Office now sits within the Department of Planning?

**Answer:**

The benefit of including the former Heritage Office, now the Heritage Branch into the Department of Planning is that heritage issues now are better able to be integrated into planning decisions at an earlier stage.

I am continuing to receive expert heritage advice when I require it, and will make decisions balancing heritage considerations and broader planning issues.

The changes to the Heritage Branch have in no way impacted on the Heritage Council of NSW. This independent body of experts continues to provide me with advice about heritage matters such as nominations for the State Heritage Register.

**MEETINGS AND BRIEFINGS**

On 15 October 2008, Ms Gardiner placed the following questions on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

125. How many times have you met with representatives of the Local Government Shires Association (LGSA)? Please provide dates, issues you discussed and names of whom else was in attendance.

**Answer:**

My diary indicates that since becoming Minister for Planning 9 weeks ago, I have had at least three meetings with representatives of the Local Government Shires Association. Issues discussed at these meetings include an initial introductory meeting, schools infrastructure, the Planning Assessment Commission and the Joint Regional Planning Panels.