

1. Phone calls to and from Graham Richardson

The Hon. DON HARWIN: Mr Haddad, have you ever had any telephone calls from or have you rung Mr Graham Richardson?

Mr HADDAD: I had telephone calls from Graham Richardson, yes. I can't recall whether I rang him, but I had telephone calls from him to my office seeking appointments and the like.

The Hon. DON HARWIN: And how many?

Mr HADDAD: I'll have to take this on notice to give you an accurate figure, but he would be ringing my office to seek appointments and, you know, I haven't got the figure with me right now.

The Hon. DON HARWIN: I do understand.

Mr HADDAD: Yes.

The Hon. DON HARWIN: Can you then give me an indication of approximately when? Have those telephone calls been in the last six months—

Mr HADDAD: Yes, they would—I can. I think probably they will not be—as I said, I will not talk to him directly when he will ring on the phone, but he will be ringing my office seeking appointments. That's the majority of cases. So there will be very, very few occasions where I will be talking to him on the phone directly.

The Hon. DON HARWIN: So, in the last six months, how often?

Mr HADDAD: Maybe a couple of times, I'll say, or once.

The Hon. DON HARWIN: Three?

Mr HADDAD: No.

The Hon. DON HARWIN: Five?

Mr HADDAD: No, less than that, I'll say, myself on the phone.

The Hon. DON HARWIN: Okay. So maybe only once or twice that he's rung in the last six months.

Mr HADDAD: Yes. And it will be basically—the nature of the calls will be inquiring about the status of a matter, or mostly seeking an appointment.

The Hon. DON HARWIN: Okay. And in the previous six months?

Mr HADDAD: I'll really have to take this to just be able to give you an accurate thing. It's not something that's in my mind they're very often occasion.

The Hon. DON HARWIN: So, would you be able then, on notice, Mr Haddad—

Mr HADDAD: Yes, with pleasure.

The Hon. DON HARWIN: —to provide us with a list of how many—

Mr HADDAD: Yes, with pleasure.

The Hon. DON HARWIN: —phone calls to you.

Mr HADDAD: Yes.

The Hon. DON HARWIN: And how many you've made—

Mr HADDAD: Sure.

The Hon. DON HARWIN: —to Mr Richardson?

Mr HADDAD: With pleasure.

Answer:

Q. Mr Haddad have you ever had any telephone calls from or have you rung Mr Graham Richardson.

A. Yes, as per the answer to the following Question, in Mr Richardson's capacity as a registered (as applicable) lobbyist. The Director General received phone calls from and rang many other stakeholders including proponents, community representatives and others as part of his functions as a Director General of the Department of Planning.

Q. How many?

A. Mr Richardson rang the Director General's Office on several occasions between 2008 and 2009 at a rate of one call per two months on average. The main purpose of the calls was to seek an appointment for a meeting. The Director General did not take the calls himself.

As indicated in responses that have been provided to the Committee on previous occasions, four meetings were held in 2009 and one meeting in 2008, two meetings were held in 2007 – that is seven meetings over a period of three years. The purpose of the meetings is tabulated separately (refer Attachment 1). On many (most) occasions the time set for meetings had to be re-arranged once or twice due to higher priorities.

The Director General returned/took phone calls from Mr Richardson once in 2009 and twice in 2008. Topics raised related to the status of projects of interest to Mr Richardson (indicated separately to the Committee at Attachment 1).

MEETINGS WITH MR GRAHAM RICHARDSON

The Hon. DON HARWIN: We have spoken about the most recent occasion on which you met with Mr Richardson, but you thought there was prior to that another three or so. Can you remember, in relation to those three previous meetings, who Mr Richardson was acting on behalf of or engaged by?

Mr HADDAD: Mr Richardson acts on behalf of clients that are registered on the lobbyist register. Irrespective of his acting on behalf of those clients, I can inform the Committee that the outcome of any matters that come before me, or the department for that matter, is not affected whatsoever. So, in terms of the issues that were raised with me, I am more than happy to provide the Committee with a written answer on notice, if you like, but there were a couple of issues associated with a number of projects—

The Hon. DON HARWIN: Sorry to interrupt: can you remember the projects?

Mr HADDAD: I remember, for example, one which was the one that did not proceed—Macarthur South.

The Hon. DON HARWIN: He came to see you about that?

Mr HADDAD: That is correct. That is an area that basically had been considered for a potential major release. At one of the meetings Mr Richardson was essentially inquiring as to the status of progressing with the issues, whether there were any outstanding issues associated with it and when he could anticipate an answer to that. As a matter of fact, the outcome was that the Government decided not to release Macarthur South for the next 25 years. That is an example of what he raised with me.

The Hon. DON HARWIN: You remember an example out of those three where something has not gone ahead. I wonder whether you can remember an example of something that has gone ahead?

Mr HADDAD: To be honest, that is why I prefer to give you an accurate account, if you like, of the four or five matters I have been involved with. One matter that has not been completed yet is still in the process of investigations. I have to come back to the Committee if you like.

The Hon. DON HARWIN: What is that matter?

Answer:

Macarthur South – Walker Corporation
Former CSIRO site – Medich Property Group
Lowes Creek – Medich Property Group
East Leppington – Walker Corporation
Maldon Estate – Walker Corporation
Sanctuary Villages – Hardie Holdings
Sanctuary Cove – Walker Corporation
National Ceramics - National Ceramics Plant - National Ceramics

For details Refer *Attachment 1*.

2. Phone calls to and from Eddie Obeid

The Hon. DON HARWIN: Thank you very much. Now, I'd just like to go to the same matter in terms of Mr Eddie Obeid first of all.

Mr HADDAD: Yes.

The Hon. DON HARWIN: Just to be reasonable about it, in the last six months, how many telephone calls would you—

Mr HADDAD: I'll be able to give you this—

The Hon. DON HARWIN: —have had from Mr Obeid and made to Mr Obeid?

Mr HADDAD: Yes. I have not made—I can't remember me making telephone calls to Mr Obeid, but I will be able to give you that as well, noting again that I get phone calls from many other members of Parliament on both sides.

Answer:

I believe that over the last six months, I have had one or two conversations with Mr Obeid, returning his calls. During the same period, I have spoken to several Members of Parliament from different parts of NSW approximately more than ten times.

None of those Members of Parliament, including Mr Obeid, raised with me any aspect of the Badgerys Creek site nor the Western Sydney Employment Lands generally.

Matters raised with me reflect issues of concern to respective constituencies and broad planning and development matters.

As Director General, I receive many representations from Members of Parliament. I consider discussing matters of broad policy and strategy with Members of Parliament a necessary part of the role as Director General. Each representation however, is dealt with on its merits.

3. Part 3A and lobbyists

Ms SYLVIA HALE: Thank you. Mr Haddad and Minister, I have a series of questions here the answers to which you will probably have to take on notice, but I will go through them. How many times in the last 12 months have you, Mr Haddad, met with proponents of part 3A projects or lobbyists representing those proponents? If so, who were those lobbyists? How many of those meetings

involved discussions with the proponent or lobbyist about what would or would not be in the director general's requirements for assessment of a project? How many times in the last 12 months have you met with individuals or groups opposing particular part 3A projects? And how many of those meetings involved discussions with opponents about what would or should be in the director general's requirements for the assessment of the project? I can understand—

Mr HADDAD: I am more than happy to take them on notice.

Ms SYLVIA HALE: I am delighted to hear it, but I would just like you to give me some sort of indication of the number of occasions you have met proponents of major part 3A projects and opponents of those projects.

Ms KRISTINA KENEALLY: I am more than delighted to do that, Ms Hale.

CHAIR: So, Minister, you are taking that on notice?

Ms KRISTINA KENEALLY: Absolutely, Madam Chair.

Answer:

Q. How many times in the last 12 months have you, Mr Haddad, met with proponents of Part 3A projects or lobbyists representing those proponents?

A. As at 16 September 2009, there were 512 Projects to which Part 3A applies that were at various stages of the assessment process. Approximately 55 meetings were held during this one year period. This includes four meetings held with lobbyists for Part 3A projects.

Q. If so, who were those lobbyists?

A. Lobbyists involved were:

Margaret Fisher & Associates
Government Relations Australia Advisory P/L
TITFA Consultancy P/L
Herbert Greer.

Q. How many of those meetings involved discussions with the proponent or lobbyist about what would or would not be in the Director General's requirements for assessment of a project?

A. At no time were Director General Requirements discussed by the Director General with proponents or lobbyists. In most cases, Director General Requirements are prepared under delegation by the relevant Executive Director.

Q. How many times in the last 12 months have you met with individuals or groups opposing particular Part 3A projects?

A. To the best of the Department's information, the Director General met with individuals or groups opposing particular Part 3A projects 32 times. During the 12 month period to 16 September 2009.

Q. How many of those meetings involved discussions with opponents about what would or should be in the Director General's requirements for the assessment of the project?

A. Nil.

The Director General receives many submissions from community groups and individuals, and from local councils raising issues of concern with development proposals at an early stage in the planning process.

It is established practice that in all cases where applicable, those issues are incorporated in the Director General Requirements to ensure all relevant matters are duly considered in the environmental assessment of a proposal.

4. Phone calls and meetings

The Hon. HENRY TSANG: Mr Haddad, I understand as part of your job you are obligated to meet with community groups that may oppose developments, investors, developers, proponents of developments and lobbyists. Taking this question on notice, would you provide the Committee with a list of telephone calls you have received and returned and subsequent meetings you have had in relation to investors and lobbyists associated with the Liberal-Nationals parties or the Greens?

Mr HADDAD: Yes.

Answer:

As Director General, I meet with, and receive representations from a variety of stakeholders including community and environmental groups and individual development proponents and associations. This is an essential part of understanding issues of planning, development, and community concerns. It is not appropriate nor is it practice for myself, nor the Department to relate proponents and/or lobbyists to any particular political affiliation.

As an indication, over the past five months, I have had: ten meetings with industry/stakeholder groups, two with peak environmental organisations, 39 with local government organisations/local councils all with multi-affiliations politically – a factor not taken into account in merit assessment considerations.

5. Precinct Acceleration Protocol

The Hon. DON HARWIN: In the published guidelines for the probity action plan for the Precinct Acceleration Protocol it states, "A database of all contact with potential proponents should be maintained by the secretariat". Have you seen this database, and can you tell the Committee where this database is published, if at all?

Mr REYNOLDS: The Precinct Acceleration Protocol, when it was introduced by the Government in mid-2006, involved a separation of powers between the then Growth Centres Commission and the department. The initial call for precinct acceleration proposals was run by the department through a group called the Precinct Acceleration Control Group, which was composed of representatives from the department, the Treasury and the coordinator general. That group had its own probity process to follow, and we can make those details available.

Once the call went out for requests for proposals, they came in and they were considered initially by Cabinet through that process. If they succeeded in going through stage one, they were then referred to the then Growth Centres Commission to finalise the requirements of infrastructure for the precinct acceleration proponents to consider, and in each case that I am aware of that has gone through a separate probity process as well. We can provide those details if you wish.

The Hon. DON HARWIN: Yes, if you could provide that on notice?

Answer:

The Precinct Acceleration Protocol Contacts Database is being maintained by the Department of Planning. The database has not been published.

Details of the separate probity process are attached.

7. Records of meetings and storage of records

The Hon. DON HARWIN: Mr Haddad, I want to ask you a question about some of the practices that you followed then in terms of the way these meetings are conducted. Do you record a detailed note of a meeting that is held with each lobbyist or each developer who comes to see you?

Mr HADDAD: Yes. Generally a note is recorded. With regard to briefings that are received from officers of the department, those briefings are either endorsed by me as being the record of the meeting or not endorsed, and I put

comments on the briefing notes as to the outcome of the discussions. The discussions are held with other relevant officers of the department present.

The Hon. DON HARWIN: In what form are they retained? Are they retained on the file for the development or is there a different system? Are they filed separately?

Mr HADDAD: They are usually retained on the file.

The Hon. DON HARWIN: On the file?

Mr HADDAD: Usually, yes.

The Hon. DON HARWIN: What other ways may they be held?

Mr HADDAD: They might be retained in my office on very few occasions by my executive assistant. But the normal practice is that they are returned to the author—to the person present at the meeting—or the relevant officers and then they go on file.

The Hon. DON HARWIN: On file?

Mr HADDAD: Yes.

The Hon. DON HARWIN: Does the same thing happen with telephone calls? Do you keep a file note of telephone calls?

Mr HADDAD: Telephone calls are noted in a book. Sometimes I record them and sometimes I do not. It is not done as per the meetings.

The Hon. DON HARWIN: And they are retained in the offices of the Department of Planning?

Mr HADDAD: Yes. As I tried to say, telephone calls are dealt with in a less disciplined way than formal meetings. If there are requests for meetings, my executive assistant would handle that. That is the practice.

The Hon. DON HARWIN: How long are those documents kept in the department's offices in Bridge Street before being sent for storage at the Government records repository or somewhere else?

Mr HADDAD: I have to take that question on notice and get the information. I do not know how many years or the timeframe.

Answer:

All Departmental records are kept in accordance with the *Functional Retention and Disposal Authority: FA245* (attached).

8. Submissions on Part 3A

Ms SYLVIA HALE: Minister, you referred to some 9,800 submissions concerning major projects. I presume that is in the last 12 months?

Ms KRISTINA KENEALLY: That is correct.

Ms SYLVIA HALE: Because there were about 14,000 in the preceding. Could you give me a breakdown of how many of those 9,800 were in support of the proposal and how many of those submissions were against it?

Ms KRISTINA KENEALLY: I cannot give that to you here.

Ms SYLVIA HALE: But you will take it on notice?

Ms KRISTINA KENEALLY: More than happy to.

Answer:

- All submissions made in relation to Part 3A projects that were determined in the last financial year are accounted for in the relevant Director-General's report. These reports are on the Department's website www.planning.nsw.gov.au
- Notwithstanding, a greater proportion of submissions made to most projects are by way of objection. Anecdotal evidence suggests that this trend is similar for most applications processed under Part 4.

9. Gabrielle Kibble and Remuneration

Ms SYLVIA HALE: Minister, I think you said in passing that Gabriel Kibble was now the chair of the Planning Assessment Commission?

Ms KRISTINA KENEALLY: It is also on the website, yes.

Ms SYLVIA HALE: And she is on the western region for the Joint Regional Planning Panel? She is chair of that?

Ms KRISTINA KENEALLY: That is correct.

Ms SYLVIA HALE: She is the chair of the Heritage Office within the Department of Planning?

Ms KRISTINA KENEALLY: You are correct again.

Ms SYLVIA HALE: And she is the administrator of Wollongong council?

Ms KRISTINA KENEALLY: One of three, yes.

Ms SYLVIA HALE: She was formerly the administrator of Liverpool council?

Ms KRISTINA KENEALLY: Yes, that is correct. Would you like me to get you Ms Kibble's CV?

Ms SYLVIA HALE: No. Then she was also at the Water Board. It is significant, I think, how one person can become so instrumental—

Ms KRISTINA KENEALLY: She was also the Director General of the Department of Planning.

Ms SYLVIA HALE: Yes, formerly the Director General of the Department of Planning.

Ms KRISTINA KENEALLY: And a nice lady.

Ms SYLVIA HALE: Everyone is aware of her antecedents before that. But, it is quite remarkable that the Department of Planning or the Minister is so bereft of talent that they only have one person that they can appoint to such positions

simultaneously. It is also true that the positions she has been appointed to, whether it be Liverpool, the Water Board, Wollongong, are all sent in there to prevent the stench arising from those operations, those Labor-controlled councils and the Water Board, from becoming more public?

Ms KRISTINA KENEALLY: Yes, Gabriel Kibble, that well-known Labor Party supporter, daughter of Sir John Kerr, yes, that is right!

The Hon. LYNDA VOLTZ: Great friend of the Labor movement!

Ms KRISTINA KENEALLY: Great friend of the Labor movement, thank you, Ms Voltz, yes. I think the State is very fortunate to have such a talented public servant and someone who was so willing to continue post retirement to give of her talents to the State of New South Wales. I think the people of New South Wales are very lucky.

Ms SYLVIA HALE: Would you provide the Committee with details of the remuneration she receives from holding so many posts simultaneously? Would you take that on notice please.

Ms KRISTINA KENEALLY: We can certainly provide that, absolutely. I might add, Ms Hale, I would need to seek advice. The remuneration, if any, for the position as a council administrator would not be within my portfolio area.

Answer:

The remuneration Ms Kibble receives for the three positions is as follows:

- **Chair Heritage Council.**
Approved Annual Remuneration \$ 30,000.00.
Net Year to Date (YTD) payment \$ 6,975.20
- **Chair Heritage Incentives Panel**
Not paid fortnightly remuneration, paid as per Sitting fee claim submitted.
Net YTD payment \$ 429.00
- **Chair Planning Assessment Commission**
Approved Annual Remuneration \$ 240,000.00
Net YTD payment \$70,262.32
- **Chair Western Region Joint Regional Planning Panel**
Net YTD payment: nil.

10. Peter Vladeta – Payout on Termination

Ms SYLVIA HALE: Minister, on another matter which I think specifically concerns the Redfern Waterloo Authority: Have you investigated the appointment of Mr Peter Vladeta, General Manager for the Redfern Waterloo Authority, given claims made by staff in a letter to you dated 15 December 2008 that no proper recruitment process was followed in his appointment to that position?

Ms KRISTINA KENEALLY: I am aware of that letter. I referred that letter to the ICAC. I might ask if the chief executive has any further information to add.

Mr WAKELIN-KING: I am advised that the letter was referred to ICAC and that further investigation has been conducted, the results of which are currently under consideration in relation to that matter.

Ms SYLVIA HALE: Perhaps you would be able to tell us why Mr Vladeta's contract was terminated.

Mr WAKELIN-KING: I was not there at the time, but my understanding is that it was part of the overall reductions in relation to SES positions that occurred at the end of last year.

Ms KRISTINA KENEALLY: I might also note that Mr Vladeta was brought on when Mr Domm became the chief executive of the Sydney Harbour Foreshore Authority, and Mr Domm continued to hold both of the chief executive officer positions for the RWA and SHFA. When I came on as Minister, and Mr Domm then subsequently resigned from the chief executive officer position of the RWA, I was able to appoint a chief executive officer who could hold that position solely at the RWA and not have the dual responsibility.

Ms SYLVIA HALE: Did Mr Vladeta receive a payout on termination? If so, how much did he receive?

Mr WAKELIN-KING: I would have to take that question on notice, if I may.

Answers:

Question 1

- This is a matter for ICAC

Question 2

- As above

Question 3

- An independent investigation carried out by the Internal Audit Bureau on behalf of the RWA found that the appointment of Mr Petar Vladeta was carried out in accordance with relevant NSW Government policy and procedures, and that there was no misconduct in relation to this appointment.

Question 4

- I am advised Mr Peter Vladeta was employed on a temporary contract by the RWA in July 2008.
- Mr Vladeta's contract was terminated on 16 January 2009
- Mr Vladeta's contract was terminated as the position he was occupying was no longer required by the RWA.
- Mr Vladeta's contract was also terminated for performance reasons

Question 5

- Mr Vladeta received a termination payment of \$62,185.03

Question 6

- No

11. Little Eveleigh St Property Purchase

Ms SYLVIA HALE: Mr Wakelin-King, regarding the Little Eveleigh Street purchase, what was paid for the Little Eveleigh Street property?

Mr WAKELIN-KING: The specific amount I would have to take on notice, and I can come back to you in relation to that.

Answer:

The RWA purchased Little Eveleigh for \$3,276,744.39. This consists of the following:

Value of the property	\$2,800,000.00
Stamp Duty	\$154,894.00
Land Tax	\$3,460.00
Esperon Fee	\$35.00
Council Rates	\$1,631.86
Water Rates	\$210.88
Others (Discharge of Mortgage)	(\$92.00)
Insurance	\$13,779.32
Legal fees	\$20,123.61
GST	\$282,701.72
Total	\$3,276,744.39

The purchase of the Little Eveleigh Street property is a key part of the preparations for the upgrade of Redfern Station.

The acquisition of this land will allow for the effective delivery of the upgrade of the Station and is an important part of the design process currently underway by RailCorp.

The acquisition of this property was done with the full transparency of the RWA Board and will be of great benefit to the community of Redfern by contributing to the development of Redfern Station.

12. Eveleigh Markets - Profitability

Ms SYLVIA HALE: Thank you. Mr Wakelin-King, in relation to the Eveleigh farmers markets and the Eveleigh craft markets, are either of those markets financially viable?

Mr WAKELIN-KING: Both the Eveleigh farmers markets and the artisan markets are a very important part of the development of the community and the urban renewal program in the Redfern-Waterloo area. I can inform the Committee that they are a tremendously successful enterprise in terms of building community capacity and in relation to the development of a new urban environment in Redfern-Waterloo. It is very important that this is discussed and understood. Obviously, in the development of any enterprise, and particularly a market that is in its start-up phase, there will be some commitment of funds to that, and the longer term outlook in terms of their viability is something that we are constantly monitoring.

Ms SYLVIA HALE: Would you take on notice the net profit or net loss from the operations of each of those markets to date?

Answer:

- The Eveleigh Markets were established in December 2008
- The Eveleigh Markets are an important part of the overall urban renewal program for Redfern Waterloo.
- The Eveleigh Markets have been highly successful in changing the misconceptions of the Redfern Waterloo area.
- The Eveleigh Markets average 3,000 people attending a week, most of whom come from the inner Sydney area.
- As the markets are based on primary producers, the Eveleigh Markets minimise the amount of 'food kilometres' the produce travels, thus reducing greenhouse emissions.

- The Eveleigh Markets provide for community participation with a dedicated stall free for use for community organisation.
- The Eveleigh Market is adaptively re-using the Blacksmiths Workshops, therefore helping preserve the important heritage aspect of this part of the site.
- The market is managed by the Australian Precinct Management Ltd on behalf of the RWA.
- The financial performance of the Eveleigh Markets is commercial in confidence and is unable to be disclosed.
- The NSW tax payer is not subsidising the operation of the market.

13. WSELIA meeting and Cabinet Discussion

The Hon. DON HARWIN: Minister, helpfully, you mentioned before that you had met with Minister Tripodi—and Mr Haddad was with you, of course—on the issue of the Western Sydney Employment Lands Investigation Area. What month was that meeting in?

Ms KRISTINA KENEALLY: I would need to check my diary. The announcement was made on 11 August; it would have been in the weeks prior to that.

The Hon. DON HARWIN: Just to get the chronology right, Minister, if the announcement was on 11 August, what date did Cabinet consider the brief you put to it? That would have, I presume, also preceded—

Ms KRISTINA KENEALLY: I can give you that date and, yes, the meeting would have preceded the Cabinet discussion.

The Hon. DON HARWIN: Was the Cabinet discussion much before 11 August?

Ms KRISTINA KENEALLY: I would need to check my diary. From memory, it was in July—late July.

Answer:

The meeting about WSEA with Mr Haddad and Minister Tripodi was on 28 July 2009.

The Cabinet discussion occurred on 11 August 2009.

The WSEA was announced on 12 August 2009.

14. PACG

The Hon. DON HARWIN: Minister, can you explain whether or not the public is able to see the minutes of the Precinct Acceleration Control Group, and where they are available?

Ms KRISTINA KENEALLY: I believe that those would be Cabinet in confidence. But I will take advice and come back to you, Mr Harwin.

Answer:

The minutes of the Precinct Acceleration Control Group form the basis of this Group's report to Cabinet on Precinct Acceleration issues. As such, the minutes are considered Cabinet-in-Confidence and are not made available to the public.

15. PACG

The Hon. DON HARWIN: How many times has a senior officer of the department and/or the director general overturned the recommendation of the Precinct Acceleration Control Group in recommending acceleration of a particular developer's application for approval of a rezoning or development application since this group was established?

Ms KRISTINA KENEALLY: Mr Harwin, could you please repeat that question for Mr Reynolds?

The Hon. DON HARWIN: Certainly. How many times has a senior officer of the department and/or the director general overturned the recommendation of the Precinct Acceleration Control Group in making a recommendation of either an approval or a rezoning?

Mr REYNOLDS: Can I take that on notice? At the relevant times I was employed at the Growth Centres Commission [GCC] and, as I explained, in that relevant period from 2006 through to the end of 2008 there was separation of duties in terms of consideration of precinct acceleration proposals. The PACG, as we call the Precinct Acceleration Control Group, was run through the Department of Planning with the coordinator general and Treasury. That was a process separate from the GCC. I will take that on notice and come back to you.

Answer:

All PACG recommendations were reported to Cabinet, and remain Cabinet in Confidence.

16. Letters from DG

Ms SYLVIA HALE: The land surrounding the SITA Advanced Waste Treatment facility on Elizabeth Drive at Kemps Creek. This landfill site is slap-bang in the middle of the Badgerys Creek Consortium land. The report that is on the department's website for major project determinations states:

The area surrounding the landfill is dominated by rural and rural residential development and is fairly sparsely populated. Agricultural land is located to the north, south and west of the site, along with a small number of associated rural residences ... However, the area is likely to be substantially redeveloped in the next few years as Sydney expands westward.

It goes on to say:

The Department is currently investigating the potential listing of this large area as a State Significant Site, and the Minister recently agreed to consider two concept plans for redevelopment of the land within this area for employment uses; one from Australand to develop 560 hectares of land; and the other from the Badgerys Creek Consortium (BCC), which is comprised of the Medich Property Group, University of Sydney and Damjanovich family, to develop 875 hectares of land.

Minister, are you saying that both those concept plans have been rejected?

Mr HADDAD: Yes, I have written to the proponents of the concept plan, the Australand site and the other site saying that they are not going to be considered under part 3A because of the broader infrastructure and other constraints.

Ms SYLVIA HALE: When did you write?

Mr HADDAD: I would have to check, but it would have been around the time probably before this. If you do not mind, I have to check the dates.

Ms SYLVIA HALE: When you say "the time probably before this", how much before this do you mean?

Mr HADDAD: To be accurate I will have to take the question on notice.

Answer:

Yes, I can confirm that on 28 May 2008, the Department wrote to Ms Sonja Lyneham, Project Manager, Badgery's Creek Consortium, advising that the Badgery's Creek Consortium site would not be declared a potential State Significant Site and a concept plan would not be authorised.

17. Part 3A and Aboriginal Heritage

Ms SYLVIA HALE: Minister and Mr Haddad, you may wish to take these questions on notice. How many projects assessed under part 3A of the Act have not required an assessment with regard to Aboriginal cultural heritage in

accordance with part 6 of the National Parks and Wildlife Act 1974? How many projects under part 3A of the Act have included a specific requirement for consultation with the Aboriginal community? How many projects under part 3A have included a specific requirement for any form of Aboriginal cultural heritage assessment? How many Aboriginal staff does the department employ? How many of those Aboriginal staff are employed to review development proposals and related heritage assessments? You may be able to answer that question now rather than take it on notice.

Ms KRISTINA KENEALLY: The director general would require those matters to be considered when it is relevant. We will take all those questions on notice and provide the information you are seeking.

Answers:

1. The operation and implementation of the National Parks and Wildlife Act 1974 is the responsibility of the Department of Environment Climate Change and Water (DECCW).
2. Where there is the potential for Aboriginal cultural heritage items / areas to exist that are likely to be impacted by a Part 3A project, an indigenous heritage assessment in accordance with established guidelines is required through the Director-General's Environmental Assessment Requirements.
3. See answer to 'Question 2.' above.
4. The Department has 6 staff members who identify themselves as being Aboriginal or Torres Strait Islanders.
5. This information is not available due to privacy and confidentiality provisions under NSW privacy laws (Privacy and Personal Information Protection Act 1998).

18. Part 3A and Aboriginal Heritage

Ms SYLVIA HALE: What percentage of staff who are responsible for evaluating development applications, concept plans or local environment plans have expertise in relation to Aboriginal culture and heritage? How does Mr Haddad determine whether for any specific part 3A project an assessment of Aboriginal cultural heritage should be done and on what basis that assessment should be undertaken?

Mr HADDAD: I am more than happy to expand on those questions. Our guidelines are on the website specifying the circumstances and the processes that we use, but I will provide more information.

Mr PEARSON: We would also obtain advice from the Department of the Environment, Water, Heritage and the Arts and call on their Aboriginal heritage expertise where relevant. Where there was a significant Aboriginal heritage issue we would engage our own consultants to investigate it. Those issues would be thoroughly investigated, but we will provide the detail if you would like.

1. The DECCW employs staff with expertise in Aboriginal cultural heritage and is responsible for the operation and implementation of the National Parks and Wildlife Act 1974. The Department of Planning consults with DECCW in the evaluation of development applications, concept plans and local environmental plans where a proposal has the potential to impact on Aboriginal cultural heritage values. The Department also engages specialist independent consultants to assist in the assessment of Aboriginal cultural heritage impacts as required.
2. The determination is made based upon the information contained in the Major Project application and advice received from DECCW during consultation for the preparation of the Director-General's Environmental Assessment Requirements.

19. Upper Hacking River Catchment

Ms SYLVIA HALE: Minister, are you aware of a review of land zonings in the Upper Hacking River catchment being undertaken by Wollongong City Council?

Mr PEARSON: I believe that the Department of Planning and Wollongong City Council have had some discussions around that issue. I think a commission of inquiry back in the 1990s identified land in that area with significant development constraints. However, I understand that Wollongong City Council has commenced work looking at those lands at a broad strategic level.

Ms SYLVIA HALE: I think the inquiry to which you referred took place in 1994 and it made a number of recommendations. Can you explain why none of those recommendations has as yet been implemented?

Mr PEARSON: Can you be specific about the recommendations you are referring to?

CHAIR: She said none.

Ms SYLVIA HALE: You can take that question on notice.

Mr PEARSON: Sure.

Ms SYLVIA HALE: Minister, do you agree that the protection and enhancement of the habitat corridors linking the Royal National Park and the lands currently conserved by environment protection should be the chief object of any review of land zonings?

Ms KRISTINA KENEALLY: Anywhere in the State?

Ms SYLVIA HALE: No, I am talking about the Upper Hacking River catchment, which I made clear.

Ms KRISTINA KENEALLY: I need to seek advice on that matter.

Answer:

The 1994 Commission of Inquiry into appropriate land use and zonings in the vicinity of Helensburgh took a precautionary approach, recommending that no rezoning to allow additional development should occur without appropriate studies being completed. The recommendations noted that some areas within the catchment had capability for urban development and that there were opportunities for catchment improvements through stormwater controls provided that the recommended studies were completed.

Wollongong City Council decided to pursue a 7(d) Hacking River Environmental Protection zoning at Helensburgh and Otford in response to the Commission of Inquiry findings and thereby to limit development within the catchment of the Hacking River. As a result of this zoning it has not been necessary to carry out the additional studies recommended by the Commission of Inquiry.

The current review of the 7(d) zone being carried out by Wollongong City Council will address many of the issues raised by the Commission of Inquiry. The review, while identifying very limited amounts of urban development on the 'Landpooling Site' and potential dwellings on 'old paper lots', does not contemplate development to the same scale as the Commission of Inquiry considered. The stated intention of the Council is to ensure that the planning controls for Helensburgh conserve significant bushland as well as resolving historic dwelling entitlement issues.

Council's review is a non-statutory strategic planning exercise and has not yet progressed to a Planning Proposal. If a Planning Proposal is brought forward Council will need to demonstrate to the Department that its Planning Proposal is consistent with the Illawarra Regional Strategy. The Strategy recognises the need to protect the identified Regional Habitat Corridor linking the Royal National Park and the Illawarra Escarpment State Conservation Area, the importance of managing catchments and the need to ensure that the level and capacity of services within Helensburgh can accommodate additional growth.

20. Conservation Offset Program

Ms SYLVIA HALE: Minister, I want to ask some questions about the Sydney growth centres Conservation Offset Program funding. The New South Wales Government proposed that as a result of the development of the Sydney growth centres, a \$530 million Conservation Offset Program would be established to protect priority conservation areas within the Cumberland Plain. Has there been any reduction in the amount of that fund? If so, why has that reduction taken place and what is the extent of the reduction?

Ms KRISTINA KENEALLY: I will ask the deputy director general if he can address that question.

Mr PEARSON: You are correct, there is a fund established as part of the levy structure in the growth centres. From memory, that was about \$530 million. You would be aware that the Government has reviewed the growth centres' contributions twice since their institution in the middle of 2006, and that element of the contributions has remained the same.

Ms SYLVIA HALE: About \$530 million?

Mr PEARSON: Yes, over the life of the growth centres.

Ms SYLVIA HALE: Has any funding been given to the Department of Environment and Climate Change from the program? If so, how much has the Department of Environment and Climate Change received?

Mr REYNOLDS: Yes, I think there has been. I will have to check my records for the correct amount, but my understanding is yes.

Answer:

Yes, the Department of Environment, Climate Change and Water received \$780,000 in the 2008/09 financial year.

21. RWA – Channel 7 Site – POPE license

Ms SYLVIA HALE: Has a place of public entertainment licence been granted on the Channel 7 site?

Mr WAKELIN-KING: There is an application for such a licence, and that is currently under consideration.

Ms SYLVIA HALE: Is that an application for a 24-hour a day licence?

Mr WAKELIN-KING: I will have to take that on notice and come back to you.

Answer:

(a) The RWA is currently giving consideration to an application for a Place of Public Entertainment licence at the Channel 7 Building located at the ATP.

(b) No.

Attachment 1

Mr Richardson is a registered lobbyist, acting on behalf of a range of clients, the names of which are registered with the NSW Governments Register of Lobbyists and available on the Department of Premier and Cabinet's website.

I have met with Mr Richardson on matters relating to these registered clients on four occasions this year: 9 March, 15 June, 22 July and 2 September. Meeting notes are attached.

In the context of matters outside the Badgerys Creek Inquiry, I have also met with Mr Richardson once in 2008 (minutes attached). I have also met with him twice in 2007. Matters discussed at the 2007 meetings relate to the Macarthur South proposal discussed below.

The Badgerys Creek issue has been well-canvassed by the Parliamentary inquiry. Further details about the other matters raised by Mr Richardson are below.

Of the specific projects raised by Mr Richardson, four (Badgerys Creek lands, Sanctuary Cove, Macarthur South and Maldon Industrial Estate) were rejected by the Department, while four (Lowes Creek, Leppington East, National Ceramics and Sanctuary Villages) are still under consideration.

Lowes Creek and Leppington East

The Medich Group is one landowner in Lowes Creek and the Walker Corporation is the owner of the East Leppington precinct.

The Department of Planning is examining the possibility of releasing Lowes Creek and Leppington East precincts through the Precinct Acceleration Protocol. This release can only occur if landowners fund all related infrastructure at no cost to government.

The independent Planning Assessment Commission examined these matters in May-June 2009 and found their release would be both reasonable and consistent with the Precinct Acceleration Protocol.

Macarthur South

Mr Richardson has also lobbied on the behalf of Walker Corporation for the Department to release a discussion paper in regards to the proposed Macarthur South land release area. About 62,000 houses could have been located in the 17,000 hectare area.

On 22 July 2009, the Government announced a decision to cease investigations into the potential release of Macarthur South due to factors such as housing need, infrastructure costs and the value of resources in the area.

Land release proposals for smaller parcels of land at Macarthur South may be considered, but only if the landowners meet requirements, particularly relating to infrastructure.

Sanctuary Cove

This is referring to a proposed Walker development at North Arm Cove in the Great Lakes area, on the northern shore of Port Stephens.

The Department determined that the area was unsuitable for urban development and this is reflected in the final Mid-North Coast Regional Strategy released earlier this year. This position has not changed.

National Ceramics proposal

Heritage Green is a proposed residential development to be located adjacent to the National Ceramics plant at Rutherford in Maitland. Maitland City Council is the consent authority for this.

As well, a proposed expansion for the National Ceramics plant is in the very preliminary stages of consideration by the Department.

Mr Richardson lobbied on behalf of National Ceramics.

Mr Richardson's lobbying on this issue will not affect the timeframe of the Department's decision, or the outcome.

Sanctuary Villages

Mr Richardson lobbied on behalf of Hardie Holdings in regard to the Sanctuary Villages development in the Lower Hunter.

Mr Richardson was seeking the Department's assistance to resolve an issue with the Department of Environment, Climate Change and Water (DECCW).

It is understood DECCW has concerns about a proposal for a sewer line easement through lands that are proposed to be dedicated for environmental purposes as a result of the development.

The Department, DECCW, Hardie Holdings and their planning consultants have now come to an in-principle agreement in regard to this issue, under which DECCW will accept the easements and Hardie Holdings will undertake rehabilitation works-in-kind in the environmental area.

However, this has not been subject to a final sign-off and the Government is considering the implications of a recent Land and Environment Court decision on the Sanctuary Villages development proposal.

Bondi Junction

During a meeting where several other issues were discussed, Mr Richardson made a personal observation about the Bondi Junction Local Environment Plan and the possibility of some of the area being down-zoned. He made no reference to any individual client or development proposal.

Maldon Industrial Estate

In 2008 Walker Corporation requested that the property located in Maldon be considered as a State Significant Site by the Department of Planning.

This request was refused by the Department towards the end of 2008 and Walker Corporation was advised that they should pursue this matter through the local council rezoning process.

In response to the request being denied by the Department, Walker Corporation in late 2008 sought an independent review of the Department's decision on this issue and that on merit, believed the proposed industrial rezoning satisfied the relevant criteria to make it a state significant project.

Mr Richardson lobbied on behalf of Walker Corporation on this issue.

In response to the issues raised by Walker Corporation the Department agreed to meet with Walker Corporation so it had an opportunity to advise the Department why it disagreed with the Departments decision.

This meeting was held on 22 December 2008 between Andrew Abbey (DoP), Jason Perrica (DoP), Racheal Cumming (DoP), Gerry Beazley (WC), Sylvia Hroavartin (WC) and Sally Lewis (WC).

The Department of Planning considered the issues raised by Walker Corporation.

In January 2009, the Director-General sent a letter to the proponent outlining the reasons why the Department formed the view that the assessment of the project should not be considered under the Major Projects SEPP. This letter further outlined that it was considered unnecessary to engage an independent consultant planner to review the proposal.

