

REDFERN WATERLOO AUTHORITY – APPOINTMENT OF MR CHRIS SAUNDERS

On 16th September 2009 Ms Sylvia Hale placed the following question on the Legislative Assembly Question and Answer Paper.

Question No 1 (f), (g) & (h). Ms Sylvia Hale to ask the Minister for Planning, Minister for Redfern Waterloo—

1. Minister, has the ICAC investigation the appointment of Mr Chris Saunders finished?
2. Has ICAC reported back to you on the result of that investigation?
3. In relation to Mr Chris Saunders the General Manager of the Australian Technology Park, was it found that no proper recruitment process was followed in his appointment to this position?

Answer:

1. This is a matter for ICAC
2. As above
3. An independent investigation carried out by the Internal Audit Bureau on behalf of the RWA found that the appointment of Mr Chris Saunders was carried out in accordance with relevant policy and procedures, and that there was no misconduct in relation to this appointment.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

QUESTION ON NOTICE LEGISLATIVE COUNCIL

REFERN WATERLOO AUTHORITY - NORTH EVELEIGH SITE

On 16TH September 2009 Ms Hale placed the following question on the Legislative Assembly Question and Answer Paper.

Question No. 2(a)&(b) – Ms Hale to ask the Minister for Planning, Minister for Redfern Waterloo—

- a. Have any offers been made for the North Eveleigh redevelopment site, or parts thereof?
- b. Is the RWA still considering the offer made by the University of Sydney for the site?

Answer:

The Government has received a number of unsolicited expressions of interest both formal and informal for the North Eveleigh site, including from the University of Sydney

The University of Sydney has written to the NSW Government formally expressing its interest in the site.

The Government is currently giving consideration as to how the site may be sold. This includes consideration of the current market conditions.

This process is currently under consideration by NSW Cabinet.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

RSL and Gibbons St Redevelopment and Rezoning of Regent St Area

On 16th September 2009 Ms Sylvia Hale placed the following question on the Legislative Assembly Question and Answer Paper.

Question No. 3 – Ms Hale to ask the Minister for Planning, Minister for Redfern Waterloo—

- a) Are there plans to redevelop the 2 block of land from the towers (formerly known as the 'TNT' towers) to Margaret Street with a height zoning of 18 storeys?
- b) Are there other applications to redevelop sites within this area, apart from the RSL and Gibbons Street sites already on exhibition?
- c) What negotiations have been made with the City of Sydney in regard to redeveloping the old Council depot site and 90 Regent St?
- d) Is the southern end of Marion St Park within the development area? Are there any plans for its redevelopment considering the past community campaign to protect the park?
- e) What plans are being made to establish a safe crossing across Gibbons St to the 2 new residential developments on the corner of Redfern and Gibbons Sts?
- f) Will there be any affordable housing levy under the Redfern Waterloo Authority Act, applied to the RSL and Gibbons St developments? Or will the new Affordable Housing SEPP provisions be applied? Will any affordable housing units be provided via any of these mechanisms on site?

Answers:

Question (a)

- Several Part 3A applications have been lodged with the Department of Planning to redevelop sites within this area. A description of these applications and their status is provided below:
 - Redevelopment of the Redfern RSL Club site at 157 Redfern Street for an 18 storey mixed use development incorporating retail, commercial and residential and a new RSL Club. The application was publicly exhibited from 29 July to 28 August 2009. The applicant is currently reviewing the submissions from the exhibition period.
 - Redevelopment of the existing car park site at 7-9 Gibbons Street Redfern for an 18 storeys mixed use development incorporating retail, commercial and residential uses. The Director General's

Requirements were issued by the Department on the 7 August 2009 for the applicant to prepare the environmental assessment. The applicant is yet to submit the environmental assessment to the Department.

- Redevelopment of the existing building at 90 Regent Street Redfern for an 11 storey commercial building. The Director General's Requirements were issued by the Department on the 8 May 2008 for the applicant to prepare the environmental assessment. The applicant has not prepared the environmental assessment and the application had not progressed.

Question (b)

- No other applications are currently on exhibition. Refer to the answer to (a) above for the applications.

Question (c)

- There have been no negotiations with the City of Sydney regarding the redevelopment of the Council depot site and 90 Regent St.

Question (d)

- The Marion St Park, which includes the area bounded by Gibbons Street and Rosehill Street, is within the RWA State Significant Sites; however it is not subject to any development proposal. There is currently no proposal for the upgrade of the park.

Question (e)

- The RWA has had discussions with the Roads and Traffic Authority regarding opportunities for improving pedestrian flow and safety both on Gibbons and Regents Streets, particularly for people accessing the station. This issue has also been raised in the RWA Built Environment Ministerial Advisory Committee, which the RTA is a member of.

Question (f)

- An affordable housing levy will be applied to the RSL and Gibbons St developments in accordance with the Redfern - Waterloo Authority Affordable Housing Contributions Plan 2006. The Contributions Plan was prepared under Section 32 of the Redfern - Waterloo Authority Act, 2004. The affordable housing contribution levy is \$59 per square metre of additional gross floor area of the development.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

UPPER HACKING RIVER CATCHMENT

On 16 September, 2009 Ms Sylvia Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

4. Upper Hacking River Catchment

- a. Will the Minister ensure that all privately owned lands in the Upper Hacking River Catchment which are integral to the viability of the wildlife corridors are zoned and managed so that their conservation value is maintained and improved?
- b. What is the Minister doing to ensure that the conservation value of these lands is not diminished during this review of land zonings?
- c. Are Wollongong City Council's proposed land zonings inadequate to ensure the preservation of the habitat corridors?
- d. Is the absence of proper land management over private land with high conservation value allowing private landholders to oversee the degradation of this land either by neglect or wilful destruction? What plans does the Minister have to ensure that all privately owned land of recognised conservation value in the Upper Hacking River Catchment is brought into public ownership in order to preserve the habitat corridors and end the continuing degradation of this land?

Answer:

4.
 - a. The management of the Hacking River Catchment and the protection of Habitat Corridors identified in the Illawarra Regional Strategy will be important considerations in any rezoning process affecting the lands.
 - b. The existing zoning arrangements will not be affected by the review which does not change zonings. A planning proposal will be needed to change the current zoning arrangements.
 - c. The adequacy of zonings proposed by Wollongong City Council to preserve habitat corridors will be an important consideration for any planning proposal. The stated intention of the Council review is to ensure that the planning controls for Helensburgh conserve significant bushland as well as resolving historic dwelling entitlement issues.

- d. I am not aware of improper land management practices within the Hacking River Catchment. I have no plans to bring privately owned lands within the catchment into public ownership.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

Moolarben Coal Project

On 16 September, 2009 Ms Sylvia Hale MLC placed the following question on the Legislative Council Question and Answer Paper.

Question No. 5 - Ms Hale to ask the Minister for Planning, and Minister for Redfern Waterloo —

- (a) How does the Department of Planning intend to resolve the ongoing proposals for expansion and modification of the Moolarben Coal Project north of Mudgee?
- (b) How are the community objections to these proposals considered?
- (c) What resources does the Department of Planning have to regulate the implementation of conditions of approval for large coal mining operations?
- (d) How will the Department of Planning manage the cumulative impacts of coal mining expansion in the Mudgee region in relation to impacts on rivers and water catchments and increasing pressures on rail infrastructure?
- (e) What input does the Department on Planning have in decisions to call for expressions of interest in mining exploration licence applications?

Answer:

- (a) Both applications will be assessed on their merits in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.
- (b) See (a) above.
- (c) The Mining and Industry team receives regular reporting on the environmental performance of mines.

This reporting is supplemented by regular independent audits by experts.

If the Mining and Industry team has concerns about the environmental performance of a mine, or receives complaints about a mine, then it will generally refer the matter to the Department's compliance team.

This team will investigate the matter, in consultation with the other relevant agencies, and decide what (if any) action should be taken to improve performance or address any non-compliances.

- (d) The Department will assess the cumulative impacts of new proposals, and continue to regulate the cumulative impacts of mines through the conditions of their development approval.

It should be noted that in addition to any development approvals, mining companies are required to obtain water licences for “taking” any water from the water catchment and to secure a share of the available rail infrastructure capacity from the relevant rail service providers.

- (e) None. This is a matter for the Department of Industry and Investment.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

PENRITH DRAFT LOCAL ENVIRONMENTAL PLAN

On 16 September, 2009 Ms Sylvia Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

6. Penrith Draft Local Environmental Plan

- a. Has DoP asked Penrith Council to finalise its draft Local Environmental Plan by 2011?
- b. When will Stage One of the draft Penrith LEP be ready for approval by the Minister following its public exhibition?
- c. Is Penrith Council required to follow the LEP Template so that its LEP protects areas of land with high conservation value?
- d. Do the Conditions attached to the Biodiversity Certification of the Sydney Growth Centres state that first priority for the use of the \$530 million Growth Centres Conservation Fund will be to assist in the protection of land identified by DECC as Western Sydney Priority Conservation Areas?
- e. What progress has been made in implementing a Cumberland Plain Recovery Plan? Does the success of this plan rely on the conservation and protection of Western Sydney Priority Conservation Areas?
- f. Are many of the DECC identified Priority Conservation Areas within the Penrith LGA owned by or will be owned following transfer from the Crown by the Deerubbin Local Aboriginal Land Council?
- g. Does Council's draft Stage One LEP propose an E2 Environmental Protection zoning over 72% of all Deerubbin Local Aboriginal Land Council land within the Penrith LGA and that an Environmentally Sensitive Land Overlay be applied over 80% of their remaining lands?
- h. Has Penrith Council adhered to the DoP's LEP Template Planning requirements in applying the E2 Environmental Protection zoning and an Environmentally Sensitive Land Overlay to the Deerubbin Lands?
- i. Have staff from DoP, DECC and Penrith Council met with Deerubbin Local Aboriginal Land Council?

- j. What were the other outcomes of any meetings between DoP and the Deerubbin Local Aboriginal Land Council in regards to the draft Penrith LEP?
- k. Has the decision on the Deerubbin lands been deferred to Stage Two of the draft Penrith LEP?
- l. Does DoP support the removal of the conservation zonings on the DECC identified Priority Conservation Areas to allow an alternate zoning that permits subdivision and development?
- m. Has the Deerubbin Local Aboriginal Land Council have been asked to provide a development proposal for all or part of their lands including a Biodiversity Assessment (flora and fauna survey)?
- n. Does the Environmentally Sensitive Land Overlay proposed on the Deerubbin Local Aboriginal Land Council lands restrict subdivision and development?
- o. Does DoP support an Environmentally Sensitive Land Overlay overlay on land identified by DECC as Priority Conservation Areas if it allows subdivision and development?
- p. Will DoP make it a condition within the Penrith LEP that a Development Application must be lodged with Council to clear, remove or under scrub any vegetation contained within lands identified as Environmentally Sensitive Land?

Answer:

- a) Penrith City Council was originally requested to complete its Principal Local Environmental Plan (PLEP) by 2008. Council is working to finalise the draft plan as soon as possible.
- b) The Department of Planning is seeking Penrith City Council to submit the draft plan by the end of November 2009.
- c) All Councils within NSW are required to follow the Standard Instrument template in preparing Principal Local Environmental Plans. The Standard Instrument provides suitable controls to protect areas of land with high conservation value.
- d) Relevant biodiversity measures 20 - 34 of the biodiversity certification order set out the ways in which the Conservation Fund will be spent. A copy of the biodiversity certification order can be found at <http://www.environment.nsw.gov.au/resources/nature/biocertordwsgce ntres.pdf>
- e) This question falls within the portfolio of the Minister for Climate Change and the Environment.

- f) This question falls within the portfolio of the Minister for Climate Change and the Environment.
- g) I understand that draft Stage 1 of Penrith PLEP proposes the use E2 Environmental Protection Zone and Environmentally Sensitive Land Overlays to a large amount of land which the Deerubbin Local Aboriginal Land Council has interest. I have not been able to ascertain the exact percentage of land so affected.
- h) At the time of certification of the draft plan for exhibition, the Department had not issued guidelines concerning Environmental Zones. The Department is now working with Penrith City Council and the Department of Environment, Climate Change and Water to revise application of Environmental Protection measures in light of these guidelines.
- i) Yes
- j) Outcomes of a meeting held on 29 June 2009 include:
 - i. Further mapping and studies would be undertaken with regard to environmental zoned land
 - ii. Deerubbin would provide more detailed comments regarding their concerns with the draft LEP
 - iii. Penrith City Council may consider deferral of the Deerubbin Land from Stage 1 of the draft plan
- k) No. But it is understood Council will consider an option to this effect.
- l) The Department of Planning will continue to work with the Department of Environment, Climate Change and Water and Penrith City Council on application of Environmental Protection measures.

The Department will review the proposal when brought forward by Council. Any proposal will need to be consistent with the relevant guidelines.

- m) The Department has not asked Deerubbin Local Aboriginal Land Council to provide a development proposal or flora and fauna assessment.
- n) An Environmentally Sensitive Land clause requires the Consent Authority to consider certain heads of consideration before determining a development application. It does not prevent development but ensures environmental impacts are adequately considered in sensitive areas.

- o) The purpose of the Environmentally Sensitive Land Map and related local clause is to introduce additional criteria/heads of consideration that any consent authority must take into account when determining a development application. It ensures that the special characteristics of the land are properly considered. The clause and related mapping does not prohibit development – this occurs through the land use tables for each of the zones. Certain forms of development, including subdivision, may be appropriate, despite land being identified as a Priority Conservation Area by DECCW, provided potential impacts are properly considered and appropriate conditions of consent applied.
- p) Penrith City Council's current draft Environmentally Sensitive Land Clause requires development consent for the following:
 - i. the subdivision of land,
 - ii. earthworks (including removal of rock or other natural material or alteration of a natural watercourse or drainage line),
 - iii. the carrying out of a work,
 - iv. clearing vegetation (including slashing or underscrubbing),
 - v. irrigation with treated effluent.

The Department will continue to work with Penrith Council in the specific drafting of this clause.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

**FAR NORTH COAST REGIONAL STRATEGY AND REGIONAL
CONSERVATION PLAN**

On 16 September, 2009 Ms Sylvia Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

7. Far North Coast Regional Strategy and Regional Conservation Plan

- a. Why has the Far North Coast regional conservation plan not been released?
- b. Has the regional conservation plan been amended to accommodate the wishes of land holders and property developers?
- c. How can the new Joint Planning Panels make informed judgements when there is no regional conservation plan to inform them?
- d. Why has the regional conservation plan not been put on display for public comment?
- e. How did Minister Sartor determine that the Far North Coast could 'carry' another 60,400 people, from a sustainability perspective, particularly when there is evidence from a paper sanctioned by his Department and Local Councils, A Region of Villages, that the Far North Coast is already well past its carrying capacity?

Answer:

- 7(a, b & d) The preparation of the Far North Coast Regional Conservation Plan is the responsibility of the Department of Environment, Climate Change and Water. These questions should be directed to the Minister for Climate Change and the Environment.
- (c) Joint Regional Planning Panels will make informed decisions on development applications based on councils' assessment reports, specialist reports where required, community submissions, and government agency comments, including those from the Department of Environment, Climate Change and Water on matters relating to biodiversity.
- (e) The Far North Coast, the Region of Villages work prepared in the mid 1990s under the Northern Rivers Regional Strategy indicated that "the ability of each locality within the region to accommodate more people should be assessed using carrying capacity to define limits to the expansion of urban and rural settlement". The Far North Coast Regional Strategy released by the Government assessed the suitability of future land releases and infill development to meet forecast population growth and housing

needs having regard for infrastructure, natural resources and land suitability. The Strategy and accompanying maps indicate the areas where development may take place.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

Joint Regional Planning Panels**Question No. 8 - Ms Sylvia Hale MLC**

Council appointees to Joint Planning Panels

- a. What safeguards has the minister for Planning put in place to make sure that there is fairness and equity in the payment of community members sitting fees for the Joint Planning Panels? Are there any safeguards to protect ratepayers from excessive fees, if so, how will they be policed?
- b. How are potential conflicts of interest going to be dealt with, for example if a council's contracted solicitor is also on the panel as a community member?

Answer:

- a. There are 6 Joint Regional Planning Panels established across NSW, and an Interim Joint Panel for the Wagga Wagga Local Government Area.

I have determined that remuneration rates and allowances for council appointed members is a matter for each individual council to determine. Councils were provided with suggested remuneration rates by the Department of Planning, and were advised to consider the Department of Premier and Cabinet *Guidelines for NSW Board and Committee Members: Appointment and Remuneration* with regard to travel and subsistence allowances.

If a Council member is a community person, it was recommended that the daily rate of \$1,400 paid to State members be considered as a guide to determining appropriate remuneration rates.

It was recommended that if a Council appointed member is a council staff member, then no fees should be paid as participation in the Panel is considered to form part of their council duties. This is consistent with the Guidelines issued by the Department of Premier and Cabinet.

- b. The Code of Conduct for Joint Regional Planning Panels applies to all Panel members and must be upheld at all times. The code of conduct provides guidance to members where there may be a potential clash of roles. All appointees will need to declare their Panel membership where relevant and act accordingly. It may be appropriate in some instances for Council appointed members to arrange for another alternate member to sit in their place on the Panel.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

DEVELOPMENT OF LAND & HOOKER CREEK ROAD, BERKELEY

On 16 September, 2009 Ms Sylvia Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

9. Development of Land at Hooker Creek Road, Berkeley

- a. Is the Joint Regional Planning Panel in conjunction with Wollongong City Council assessing under the Seniors Living and Disability SEPP a development at Hooker Creek Road, Berkeley?
- b. If so, is this land currently zoned Private Recreation?
- c. Is this zoning the only zoning, apart from Public Recreation, that provides for open space in both Wollongong City Council's LEP 1990 and Draft LEP 2009?
- d. Is this land located on a medium and high risk floodplain?
- e. Does this land contain high risk acid sulphate soils?
- f. Does the land provide habitat for threatened species and two migratory birds that are the subject of international agreements and therefore subject to federal legislation.
- g. Has this land been contaminated by the unauthorised dumping of waste over a period of more than 30 years.
- h. Has toxic waste from the Port Kembla Copper Smelter been dumped on the land?
- i. Will the Minister request that Wollongong City Council's Administrators meet with community representatives to discuss their concerns about the proposed development?
- j. Has the proposed development on the land been advertised or notified to occupiers of the land?
 - i. If not, why not?
 - ii. If so, where and when was the proposal advertised, and when were occupants notified?
 - iii. How long have residents been given to comment on the proposal?

- k. Has a Flora and Fauna study been provided by the proponent?
- i. If so, was a copy of the study provided to residents prior to the close of submissions?
 - ii. If it was not provided, will the Minister require that the period for notification of the proposal and receipt of submissions be reopened?

Answer:

- 9(a) I understand that Wollongong City Council is assessing this application. The assessment report, when completed, will be forwarded to the Southern Region Planning Panel for determination. The Panel will meet in public and hear submissions before making its decision. The Department of Planning does not have a role in the assessment or determination of the application.
- (b – h),(j),(k) These questions should be directed to Wollongong City Council as they are assessing the application.
- (i) I do not direct Councils (or Administrators) as to how to assess a Development Application or how to finalise reports to Planning Panels.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

HERITAGE ITEMS

On 16 September, 2009 Ms Sylvia Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

10. Heritage items

- a. Is it correct that in 2006 Wollongong City Councils voted for eight colliery sites to be placed on the State Heritage Register?
- b. Were details of these proposed listings then forwarded to the DoP Heritage Branch?
- c. Did the Heritage Branch write to the Council requesting additional information the sites, namely the identity and contact details of each of the owners of the sites/land?
- d. Did Wollongong City Council fail to respond to this request?
- e. Is it correct that the Department wrote to the Council in March 2007 informing them that the failure to provide the information meant that the proposed listings lapse?
- f. Has Wollongong City Council since made any attempt to have them listed on the register of State Significant items?
- g. Will the Minister, because of the acknowledged history of corrupt conduct on the part of former Wollongong City Council officials, and the likely commercial advantage that will accrue to owners from these sites not being listed, grant interim heritage protection to enable state significant development applications to be assessed?

Answers:

- a. Yes. Wollongong City Council voted that eight colliery sites be nominated for inclusion on the State Heritage Register on 7 August 2006.
- b. Yes. The nominations to list the eight collieries were sent by Wollongong City Council on 20 December 2006 and were received by the former Heritage Office on 28 December 2006
- c. Yes. On 26 March 2007 the former Heritage office wrote to Wollongong Council requesting additional information on the sites

and suggesting a meeting between the office and Council to discuss the nominations.

- d. No formal response was received from Wollongong Council in relation to this request.
- e. The nomination for listings has lapsed.
- f. No. Wollongong City Council has made no further requests to have these items listed on the State Heritage Register (SHR) although all the items are listed on the 2009 Draft Wollongong LEP.
- g. Any application for an interim heritage order will be considered and assessed on its merits.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

Part 3A Determinations

On 16 September, 2009 the Ms Sylvia Hale MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

11. Your use of Part 3A has been profligate and you have proudly noted the increased approvals of Part 3A since you came to office, how many Part 3A applications have you personally approved and how many Part 3A applications have been approved by the Director General as your delegate since September 8, 2008 when you got the job as Minister?
12. If you are going to persist in the use of Part 3A to approve developments – do you think the NSW community deserves to at least have a written explanation from you when you sign off on your much supported Part 3A's so that there is some transparency and accountability and in so doing, an explanation of how you applied the nefariously vague Part 3A guidelines?

Answer:

Since 8 September 2009, I have approved 107 applications, the Director General as my delegate has approved 21 applications. These approvals will generate investment of over \$18billion and over 45,000 jobs. I have also refused a number of applications including the proposed Currawong development, the Somersby Fields Quarry and the redevelopment of the Stamford Plaza Hotel at Double Bay.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

PRECINCT ACCELERATION PROTOCOL

On 16 September, 2009 The Hon. J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

13. Can you explain whether or not the public are able to see the minutes of the Precinct Acceleration Control Group and where they are available?
14. The Probity Plan for Precinct Acceleration Protocol states that "...The PACG will make recommendations to the Government on the outcome of its considerations of the proposals." Where are these recommendations published?

Answer:

13. & 14. The minutes and recommendations 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.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

CATHERINE HILL BAY DECISION – IMPACTS ON DEVELOPMENT APPROVALS

On 16 September, 2009 the Hon J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

15. Frank Sartor also said on Stateline two weeks ago that the Catherine Hill Bay decision, “Is actually calling into question whether as to all the strategies we have adopted up and down the coast are now valid – this is a major planning law issue.”

- a. Have you sought advice from your Department on the impact on development approvals that you or your predecessor have given, “up and down the coast” and if so, what is it?

Answer:

The regional planning strategies adopted by the NSW Government remain in effect. I understand the Catherine Hill Bay decision has implications for one other approval granted by the Government – being the Huntlee New Town Concept Plan which is currently subject to an appeal in the NSW Land and Environment Court.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

CATHERINE HILL BAY & GWANDALAN – COURT DECISIONS

On 16 September, 2009 The Hon. J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

16. Earlier this month the Land and Environment Court found that planning approvals given to Catherine Hill Bay and Gwandalan were invalid and you said you would not appeal the decision, nor introduce amending legislation. Is it the case that the owner of the land can now lodge their development application without what the Land and Environment Court termed 'land bribes' and you will then consider the application?

Answer:

16. Yes, the owner of the land may choose to lodge a new application. The scope of any such new application will be the decision of the land owner.

If any such new application is lodged, the proposal will be assessed within the established framework of the *Environmental Planning and Assessment Act 1979* and if the proposal does come to me I will delegate it to the independent Planning Assessment Commission for determination.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

DRAFT SUBREGIONAL STRATEGIES

On 16 September, 2009 The Hon. J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

17. How much time and Departmental budget is being spent on finalising the draft Subregional Strategies?

Answer:

The ten draft subregional strategies were released between July 2007 and September 2008. A total of 379 submissions were received across the ten strategies. The Department has been working with Councils and Agencies to resolve the issues raised in the submissions since the completion of each exhibition. The Department is working towards having the strategies complete by the end of 2009 by which time it is estimated that approximately \$470,000 (including staff costs) will have been expended in taking the strategies from their exhibition stage to finalisation.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

COSTS AND STAFF INVOLVED IN REVIEWING PLANNING STRATEGIES

On 16 September, 2009 The Hon. J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

18. What is the total number of staff currently involved in reviewing the planning strategies for NSW, including the State Plan, the Metropolitan Strategy and the Subregional Strategies?
19. What cost is attributed by the Department to the work that has gone on in recent years in relation to each of: State Plan, the Metropolitan Strategy and the Subregional Strategies?

Answer:

18. - 19. The Department is not responsible for the review of the State Plan.

This question should be directed to the Department of Premier and Cabinet.

The Metro and Regional Strategies Team is currently reviewing the Metropolitan Strategy and finalising the Subregional Strategies (SRS). This team consists of 12 people as at 1 October 2009. Some of the 26 staff from the Department's Sydney East and Sydney West Teams are assisting with the finalisation of the SRS.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

STAFFING LEVELS IN THE DEPARTMENT

On 16 September, 2009 The Hon. J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

20. What is the total number of staff currently employed by the Department as of today, and what should the total number of staff be based on forward planning of the Department?
21. How many vacancies currently exist in the Department of Planning?
22. How many staff from the former Growth Centres Commission still work within the Department of Planning? In which area of the Department are they working?
23. What percentage of staff in the Department of Planning work on processing Part 3A development applications?

Answer:

20. The Department of Planning (DoP) currently employs 507 staff. DoP forward planning does not anticipate movements upward in total staffing.
21. There are currently 9 vacancies in DoP.
22. DoP employs 24 staff from the former Growth Centres Commission. Most are working in the Strategies & Land Release office.
23. The percentage of staff in the DoP working on Part 3A development applications is 22.6%.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

Draft Centres Policy

On 23 September, 2009 the following question was put forward on the Budget Estimates 2009- 2010 Questions on Notice.

Question No. 24 -

How many submissions has your Department received on the Draft Centres Policy? Will you make any of these submissions public? If not, why not?

Answer:

1. To date 107 submissions have been received.
2. No. Individual submissions are not made public, but a submission report is made available once the policy is finalised.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

JOINT REGIONAL PLANNING PANELS

On 16 September, 2009 the Hon J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

25. How many development proposals have been determined by Joint Regional Planning Panels since they were established? Please split into individual Panel areas.

Answer:

25. As of 30 September 2009, there have been two development applications determined by a Joint Regional Planning Panel.

Both proposals were located within the Wollongong Local Government Area and were determined by the Southern Region Joint Planning Panel on 24 September 2009.

The capital investment value for the proposals was \$28 million and \$29 million.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

STATE INFRASTRUCTURE CHARGES

On 16 September, 2009 The Hon. J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

26. In December 2008 your Government reduced State Infrastructure Charges to \$75,000. Then in August this year, you and Premier Rees announced new land release in Horsley Park and Eastern Creek would be slapped with a \$180,000 State Infrastructure Charge. What is your reasoning for this discrepancy in charges?
27. Have you, or anyone in your Department, done a comparison of State Infrastructure Charges or levies with other States? If so, what was the result of that study? How do you justify maintaining State Infrastructure Charges in NSW that are at a much higher than other states?
28. During the 2008 Estimates hearings it was reported the Office of Strategic Lands would merge into the State Property Authority. Has that Happened? And if not, why not?

Answer:

Q 26:

- In August 2009, the NSW Government announced the rezoning of more than 800 hectares at Ropes Creek and land south of the Warragamba pipeline, and the delivery of the \$80 million east-west section of the Erskine Park Link Road Network.
- The development of the Western Sydney Employment Area (WSEA) will place pressure on existing State transport infrastructure requiring upgrade and construction of a number of roads. A State Infrastructure Contribution (SIC) is proposed to partially contribute to the cost of sub-regional roads necessary for the functioning, access, management and appropriate distribution of traffic passing and connecting to the WSEA.
- In calculating the SIC for the WSEA, the Department has considered the impact of all surrounding development on the need for sub-regional road upgrades. The SIC only recovers the portion of the infrastructure costs generated by the development of these lands.
- A SIC of \$180,000 per net developable hectare is proposed to apply to the WSEA and represents approximately 60% of the costs of infrastructure to be covered under the SIC.
- The proposed quantum has been based on infrastructure requirements identified for the employment land and industry affordability.

- The Department of Planning will shortly commence a process to formalise the SIC arrangements for the Western Sydney Employment Area, including consultation with industry. The justification and application of the SIC will be fully outlined during this process.

Q 27:

Some informal comparisons have been made with the levy process in other states, although this identified that the vastly different approaches by each state made comparisons difficult. NSW Treasury did undertake a comparison in 2007 as part of its review of contributions. In NSW, the policy approach and justification of State Infrastructure Charges is set out in Planning Circular 08-017 (attached).

Q 28:

A restructure of NSW Government Departments in mid 2009 resulted in the establishment of a new agency, the Land and Property Management Authority (LPMA). The State Property Authority is now part of LPMA.

LPMA is to undertake the transaction and property management functions of the Office of Strategic Lands. The functions and relevant staff have been accordingly transferred. The strategic functions of the Office of Strategic Lands remain with the Department of Planning. These arrangements are consistent with previous government decisions.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

Joint Regional Planning Panels

Question No. 29 - On 16 September, 2009 The Hon. J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

Can you advise whether there are differential rates being paid to each of the State Government appointees to the Joint Regional Planning Panels? If so, can you advise what rates are being paid to each appointee?

Answer:

The Minister's power to determine remuneration of a Panel member (including travelling and subsistence allowances) is contained in the *Environmental Planning and Assessment Act*.

The Department engaged an independent consultant to provide a report on the costs associated with establishing the Panels, including fees and the remuneration of members.

The annual net remuneration for State appointed member is \$30,000.

The annual net remuneration for a Chairperson is \$40,000; approximately 33% loading is applied owing to the additional duties of the role.

The daily rate for a State appointed alternate member is \$1,400.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

CURRAWONG

On 16 September, 2009 The Hon. J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

30. What was the total cost to NSW taxpayers of the Ministerial Review Panel into the nomination of Currawong for inclusion on the State Heritage Register?
31. What was the total cost to NSW taxpayers of the Independent Hearing and Assessment Panel into the proposed redevelopment of Currawong?
32. What were the total amounts paid to each of the members of both the Ministerial Review Panel and the Independent Hearing and Assessment Panel on Currawong?
33. Did you receive any legal advice in relation to the proposed heritage listing or redevelopment of Currawong, and, if so, what was the nature of the advice?

Answer:

30. The Department incurred costs of \$33,329 for the Ministerial Review Panel. This cost was not re-covered by the Department from the Proponent.
31. The Department incurred costs of \$99,768 for the Independent Hearing and Assessment Panel, \$50,000 of which was recovered from the Proponent as a component of their project application fee (refer to the Table below), which totalled \$134,687. The total project application fee was determined in accordance with the division 1A of the *Environmental Planning and Assessment Regulation 2000*.

Project Application Fee	
▪ Project Application (based on CIV of \$12.96M)	\$31,249
▪ Subdivision Component	\$10,928
▪ State Significant Site Component	\$39,760
▪ Panel of Experts	\$50,000
▪ Public Exhibition Fee	\$2,750
Total	\$134,687

32. Both the Ministerial Review Panel and Independent Hearing and Assessment Panel consisted of the same panel of experts being Mr John Whitehouse, Mr Martin Hill and Mr Stephen Davies. The Panel members were paid \$22,000, \$47,767.50 and \$20,828.48 respectively.

33. No.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

QUESTION ON NOTICE

BUDGET ESTIMATES

Draft Centres Policy

On 23 September, 2009 the following question was put forward on the Budget Estimates 2009- 2010 Questions on Notice.

Question No. 34 -

Which groups/ individuals were invited by the Department of Planning to assist in the development of the Draft Centres Policy prior to its release?

Answer:

A number of stakeholders were consulted during the development of the draft document including professional bodies, government and industry representatives such as the Local Government Association Shires Association, NSW Business Chamber, Property Council of Australia, Shopping Centre Council of Australia, Bulky Goods Retailers Association, Australian Retailers Association, Queensland Retail Traders Association, Urban Taskforce, NSW Direct Factory Outlets, Planning Institute of Australia, Superbarn, Woolworths, ALDI, Costco, Coles, Roads and Traffic Authority and SGS.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo

GOVERNMENT'S PLAN FIRST LEVY / STATE INFRASTRUCTURE CHARGES

On 16 September, 2009 The Hon. J Gardiner MLC placed the following question on notice during the Estimates Committee Hearing for Planning and Redfern Waterloo.

35. How much money was collected under the Government's Plan First levy in the last financial year? Where was this money spent?
36. How much money was collected under the State Infrastructure Charges in the last financial year? Where was this money spent?

Answer:

35. In the last financial year, \$16.498 million was collected under the Government's Plan First levy.

The levy was utilised to:

- fund councils in undertaking strategic studies as part of the preparation of their new comprehensive Local Environmental Plans,
- to assist in the funding of significant planning reforms including the Planning Assessment Commission, Joint Regional Planning Panels and Part 3 Gateway process,
- to assist in the funding of regional and subregional planning as the basis for councils preparing their comprehensive Local Environmental Plans; and
- to fund the administration of the Planning Reform Fund within the Department.

36. In the last financial year, \$68,342 was collected under the Special Infrastructure Contribution, and \$1.665 million under the Interim Transport Levy.

Both the Special Infrastructure Contribution and the Interim Transport Levy were paid into separate Special Deposits Accounts held by NSW Treasury.

The funding is utilised by the Government to undertake activities such as major infrastructure works in terms of electricity substations, augmentation of water supply, augmentation of sewage systems and road networks..

The Government has expended funding for a number of infrastructure works well in advance of contribution or levy receipts.

The Hon Kristina Keneally MP
Minister for Planning
Minister for Redfern Waterloo