



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 4

## **BUDGET ESTIMATES 2009-2010**

### **QUESTIONS ON NOTICE**

#### **General Purpose Standing Committee No. 4**

Planning, Redfern Waterloo

Wednesday 16 September 2009

Answers to be lodged by: Monday 26 October 2009

**Budget Estimates Secretariat**  
**Telephone 9230 3528**  
**Fax 9230 2981**  
**[budget.estimateds@parliament.nsw.gov.au](mailto:budget.estimateds@parliament.nsw.gov.au)**

Hearing date	Portfolio	Answer to be lodged by
16 September 2009	Fair Trading, Citizenship	12 October 2009 [21 days]
16 September 2009	Emergency Services, Small Business	12 October 2009 [21 days]
16 September 2009	Planning, Redfern Waterloo	26 October 2009 [35 days]
17 September 2009	Transport, Illawarra	27 October 2009 [35 days]
17 September 2009	Science and Medical Research	13 October 2009 [21 days]
17 September 2009	Health (Cancer)	13 October 2009 [21 days]
17 September 2009	Tourism, Hunter	13 October 2009 [21 days]

**Questions relating to the portfolios of Planning and Redfern Waterloo**

**16 September 2009, 2.00 pm – 6.00 pm**

**Questions from Ms Hale**

1. Redfern Waterloo Authority
  - a. Minister, has the ICAC investigation the appointment of Mr Peter Vladeta finished?
  - b. Has ICAC reported back to you on the result of that investigation?
  - c. In relation to Mr. Peter Vladeta, was it found that no proper recruitment process was followed in his appointment to this position?
  - d. Why was his contract terminated?
  - e. Did he leave behind a debt of \$1m?
  - f. Minister, has the ICAC investigation the appointment of Mr Chris Saunders finished?
  - g. Has ICAC reported back to you on the result of that investigation?
  - h. 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?
  - i. Were either positions advertised? Was there a merit-based selection process?
2. North Eveleigh
  - 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?
3. RSL and Gibbons St redevelopment and Rezoning of Regent St area
  - a. Are there plans to redevelop the 2 blocks of land from the towers (the towers formerly known as the 'TNT towers') to Margaret St with a height zoning of 18 storeys?
  - b. Are there other applications to redevelop sites within this area, apart from the RSL and Gibbons St 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 Street?
  - d. Is the southern end of Marian 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?
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?

5. Moolarben Coal Project

- 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 Department of Planning have in decisions to call for expressions of interest in mining exploration licence applications?

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?
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?
8. 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?
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?
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?

### **Questions from Miss Gardiner**

- 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?
- 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?
- 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?
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?
17. How much time and Departmental budget is being spent on finalising the draft Subregional Strategies?
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.
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?
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?
25. How many development proposals have been determined by Joint Regional Planning Panels since they were established? Please split into individual Panel areas.
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?

29. 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?
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?
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?
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?