



NSW GOVERNMENT
Department of Planning

Office of the Director General

Ms Rachel Callinan
Director
Legislative Council General Purpose Standing Committee 2
Parliament House
Macquarie Street
SYDNEY NSW 2000

DGC06/1571

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GPSC's

Dear Ms Callinan

I refer to your letter of 22 August 2006 providing questions on notice and the uncorrected proof of the transcript of the Committee's public hearing on 16 August 2006 for the Inquiry into the health impacts of air pollution in the Sydney basin.

Please find attached the response to the written questions on notice and those taken on notice at the hearing. Also attached are marked corrections to the transcript.

Should you have any further enquiries about this matter, I have arranged for Ms Vivian Hanich, Director, Government and Executive Coordination to assist you. Ms Hanich can be contacted on telephone 9228 6207.

Yours sincerely

A handwritten signature in black ink that reads "SHaddad".

Sam Haddad
Director General

6/9/2006.

Inquiry into Health Impacts of Air Pollution in the Sydney Basin

Questions on Notice – Written

Department of Planning

1. **Historically, how well have the various NSW planning regimes dealt with air quality issues.**
2. **Can you identify any improvements to the current planning regime to better promote air quality in the Sydney Basin?**

The *Environmental Planning and Assessment Act 1979* sets the framework for planning and land use management in NSW. The NSW Government uses legislative instruments such as state policies and regional environmental plans to deliver desired planning and development outcomes.

The Sydney Metropolitan and Regional Strategies set the long term strategic direction for matters such as the scale and location of housing and employment growth, integrating transport and land use, protecting the environment and sustainably managing the use of natural resources. Sustainability is an underlying principle of the strategies. These Strategies will provide clear guidance for councils undertaking local level planning.

Regional Strategies are being developed for the six coastal regions of the Far North Coast, Mid North Coast, Lower Hunter, Central Coast, Illawarra, South Coast, as well as the region between Sydney and Canberra

The Department of Planning also has a statutory role in relation to the environmental impact assessment of major project proposals and advising the Minister for Planning in relation to the determination of those proposals.

3. **Who is responsible for enforcing compliance with Conditions of Approval? What sanctions are available for breach of Conditions of Approval?**

Conditions of planning approvals issued by the Minister for Planning are enforced by the Department of Planning. Whilst conditions of approval generally require proponents to conduct their own monitoring and arrange independent auditing, the Department selects projects for auditing to verify self monitoring and provide assurance to the government on compliance with conditions.

Breaches of conditions are dealt with under the *Environmental Planning and Assessment Act 1979* which provides for orders requiring compliance, penalty notices and court proceedings.

4. How will the *Metro Sydney* strategy improve air quality in Sydney? For example, how will *Metro Sydney* contribute to lower private car usage?

The Metropolitan Strategy contains key directions and initiatives based on integrated land use and transport planning. It also contains a specific Transport Strategy component with initiatives to promote a shift from reliance on private vehicles to greater use of public transport. The contribution of these strategies to improving air quality is detailed in the Government's *Action for Air Update 2006*.

5. How does *Metro Sydney* relate to *Action for Air* and *Action for Transport*?

There are a number of initiatives under the Metropolitan Strategy that contribute to the objectives of *Action for Air* as outlined in the Government's *Action for Air Update 2006*.

The Metropolitan Strategy is a current document which articulates the Government's major strategies in relation to transport in the Greater Metropolitan Region.

6. What mechanisms will *Metro Sydney* include to measure its effectiveness, such as measurable targets and timeframes? Will the Department publicly report on progress in respect of *Metro Sydney*?

The Metropolitan Strategy will be measured on progress across five aims of liveability, economic competitiveness, fairness, environmental protection, and governance. The specific measures and benchmarks are included in Table 2 on p20 of the Supporting Information volume. This document is at <http://www.metrostrategy.nsw.gov.au/dev/uploads/paper/introduction/index.html>

7. *Action for Air* notes that behavioural change by motorists is as important as technological change to motor vehicles and fuels in reducing air pollution caused by motor vehicles (p5). How important is the planning process in encouraging road users to change their behaviours, for example, by requiring higher urban densities and reducing fringe expansion?

There are a number of actions under the Metropolitan Strategy that are aimed at educating and influencing people's travel behaviour to use more sustainable modes of transport. These include:

- *Planning Guidelines for Walking and Cycling* to help councils, communities and the development industry improve planning for walking and cycling;
- TravelSmart voluntary travel behaviour change program; and
- A metropolitan parking policy to support the use of more sustainable modes to locations with good public transport.

8. How does the Department of Planning co-ordinate with other government agencies, including the Departments of Environment and Health, and the Ministry of Transport, in promoting air quality issues in the planning process?

As part of the assessment process for major projects, the Department of Planning seeks advice from relevant agencies, such as the Department of Environment and Conservation (DEC) and NSW Health.

9. Can you advise how the Department of Planning supports local government in performing its planning role, particularly with respect to air quality issues?

A Standard Instrument developed by the Department of Planning for the preparation of local environmental plans (LEPs) has recently been gazetted. This Instrument forms the basis for councils' zonings and land use controls. It provides for a range of zoning options and other controls whereby councils can separate land uses that may have an impact on air quality.

The Metropolitan and Regional Strategies will provide clear guidance for councils preparing new LEPs. The Department also provides financial support (through the Planning Reform Fund) to councils undertaking their strategic planning processes for the preparation of LEPs.

10. What steps will the Department of Planning be undertaking to mitigate the health impacts of increased vehicle movements along major traffic arteries (eg Parramatta, Woodville Roads) which, according to the Metropolitan Strategy, are also to be the locations of intense residential development?

The Metropolitan Strategy includes a process for identifying and planning enterprise corridors such as Canterbury Road, Parramatta Road and potentially Woodville Road to avoid land use conflicts. Under Action B7.2.3 of the Strategy, the Department of Planning will work with Councils, NSW Health and DEC to prepare a set of urban design principles for accommodating mixed use development along enterprise corridors.

The Metropolitan Strategy also includes actions to minimise household exposure to unacceptable noise levels (E2.5 p216) via early strategic planning, noise mapping and linking noise management strategies with planning controls.

11. In light of the problems encountered with pollution in and from the M5East tunnel, what changes have been implemented to prevent agencies such as the RTA making significant post-EIS changes that are not subject to public consultation or independent monitoring?

A proponent must comply with the conditions of approval. Under the *Environmental Planning and Assessment Act 1979* it is a matter for the proponent to decide if any changes it proposes are consistent with the approved project. Where a proponent considers that changes are consistent, a formal modification of the Minister's approval is not required. It is general practice that the proponent agency advises the Department of any such consistent changes.

The 2005 Review of Future Provision of Motorways in NSW made two relevant recommendations on Government decision making processes in relation to Motorway projects:

- that key phases of the *Environmental Planning and Assessment Act 1979* (EP&A Act) processes need to be more appropriately aligned with key government decision making processes, particularly that there is greater alignment between the project objectives and the objectives of the planning process; and
- that at an early stage of toll road projects, the Cabinet Standing Committee of Infrastructure and Planning (IPCC) should request the Minister for Planning to undertake an appraisal of the Project identifying the potential key planning, environmental and community impact factors and matters which could have significant bearing on a later full assessment.

12. In 2002, the EPA indicated that it was concerned about air quality in the Lane Cove tunnel: "air quality remains the principal operational phase environmental concern. The EPA is unable to assess the predicted air quality impacts in the absence of 'outstanding information requirements'. Regardless of the EPA's concerns, Michael Najem, General Manager of the RTA's legal branch, advised the environmental manager to proceed with construction: "The fact that the EPA is still not satisfied with the information provided by the RTA on what are clearly operational issues, is no basis for delaying the approval process under Part 5". What action has the Department of Planning taken to ensure that the EPA's concerns were addressed and its subsequent advice implemented?

There was ongoing discussion between the Department, EPA and RTA to resolve outstanding air quality issues, including the RTA providing an additional report dated October 2002 which addressed the EPA's outstanding issues of concern in relation to air quality. The EPA, in November 2002, indicated that all issues had been satisfactorily addressed by the RTA in the October 2002 report "Assessment of Congested Traffic Conditions" and recommended an additional condition of approval.

The resolution of these outstanding issues identified by the EPA was completed prior to the Minister approving the project on 3 December 2002.

- 13. In light of the deferral of the intended rail access link to the south-west and the fact that no date has been set for the construction of the north-west line, and new bus routes will focus on the new regional city centres of Liverpool and Parramatta, how does the Department of Planning envisage improving air quality in western Sydney when so many current and future residents will be dependent upon car travel for access to work and leisure activities?**

On 9 June 2005, the Government announced the \$8 Billion Metropolitan Rail Expansion Program comprising:

- Stage 1 - South West Rail Link (SWRL) Glenfield to Leppington, construction to commence 2009, operational by 2012;
- Stage 2 - City to St Leonards (Redfern to Chatswood Rail Link), construction to commence in 2011, operational by 2017;
- Stage 3 - North West Rail Link (NWRL) Epping to Rouse Hill, construction to commence in 2012, operational by 2017;
- Stage 4 - SWRL extension to Bringelly, to be operational from 2017; and
- Stage 5 - NWRL extension to Vineyard to be operational from 2020.

The Metropolitan Strategy contains key directions and initiatives based on integrated land use and transport planning. It also contains a specific Transport Strategy component with initiatives to promote a shift from reliance on private vehicles to greater use of public transport. The contribution of these strategies to improving air quality is detailed in the Government's *Action for Air Update 2006*.