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## **GENERAL PURPOSE STANDING COMMITTEE No. 4**

**Thursday 18 November 2010**

**Examination of proposed expenditure for the portfolio area**

### **PLANNING**

**The Committee met at 3.20 p.m.**

### **MEMBERS**

The Hon. J. A. Gardiner (Chair)

The Hon. K. F. Griffin  
The Hon. P. G. Sharpe  
The Hon. L. Voltz

The Hon. D. T. Harwin  
Mr D. Shoebridge

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### **PRESENT**

**Department of Planning**

**Mr S. Haddad**, *Director General*

**Mr R. Pearson**, *Deputy Director General, Development Assessment and Systems Performance*

**Mr T. Gellibrand**, *Deputy Director General, Plan Making and Urban Renewal*

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**CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

**Corrections should be marked on a photocopy of the proof and forwarded to:**

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**

**CHAIR:** I declare this hearing open for the inquiry into the Budget Estimates 2010-11 open to the public. I thank those witnesses who have returned for this supplementary hearing. Today the Committee will examine the proposed expenditure for the portfolio of Planning. I refer the audience and members of the media to my earlier statement today about procedural matters, such as the broadcasting of proceedings and delivery of messages. I remind everyone to turn off their mobile phones. The Committee has agreed to the following format for the hearing for the sequences of questions be asked alternating between Opposition and crossbench members and government members in that order. The return date for questions on notice is 21 days. The transcript of this hearing will be available on the web from tomorrow morning.

Witnesses are to be sworn. As Mr Haddad and Mr Pearson were sworn at the initial Budget Estimates hearing they will give evidence under their previous oath or affirmation. As Mr Gellibrand did not appear at the initial hearing I ask that he supply his full name, job title and agency.

**TOM GELLIBRAND**, Deputy Director General, Plan Making and Urban Renewal, Department of Planning, affirmed and examined:

**SAM HADDAD**, Director General, Department of Planning, and

**RICHARD PEARSON**, Deputy Director General, Development Assessment and Systems Performance, Department of Planning, on former oath:

**The Hon. DON HARWIN:** Mr Haddad, the Planning Assessment Commission recommended an increase in the floor space ratio at Barangaroo from 388,300 square metres to 508,300 square metres predicated on the development of the CBD Metro. Do you believe that the floor space should be decreased now that the CBD Metro is no longer on the drawing board?

**Mr HADDAD:** I am unable to credibly answer the question because we are still going through the assessment process. We have proposals for a concept plan variation that is currently being assessed by us. As part of that assessment, in both consideration of transport implications from the proposed increase in densities, in floor space and height, we are going through that process now. There is a preferred project report that is either on or about to go on the website so we are examining that proposal quite significantly.

**The Hon. DON HARWIN:** Mr Pearson, I noticed you nodding your head.

**Mr PEARSON:** It is on the website, yes.

**The Hon. DON HARWIN:** What assessment has the Department of Planning done in regard to public transport options required to support future uses of the entire Barangaroo site, that is, all the three precincts of Barangaroo?

**Mr HADDAD:** If you do not mind I will pass this question to Richard Pearson. We have looked at the pedestrian link to the station and we are looking now, as I said, at the transport implications of the whole development in a bit more detail.

**Mr PEARSON:** It is fair to say that that is a central planning assessment issue that we have to make through looking at whether additional floor space is appropriate at Barangaroo. There are a number of other things that the Government is committed to that are relevant including the Western Express rail line, which will enhance the capacity of rail into the city. That is one thing that we will look at and what that does for Wynyard Station in terms of its capacity. There is also the light rail extension from Central to Barangaroo, which is another part of the component. There are going to be ferries to Barangaroo—that is another part of the whole transport mix. As the Director General mentioned, we have given approval for the Barangaroo pedestrian link, which actually will get people from Barangaroo to Wynyard Station. We just have to make sure that the capacity at Wynyard Station is going to be enough over a staged period of time to accommodate the additional workers that are going to come out of Barangaroo. It is a central issue that we have got to look at through the assessment process.

**The Hon. DON HARWIN:** Does the department have a view on whether the CBD Metro was integral to the viability of the Barangaroo project?

**Mr HADDAD:** I do not think that we had a view in this regard. Whether or not it is the Metro, it will be essential for such a critical and important piece of renewal—a significant one—to be properly supported by immediate, intermediate and long-term transport infrastructure. That is essential otherwise it will not function to the benefit of everybody. It is an important piece of infrastructure and renewal. We will advise the Government, as I said, in terms of the assessment process that we are looking at, and taking into account that this is a longer-term proposition. We will be taking into account its implications.

**The Hon. DON HARWIN:** If I understood you correctly, the department considers the success of the Barangaroo project to be at least giving something like light rail, constructed to support the precinct.

**Mr HADDAD:** Whether it is light rail or any other transport infrastructure to support that, including a mixture, I would submit that that will be an essential component of the proper functioning of Barangaroo.

**The Hon. DON HARWIN:** What would you see as acceptable substitutes for light rail?

**Mr HADDAD:** As I said, I have not put my mind to the detail of that because I am looking at the proposals that have been submitted to us. We have looked at the interconnection with Wynyard Station. We are looking at what is in the Transport Plan, and probably there are proposals and thinking about the light rail; so we will look at it as well in that context.

**The Hon. DON HARWIN:** Earlier Mr Pearson referred to a study of the transport options at Barangaroo. Would you clarify the scope of that study?

**Mr PEARSON:** Obviously, we are working with the Department of Transport closely on this. It is essential that we have varying input into the process about the mix of transport that is necessary to make Barangaroo function. When the CBD Metro existed that was obviously, in relation to Barangaroo, a strong component of the transport picture for Barangaroo. Since its demise there have been other things put forward, like the light rail which is in the 10-year Transport Plan, like the Western Express line which is in the 10-year Transport Plan. They are concrete things that the Department of Transport has committed to. We need to work through this process and see what the roll-out for that is, and how it will just shape the roll-out of Barangaroo. It is a key part of what we are looking at right now.

**The Hon. DON HARWIN:** Has the department formed a view on the appropriateness or otherwise of, effectively, annexing part of Sydney Harbour for the purpose of construction of a hotel in the Barangaroo precinct?

**Mr HADDAD:** We are assessing it now. We are assessing the proposal, the concept plans and specifications which include the proposed hotel.

**The Hon. DON HARWIN:** What is the department's current understanding of whether or not the proposed hotel will end up entirely a hotel, if it proceeds, or a mixture of hotel and residential?

**Mr HADDAD:** My understanding—and Richard should correct me if I am wrong—is that the proposed development is for a hotel.

**Mr PEARSON:** That is right, yes.

**The Hon. DON HARWIN:** Entirely a hotel?

**Mr HADDAD:** Yes, that is correct.

**CHAIR:** Can we turn to the State infrastructure levy? As we all know, Mr Rees made an announcement that instead of charging the State infrastructure levy upfront, it would be charged only when the lot was sold. We have been advised by developers and others in the voluntary housing industry that they are still being charged the State infrastructure levy upfront and that is contributing to the housing starts in New South Wales being the lowest for 50 years. Could you provide the Committee with an update as to why the Government's commitment has not been implemented to date?

**Mr HADDAD:** If you do not mind, I will update on this, but my understanding is the Minister has for some months now signed a direction which would put into effect the payment of infrastructure levy at a later stage. It may not have been announced, I would have to check on that, but I am certain that this direction has been signed.

**CHAIR:** If you would check on that?

**Mr HADDAD:** Yes. It has definitely been signed. It is probably a matter of communicating it.

**CHAIR:** It would be helpful to people in the industry if they knew.

**Mr HADDAD:** Yes, absolutely. I am surprised that is not happening but yes, from memory, he has signed it. It has been put to him and he has.

**CHAIR:** Does the department have an assessment of the likely impact of changing the point at which the infrastructure levy is paid on the core process of development applications and developments generally?

**Mr HADDAD:** We have not done a quantified assessment but submissions from developers are that it would assist in the cash flow considerations and their investment regime. That is the submissions we have. As I said, it was on this basis that we have recommended to the Minister and he has agreed to defer the payment of the State infrastructure levy payments, which he has.

**CHAIR:** But you do not have a quantified assessment of the impacts?

**Mr HADDAD:** No. I suppose it was qualitatively the submissions put by developers that that will assist them in implementing their investment decisions.

**CHAIR:** Similarly, in relation to the policy planning agreements, does the department have a view on whether or not there is sufficient transparency in the establishment of those levies and in relation to voluntary planning agreements?

**Mr HADDAD:** I can tell you something. We are working very hard on this. There will be a point where we will probably have—that is the department's view—to rethink a bit of the workings of those voluntary planning agreements. There is more or less a tendency now, which I am concerned about, where those voluntary planning agreements are not so much voluntary and sometimes they tend to pre-empt, so there is the potential for them to pre-empt the outcome of an assessment process for varying reasons. So there is a bit of an inconsistency in the applications of those voluntary planning agreements. It may warrant a bit of a rethink about the model itself. I must say we have not advised the Government formally to that effect but I think that is the thinking we are going through. They are also taking a long time to administer. We have been putting additional resources into the administration of the voluntary planning agreements, but the transparency really is essentially in them being put on public exhibition. There is the legal requirement for it, so a development rezoning cannot be legally approved unless and until the voluntary planning agreement had gone through a public exhibition process, with submissions considered and a decision then made. My concern, before they go on public exhibition, is what happened, for example, between a council and a developer in reaching the format of this voluntary planning agreement. There is a bit of inconsistency, which certainly is time consuming and resource consuming in coming to the point where they are. So, whether they are entirely voluntary or not, there is a bit of inconsistency, in my submission, from our experience to date.

**CHAIR:** Are there any guidelines about what goes into them?

**Mr HADDAD:** We have guidelines, yes, on voluntary planning agreements.

**CHAIR:** There still needs to be some work?

**Mr HADDAD:** In the light of experience, I was trying to say, we probably need to have another look at it, so we intend to do that.

**CHAIR:** That issue is obviously a concern in various parts of the State, but one of the parts of the State where it is an issue is the Mudgee area. I want to ask you a question about seniors living in a development proposed for Mudgee. I am referring to an application for a seniors living project in Perry Street Mudgee, just across the road from the council chambers.

**Mr HADDAD:** Yes, I know the site.

**CHAIR:** Is it correct that the site has been studied for this particular purpose, and is it also correct that this development has been previously recommended to go ahead and that Mr Kelly, the Minister, has visited the site at least twice? Can you explain why the Mid-Western Regional Council has been told time and again the approval is still waiting for the go-ahead? Can you explain what the problem is and when it will be approved?

**Mr HADDAD:** I have also visited the site, and you are correct in saying it has been in and out of the system for a long time. It is correct also that the department then recommended for the site to proceed. From my inspection of the site and discussion, it is very well located for seniors living, close to the centre and to services and facilities. The department's proposed endorsement of it was not accepted on the basis that we were asked to do more flood studies.

**CHAIR:** Who was it not accepted by?

**Mr HADDAD:** It was recommended by the then Minister—

**CHAIR:** You mean Mr Sartor?

**Mr HADDAD:** Yes. It was basically asking for more information on flooding. That is appropriate. We went back with more information on flooding. I have received at least two separate studies on flooding and it is a very challenging decision for me. It is on my desk and you are correct, it has been taking some time because I have to look at the flooding issues, the strategic position of the site as a good site for that. I will make a recommendation within the next two to three weeks.

**CHAIR:** Can you explain what is so challenging about it?

**Mr HADDAD:** It is basically the flooding issue. I need to be satisfied that all those flooding information studies I have in front of me are all providing an adequate basis for me to make a credible recommendation with a reasonable certainty that we are not going to have seniors living there in flood-prone areas or flood-affected areas. That is the difficulty I am having. I do not know how it happened, but we have been asking for a report on top of a report and all the rest of it. I have all the information. You are right, I have studied the site enough and I just have to make the decision myself, and I will try my best to do it very shortly.

**CHAIR:** So you think within the next three weeks?

**Mr HADDAD:** Hopefully yes, before Christmas I will have the report done, and that will be by way of recommendation to the Minister. It is his decision.

**The Hon. DON HARWIN:** A question about the State environmental planning policy to do with affordable rental housing: When was a review of this State's environmental planning policy due to be undertaken?

**Mr HADDAD:** I am not sure when it was due. It was due a year after it came about but the review has been undertaken and I have the report—by way of a discussion paper, just to clarify—when hopefully we will get the discussion paper round within the next two to three weeks. I have the discussion paper and I have endorsed it and it will go out on public exhibition.

**The Hon. DON HARWIN:** It is a discussion paper as part of the review process—?

**Mr HADDAD:** It is the review process.

**The Hon. DON HARWIN:** As opposed to the actual review document?

**Mr HADDAD:** I am sorry, it is the review document, but the review option is suggesting a number of options by way of a discussion. The outcome of the review is, in a sense, putting a paper out so that people can submit their views on it as part of community engagement and then we will take all those comments on board.

**The Hon. DON HARWIN:** So there is going to be the capacity to consult—?

**Mr HADDAD:** Absolutely.

**The Hon. DON HARWIN:** —community groups and industry groups?

**Mr HADDAD:** Absolutely, and that is what we are going through now by way of community engagement or communication strategies so that we can make sure we have the proper engagements.

**The Hon. DON HARWIN:** What is the time line that the department is working to?

**Mr HADDAD:** We will try to have it out as a discussion paper within the next two to three weeks. It is done; it is just a matter of the mechanics of getting it ready and then getting it out.

**The Hon. DON HARWIN:** And after that?

**Mr HADDAD:** We will put it on exhibition probably for two or three months. I am not sure for how long.

**The Hon. DON HARWIN:** You are not sure?

**Mr HADDAD:** But we will give enough time. We have the Christmas holiday period, so when that has gone, February will be the period for community participation and up to March.

**The Hon. DON HARWIN:** There is also the urban renewal SEPP that is on the way?

**Mr HADDAD:** Yes.

**The Hon. DON HARWIN:** Will it be publicly exhibited and will opportunities be made available for community comment as well?

**Mr HADDAD:** No, it will not be as a SEPP itself. The SEPP itself is the mechanism by which we gazette specific sites. The process of gazetting the sites involves public participation, so each area that will be studied, that is the area that will be going through a public exhibition process.

**The Hon. DON HARWIN:** So it will be at that point?

**Mr HADDAD:** At that point then it will be included and we will keep on doing it for each end.

**Mr DAVID SHOEBRIDGE:** The criteria under which the sites will be picked out and gazetted will not go out for public consultation, is that what you are saying?

**Mr HADDAD:** The criteria will be basically part of the assessment process for those sites. The urban renewal site is based on picking up certain areas where we want renewal to happen. That is basically it.

**Mr DAVID SHOEBRIDGE:** As I understand it, both the criteria under which you will be determining which sites to gazette and a specific site that you are intending to gazette will go out at the same time?

**Mr HADDAD:** That is correct.

**Mr DAVID SHOEBRIDGE:** So what criteria will people be making a submission to in terms of the substantive issue about that particular site?

**Mr HADDAD:** The submissions will be in relation to the actual site itself, whether or not it is appropriate for those sites to be considered as part of the process of assessment.

**Mr DAVID SHOEBRIDGE:** But how will they know what criteria the department is going to be assessing appropriateness against unless they have the criteria in advance?

**Mr HADDAD:** The criteria would be made available as well as part of the consultation process.

**Mr DAVID SHOEBRIDGE:** What public consultation will there be on the criteria before it goes out?

**Mr HADDAD:** That will be out as part of the potential site itself; that would be made available as well.

**Mr DAVID SHOEBRIDGE:** If we could return to Barangaroo and the current application. I think there are around half a million square metres on the Barangaroo floor space. What criteria is the department looking at in terms of the diversity of housing, particularly social housing?

**Mr PEARSON:** Affordable housing and key worker housing is a key part of what we are looking at. We have not said there is going to be a flat percentage of 10 per cent or whatever per cent but we are requiring Lend Lease, through the process, to address the issue of how much housing they are providing and what sort of mix of housing. There will be housing from studios and one bedroom, so at the lower end of the spectrum they



are going to be cheaper because they are smaller but then we also need to look at whether there is a need for effectively subsidised housing for key workers as well. So it is part of the assessment of the concept plan modification that we are looking at now.

**Mr DAVID SHOEBRIDGE:** What model does the Department of Planning have in terms of diverse housing mix in this large development when it is assessing Lend Lease's application? Do you have an approach which requires some kind of public housing?

**Mr PEARSON:** We have the affordable housing SEPP.

**Mr DAVID SHOEBRIDGE:** So that will apply?

**Mr PEARSON:** Yes. The approach that has been taken on affordable housing more recently has been one of trying to encourage and provide incentives for developers to provide affordable housing as opposed to a purely regulatory approach or a levy approach, which have been used in the past, but I guess the Government policy decision was that they wanted to go to a more incentives-based approach to affordable housing and through this process that is what we are looking at for Barangaroo, just to see—given the scale of the development proposed—what sort of affordable housing may be reasonable on the site.

**Mr DAVID SHOEBRIDGE:** So there are no mandated targets?

**Mr PEARSON:** There are no particular mandated targets, no.

**Mr DAVID SHOEBRIDGE:** And any proposal to advance that 2.3 per cent target for some more affordable housing that was put in by Land Lease?

**Mr PEARSON:** Into Barangaroo specifically?

**Mr DAVID SHOEBRIDGE:** Correct?

**Mr PEARSON:** Again, it is one of about six key issues that we are looking at through the assessment process, so I cannot give you a firm answer now.

**Mr DAVID SHOEBRIDGE:** What about public housing? It is not being provided?

**Mr PEARSON:** I do not think there is any proposal for public housing in that location.

**Mr DAVID SHOEBRIDGE:** There is no proposal for public housing?

**Mr PEARSON:** No, not on the Barangaroo site.

**Mr DAVID SHOEBRIDGE:** What is the rationale that the Department of Planning takes to preclude public housing from such a large development?

**Mr PEARSON:** At the end of the day I suppose there is substantial—as I am sure you know—public housing in the Millers Point and other areas surrounding Barangaroo. It is for the Department of Housing to push the need for additional public housing as opposed to social and affordable housing and they have not come to us and said that they want public housing at Barangaroo. If they did, I guess that would be for the Government, through the Barangaroo Development Authority, to push that argument but that has not been the mix.

**Mr DAVID SHOEBRIDGE:** But surely a diverse housing stock is part of what we have a Department of Planning for, and coming up with an approach for diverse housing stock and public housing must be part of that? Are you saying that is just not part of your brief?

**Mr PEARSON:** I am saying that diverse housing is absolutely part of the brief, diverse private housing from studios and one-bedders through to two and three-bedders, and affordable key worker housing is absolutely part of what we are trying to work through with Barangaroo, but public housing is not part of that mix.

**Mr DAVID SHOEBRIDGE:** You said earlier, I think in answer to Mr Harwin's question, that public transport is going to be necessary to allow for the staged building of Barangaroo?

**Mr PEARSON:** Yes.

**Mr DAVID SHOEBRIDGE:** Is that what your position is?

**Mr HADDAD:** Yes.

**Mr PEARSON:** Absolutely.

**Mr DAVID SHOEBRIDGE:** Have you got an approach whereby any approval is going to be conditional upon the actual provision of public transport?

**Mr PEARSON:** That is exactly the process we are going through. Barangaroo will be rolled out over stages; it will not all happen at once, so we need to be sure obviously that as this level of development occurs, the transport is adequate to cater for it. As more development occurs, if necessary more transport comes along to cater for it. That is exactly the exercise we are going through with the Department of Transport.

**Mr HADDAD:** What I was trying to say, as an integral part of the assessment process we will have to be satisfied that this important urban renewal area is properly supported by a variety of transport options otherwise the planning outcome will not be an appropriate one and we will have to be satisfied that this is going to happen over the period of time. If the answer is that we impose a condition that says you must have light rail here or there, probably we will not be able to say we must have light rail, but what we will be able to do is to have an assessment which will say the outcome of this will depend on the light rail or on this happening and we will have to think of some sort of model which can deliver this.

**Mr DAVID SHOEBRIDGE:** Do I understand that you are going to be prognosticating or trying to have some assessment of what public transport will be provided—

**Mr HADDAD:** Yes.

**Mr DAVID SHOEBRIDGE:** —and then grant your approvals in light of what you think will be provided?

**Mr HADDAD:** Yes.

**Mr DAVID SHOEBRIDGE:** Would you not think that a far more cautious and appropriate approach would be to say the approval is subject to public transport actually being provided, given the litany of failed public transport projects in this State?

**Mr HADDAD:** We will look into that. In answering you credibly, I have to think how legally I can put that into effect, but certainly we could put in the recommendation—

**Mr DAVID SHOEBRIDGE:** Do you not see the difficulty? If you approve half a million square metres of floor space in the hope that public transport will be delivered, even if it is an educated hope, it runs the risk of it not being delivered and our having a transport nightmare on the doorstep of Sydney.

**Mr HADDAD:** I hope it is more than a hope. I hope there is a Government commitment that is basically put into a plan with sufficient provisions for it to happen. That is more than a hope.

**Mr DAVID SHOEBRIDGE:** I am troubled by your language—you hope it is more than a hope. That seems to be putting hope one step forward.

**Mr HADDAD:** All I am trying to say is that in undertaking our professional assessment we will need to make sure to the best of our ability that all the transport support infrastructure is there. You are correct: it is much more than just hoping, it is going to be implemented. That is what we will try to do in our assessments. We will put that in our reports.

**Mr DAVID SHOEBRIDGE:** That is what you will be hoping will happen.

**Mr HADDAD:** Not hoping.

**Mr DAVID SHOEBRIDGE:** Praying?

**Mr HADDAD:** Not praying, recommending.

**Mr DAVID SHOEBRIDGE:** Was there some illegal land clearing in relation to the Southern Highlands Regional Shooting Complex at Hilltop?

**Mr HADDAD:** There was some land clearing that should not have happened. Yes, that is correct.

**Mr DAVID SHOEBRIDGE:** It was not legal.

**Mr HADDAD:** Yes, it was contrary to what was approved. That is right. That was recognised and it was brought to our attention and we did an audit to make sure it happened. I have issued a penalty notice on the Department of Sport and Recreation consistent with our policy.

**Mr DAVID SHOEBRIDGE:** Was there illegal land clearing? Let us be clear. It was illegal land clearing by the department.

**Mr HADDAD:** It was land clearing that was inconsistent with the approval. Whether it was legal or not is up to the court. It was not part of the approved scheme. I had people looking at it very quickly. Whether it was significant or not maybe others can say, but when it was brought to my attention we followed the procedure of issuing the appropriate penalty notices, which reflect the deviation from what had happened. That has been done. We looked at it and I have determined a modification to what has happened so that it is now consistent with a legal scheme.

**Mr DAVID SHOEBRIDGE:** Is this the time frame: There is an injunction on 15 October in the Land and Environment Court? Is that right?

**Mr HADDAD:** Yes.

**Mr DAVID SHOEBRIDGE:** Then there was a realisation that "illegal land clearing", to use the shorthand, had been undertaken by the department. Then they brought a further application to you to modify the approval. Is that right?

**Mr HADDAD:** That is correct.

**Mr DAVID SHOEBRIDGE:** Would it be fair to say that you received and determined that modified application within about a week, or less than a week?

**Mr HADDAD:** Probably. I cannot determine the exact timing. Yes, it was within a week—23 October.

**Mr DAVID SHOEBRIDGE:** So, the injunction was granted on 15 October and you approved an amended approval on 23 October?

**Mr HADDAD:** On 19 October the proponent applied to the Minister for a modification and I issued the modification approval on 23 October.

**Mr DAVID SHOEBRIDGE:** What environmental assessment did your department undertake before you gave approval?

**Mr HADDAD:** There was an environmental assessment. Information was provided and an assessment was done by relevant officers of the department. I presume the assessment should be available on our website, but we can make it available on the website if you like. It is an assessment that was done following whatever procedures. All the necessary mapping, requirements and studies and whatever is needed to be done were done. I cannot say it was consistent but it was undertaken within the knowledge or broad direction or understanding of the court proceedings, but I was not part of that. Yes, there was an assessment and the assessment is available.

**Mr DAVID SHOEBRIDGE:** Did you sign the approval?

**Mr HADDAD:** Yes, I did.

**Mr DAVID SHOEBRIDGE:** On the weekend before it came back to court?

**Mr HADDAD:** I remember I did it on the Saturday. I thought about whether I should date it on the Friday or the Saturday but I usually date it on the day I sign it and it was on a Saturday. I did not do it specifically for that but I usually work on Saturdays and Sundays, unfortunately.

**The Hon. LYNDIA VOLTZ:** You need a good union.

**Mr HADDAD:** I work almost every Saturday but I can assure you I did not go to the office specifically to sign it on the Saturday. I went to work on the Saturday and it was there because they worked on the assessment and completed it on the Friday. I could probably have signed it late on Friday but I signed it and dated it on the Saturday. I remember it clearly because I was thinking whether to sign it on the date the submission was given to me, but I signed it on the Saturday.

**Mr DAVID SHOEBRIDGE:** It was then available on the following Monday to tender in the court proceedings.

**Mr HADDAD:** Obviously the thinking was that the court wanted to know what was happening. I was just interested essentially in what was happening. There was clearing of land and we were aware of it. It is correct they did not do what they were supposed to do. They put in a modification—there was an injunction—and we asked for a proper assessment and officers who did the assessment said that basically the impact would be this and that. They put in the relevant reports and I determined on the basis of those reports. Those assessments are available and they can be challenged, I suppose, as to their adequacy, but that was all done to the best of the information that was available.

**Mr DAVID SHOEBRIDGE:** I assume between 19 October and 23 October there was no community consultation about the impact?

**Mr HADDAD:** For those modifications we do not, but I cannot say whether there have been discussions with the community group concerned. The answer is no, we did not have any formal exhibition of those modifications because we do not do that usually.

**Mr DAVID SHOEBRIDGE:** Is it correct that the amended approval also dealt with the clearing for the pistol range?

**Mr HADDAD:** I will have to take advice on this. I will have to take it on notice. As I said, I am happy to give you a copy of our assessment report.

**Mr GELLIBRAND:** I am not sure whether the amended approval related specifically to a pistol range but the information we have is that the amended approval related to the relocation of the 500-metre range and the connected 200-metre range. I am not sure whether one of those is the pistol range.

**Mr DAVID SHOEBRIDGE:** Is it true that the clearing for the 200-metre pistol range has been done in a place that they do not have approval for? It was consistent with the earlier approval but not in the modified approval.

**Mr HADDAD:** I cannot answer that.

**Mr GELLIBRAND:** I think we would have to take it on notice. My understanding is that the modified approval that has been granted reflects what they proposed to us on 19 October.

**Mr HADDAD:** We will check that and make sure it is undertaken. We are more than happy to give you this information because it is important that what we have approved is followed. It is another government agency and sometimes giving a penalty notice to another government agency is not supported but we did it to say that it should follow what we have approved. That is what we have done.

**Mr DAVID SHOEBRIDGE:** Is it correct there is a new development application for the Currawong site, which is going before a joint regional planning panel?

**Mr HADDAD:** I do not know the details of it.

**Mr DAVID SHOEBRIDGE:** It is on Pittwater.

**Mr HADDAD:** I will have to take that on notice. I am not up to date with what is happening there, I am sorry. There is certainly nothing before the department.

**Mr DAVID SHOEBRIDGE:** Could you take on notice whether or not the department has been advised by the proponents that they had a 26 November deadline, by which time the developers' option to purchase the property expires?

**Mr HADDAD:** Yes, we will take that on notice.

**Mr DAVID SHOEBRIDGE:** And whether or not you got that information from the proponents or from someone else.

**Mr HADDAD:** Okay. The briefing note I have here says that the heritage branch received on 5 October a further application for integrated development for the site from Pittwater. So we will take it on notice and send you all the information on this.

**Mr DAVID SHOEBRIDGE:** And whether or not there had been any discussions between Pittwater Council, the department and potentially the residents, who I think raised some separate funding, in terms of getting Currawong into public hands.

**Mr HADDAD:** Okay. Could I please clarify: the Department of Planning?

**Mr DAVID SHOEBRIDGE:** Yes.

**Mr HADDAD:** Certainly not to my knowledge, but we will clarify that.

**Mr DAVID SHOEBRIDGE:** It may be the Department of Lands?

**Mr HADDAD:** It could well be; that is why I will take it on notice and clarify which discussions are which. I am not aware that discussions took place with the Department of Planning, but things happen probably without my knowing everything. But we will check.

**Mr DAVID SHOEBRIDGE:** In terms of the standard instrument LEP, it is true that that requires all local roads to be zoned? Is that right?

**Mr GELLIBRAND:** The standard instrument LEP seeks to have infrastructure zoned according to its adjacent zoning. In most cases, a road will take the adjacent zoning that is going through a residential area. It could possibly be zoned for residential.

**Mr DAVID SHOEBRIDGE:** In other words, the basic approach statewide is for all local roads, that is council roads, to be rezoned to either residential, commercial, industrial, or whatever land they are running through, is that correct?

**Mr GELLIBRAND:** That is correct.

**Mr DAVID SHOEBRIDGE:** Is that an approach that avoids the need for spot rezonings when the infrastructure used ceases or is downsized in the future?

**Mr GELLIBRAND:** That is one of the outcomes of taking that approach, yes.

**Mr DAVID SHOEBRIDGE:** You do not have to go to the trouble of rezoning it, if you want to dispose of it.

**Mr GELLIBRAND:** That is correct.

**Mr HADDAD:** It is still subject to any development application.

**Mr DAVID SHOEBRIDGE:** But you do not have to go to the trouble of rezoning it.

**Mr GELLIBRAND:** In the event that it is council land that is classified as community, the council is still required to go through a process of reclassification, which involves public hearings and making plans, before they could dispose of it. So there is still a process they need to follow where it is what we call community land. If it is operational land—

**Mr DAVID SHOEBRIDGE:** Which all roads are?

**Mr GELLIBRAND:** It is a question of detail. What you find in many locations is that roads sit within a road reserve but often incorporate other lands that are adjoining but outside a road reserve. The road can sometimes include more land than it really needs to be a road. A standard road might be 20.113 metres wide.

**Mr DAVID SHOEBRIDGE:** But this approach is also applying to schools, is that correct?

**Mr GELLIBRAND:** Correct. In nearly all cases, the zoning for schools takes the adjacent zoning.

**Mr DAVID SHOEBRIDGE:** And TAFE colleges?

**Mr GELLIBRAND:** Correct.

**Mr DAVID SHOEBRIDGE:** Are you aware of the TAFE college at Burwood being rezoned to industrial?

**Mr GELLIBRAND:** Not specifically in that case. But that could be the case if it is adjacent to an industrial area and that is the predominant land use adjoining. If I may provide a more full response, there are situations where the use that you describe, say at a school, retains its zone, and that is often the case if the site either has a known or a potential degree of contamination. The zoning is kept as an infrastructure-type zoning, so that it operates as another trigger—I say another trigger, because there are other triggers besides this one—to make sure that when we make future decisions we very much address that. In the event that a site is zoned as an adjoining use—say, a school as residential—the issue of site contamination is still something that is considered, but it is considered as part of the development application process.

**CHAIR:** Mr Haddad, Mr Pearson and Mr Gellibrand, thank you for your attendance this afternoon. Again, we appreciate your assistance in the budget estimates process.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**

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