

Answers to Questions on Notice

Questions from Mr Shoebridge

Regarding the Department of Planning approval of 4 August 2010 of Concept Plan 09-0010 St Vincent's Research Precinct for the 9 story building on the corner of Liverpool & West Streets in Darlinghurst. Minister, this proposed building is almost directly across Liverpool St from the Darlinghurst Public School. It is along a major thoroughfare that children use to walk to the Darlinghurst Public School.

1. What specific measures does the Department of Planning have in place to ensure the ongoing safety of the children from the Darlinghurst Public School from the increased traffic flows and pollution?
2. What assessments/studies has the Department undertaken to guarantee that Darlinghurst Public School is not impacted by this development?

Answer:

The impacts to the Darlinghurst Public School were considered in the Department's assessment of the Concept Plan for the St Vincent's Research Precinct. The Department commissioned independent reviews of the traffic impacts in its assessment of the Concept Plan for the Precinct and assessment of the Kinghorn Cancer Centre (formerly known as the Garvan St Vincent's Campus Cancer Centre) major project. These independent reviews concluded that the proposed access arrangements were sound and that the traffic generated by the Precinct will have a negligible impact on the local road network, including minimal impacts on Darlinghurst Primary School as the majority of vehicles would turn left from West Street and away from the school.

The Project Approval for the Kinghorn Cancer Centre, which forms the first stage of development within the Precinct, requires the preparation of an Operational Traffic Management Plan to manage the increased traffic resulting from the development. The Operational Traffic Management Plan will need to be submitted to the Department of Planning for approval by the Director General prior to occupation of the building.

Development of Stage 2 of the Precinct will require further project approval and construction and operational impacts would need to be addressed in any future project application for the site. Any future application would also need to demonstrate that adequate traffic measures have been incorporated in the Operational Traffic Management Plan for the Kinghorn Cancer Centre and implemented.

Department officers also met with the Darlinghurst Public School's Parents and Citizens Association on Friday 17 September 2010 on this matter. The Department will ensure that ongoing consultation between the Proponent and the school is maintained, and that the ongoing safety of the children is considered as the Concept Plan progresses.

Questions from Mr Pearce

Given that the Department of Planning's own Local Reference Group rejected the need for an affordable rental housing development in Belinda Street, Gerringong and acknowledging the overwhelming opposition to the size, bulk and scale of this development, can the Government explain to residents why it proceeded with this project?

As this matter falls outside my jurisdiction, I suggest the Member redirect his question to the relevant Minister.

With respect to the 3 affordable rental housing SEPP developments in Bomaderry can the Government please explain:

- 3. Why the NSW Government dispensed the need to make s94 development contributions to two of the three developments in questions?**
- 4. Why the NSW Government did not adhere to the Shoalhaven City Council car parking code just like any other development?**
- 5. Why the NSW Government failed to consult affected residents in the local area?**
- 6. Given the state-wide community concern about the affordable rental housing SEPP and the manner in which it overrode the right of local communities to have a say in the future of their urban environment, can the Government please advise if there are any plans to review or change the community consultative mechanisms contained in the SEPP?**

Answer:

- 3.** This social housing project was undertaken through the Nation Building and Jobs Plan (Stimulus Plan). When Housing NSW self-approves development under the Affordable Rental Housing SEPP, a statutory requirement to pay Section 94 contributions does not arise for developments up to 20 dwellings.
- 4.** Housing NSW is responsible for the assessment and determination of these social housing projects. The Minister for Housing is to respond to this question.
- 5.** Housing NSW is responsible for the assessment and determination of these social housing projects. The Minister for Housing is to respond to this question.
- 6.** The Affordable Housing SEPP has now been in operation for one year. The Policy is currently being reviewed to assess its effectiveness and performance. The Department is in the process of preparing a Discussion Paper to outline issues raised since the inception of the Policy.

In relation to the Part 3A project at Kendall Bay:

- 7. What is the current status of the Kendall Bay Remediation Project?**
- 8. On 8th May this year, the Member for Drummoyne told a community meeting that she had been informed that Jemena was seeking contractors to undertake the remediation of Kendall Bay. Can you confirm that this is the case?**
- 9. Has the Department or Minister received a plan of management or environmental assessment from Jemena in relation to the remediation of Kendall Bay?**
- 10. If not, given the Director-General's Requirements included a deemed refusal period of 60 days from 28th December 2008, what action has the Government taken to expedite the remediation process?**
- 11. If so, when can the community expect the assessment to go on public exhibition?**
- 12. When can the community expect to be consulted about the remediation plans?**

Answer:

7. The Kendall Bay Remediation Project was issued with Director General's Requirements on 28 December 2008. The Department is waiting for the Draft Environmental Assessment to be lodged for adequacy assessment.
8. My Department can not confirm whether Jemena are seeking contractors to undertake the Remediation Project. This question should be directed to Jemena.
9. My Department has not received a plan of management or an Environmental Assessment for the Remediation Project.
10. A 'deemed refusal period' is an assessment timeframe a consent authority has once a proposal is actually lodged. It is not a timeframe for submission of a proposal. My Department does not control when a proponent lodges an Environmental Assessment.
11. When the Environmental Assessment for the Remediation Project is received, my Department will determine whether the Environmental Assessment is adequate to be placed on public exhibition, in consultation with other government agencies. Once an adequate version of the Environmental Assessment has been received, the documents will be placed on public exhibition for a minimum of 30 days.
12. Members of the public will be invited to make a submission on the Remediation Project during the exhibition period. Copies of the Environmental Assessment will be available at various locations including Council, the Department's information centre and on the Department's website. The Director General's Requirements for the Remediation Project require the proponent to undertake consultation with the community.

In relation to the development proposal for a private hospital at 360 Crown Street, Wollongong:

- 13. Does the proposal conform to the floor space ration in the Wollongong Local Environmental Plan 2009?**
- 14. If not, what measures will the Department of Planning take to ensure that if approval is granted the development does not exceed the floor space ration?**
- 15. Will the Department guarantee it will not allow overdevelopment on the site?**

Answer:

13. No. The current proposed FSR is 3.83:1 compared with a maximum FSR allowed under WLEP 2009 of 3:1.
14. The applicant is currently considering submissions made on the proposal, including one by Wollongong City Council.

In addition, the Department has required the Proponent to provide additional information on proposed operational characteristics, traffic, access and parking matters, potential impact on the existing Wollongong Public Hospital helicopter landing pad and importantly the built form and urban design of the proposal, particularly further justification for the proposed allocation of gross floor area within the design.

15. Any determination will follow a thorough assessment of the proposal, during which the bulk and scale, design and relationship of the built form to the immediate and surrounding areas will be taken into consideration.

In relation to the release of land at West Dapto and Calderwood:

- 16. What actions has the Department taken to help to see land release opened in West Dapto and Calderwood?**
- 17. How many community consultation meetings and on what dates has the Department of Planning held in relation to the release of land at West Dapto and Calderwood?**
- 18. What plans does the Department of Planning have for the provision of 'services' infrastructure such as medical centres, emergency services, community services and schools following the release of land in West Dapto and Calderwood?**
- 19. Will the Government commit to building a new road connecting East and West Dapto?**
- 20. Has the Department of Planning undertaken any studies into the possibility of creeks flooding in the West Dapto area because of poor river management or climate change?**

21. Are there flood evacuation plans being considered in conjunction with the release of land in West Dapto and Calderwood?

Answer:

16. The Department has worked with Wollongong City Council to progress the rezoning of the West Dapto new release area (7,000 lots, rezoned May 2010). A Planning Proposal is also being progressed for the Marshall Mount precinct at West Dapto (2,000 lots). The preferred project report for a Concept Plan application for approximately 4,500 lots and first stage Major Project application at Calderwood is currently being considered as part of a potential State Significant Site listing.
17. No community consultation meetings for the land release at West Dapto were held by the Department as this was the responsibility of Wollongong City Council. Departmental staff attended many of the public consultation meetings held by Council. The Department did not hold any community consultation meetings in relation to the Calderwood proposal but did exhibit the Environmental Assessment from 14 April 2010 until 11 June 2010.
18. The delivery of services and infrastructure are the responsibility of the relevant agency. The Department worked with agencies such as Health, Emergency Services, Community Services and Education in preparation and delivery of the land release at West Dapto and Calderwood. The Department will continue to work with those agencies during the more detailed implementation phase.
19. The construction of local roads to service the West Dapto new release area, including east-west roads is a matter for Wollongong City Council. The State Government has provided the Council with a \$26.1million interest free loan under its Local Infrastructure Fund for the early delivery of the West Dapto Initial Access Strategy.
20. The responsibility for undertaking studies relating to flooding, waterway management and climate change impacts rests with Wollongong City Council. Council has undertaken flood studies as part of the rezoning process for West Dapto.
21. The preparation and/or assessment of flood evacuation plans is not a function of the Department of Planning. However Wollongong City Council has prepared an Access Strategy an integral component of which is identifying access for emergency services during floods. The need for a flood evacuation plan will be a consideration in the Department of Planning's assessment of Calderwood.
22. **Please advise of the current status of the seniors living application in Corrimal Street Wollongong which has been referred by Wollongong Council to the Department of Planning.**
23. **Please advise of the current status of the application to build a DFO in Kembla Grange which has been referred by Wollongong Council to the Department of Planning.**

Answer:

22. The Southern Region Joint Regional Planning Panel refused a development application for a Seniors Housing development at Corrimal Street, Wollongong on 20 May 2010 due to concerns about the design of the proposal and a lack of information being provided to adequately assess the application.

The Director General of the Department of Planning issued a Site Compatibility Certificate under the SEPP (Housing for Seniors or People with a Disability) on 19 August 2010 for an integrated aged and independent living development for Seniors Housing on the site. The certificate confirms that the Department considers that the site is in a suitable location for the development.

23. The Department of Planning has consistently advised that the Kembla Grange site is not suitable for the Discount Factory Outlet proposal as it is inconsistent with the Illawarra Regional Strategy identification of Kembla Grange as a significant industrial employment area. The Department, under delegation, has refused to declare the proposal a Major Development under part 3A or use a Concept Plan to overcome the zoning in a manner inconsistent with the Illawarra Regional Strategy.

The proponents have been advised of other alternate sites that have been identified as worthy of further investigation for the purpose of a Brand Factory Outlet.

It is understood that the proponent is considering alternative development proposals.

24. **Has the Department of Planning identified any:**

a) **Tourism land in the Illawarra?**

b) **Employment lands in the Illawarra?**

c) **What actions has the Department taken to progress the development of these areas?**

Answer:

24.

- (a) The Illawarra Regional Strategy contains an action for Councils to identify appropriate sites for major tourism developments and specific tourism precincts.
- (b) The Illawarra Regional Strategy identifies a number of "regionally significant employment lands" for protection as well as areas for investigation as employment lands.
- (c) The identification of tourism sites and employment lands have been identified by Councils through their principal Local Environmental Plans (LEPs). Wollongong has completed its principal LEP, while Shellharbour and Kiama are in the process of seeking approval to exhibit their draft principal LEPs. The Department is also

actively involved with the development of employment lands through its role on the Illawarra Employment Lands Taskforce and by participating on employment lands investigation areas working parties.