



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 4

# **BUDGET ESTIMATES 2008-2009**

## **QUESTIONS ON NOTICE**

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

Planning, Redfern Waterloo

Wednesday 15 October 2008

Answers to be lodged by: Monday 10 November 2008

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

**15 OCTOBER 2008, 2.00 pm – 6.00 pm**

**Questions from Ms Cusack**

***Yasmar Estate***

This Crown Land Reserve 1011588 is a major public asset and also on the State Heritage Register. The people of NSW have a deep and vested interest in what's happening with, and at, Yasmar. Accordingly, I submit the following questions

1. On 2 July 2008 the Approvals Committee of the Heritage Council resolved to DEFER consideration of any Development Application concerning the Yasmar site until various statutory documentation was in place including a Plan of Management - why did it then give the go ahead for DA-015 at its next meeting on 6 August?
2. Apart from a presentation by the Director General of Dept of Lands on 6 August, which did not address heritage issues, what occurred in one month to cause such a total U-turn?
3. The community representatives who presented at the July meeting were advised by letter of the decision to defer. Why were they then NOT told that the question of Yasmar would be re-opened at the August meeting?
4. Why were they not advised that the Heritage Council had reversed its July decision, and decided to approve the Development Application for Yasmar East Wing?
5. Why did Minister Kelly's media release issued on or soon after 6 August indicate that the Heritage Council had effectively handed over its role as heritage decision-maker regarding to Yasmar to the Dept of Lands, but made no mention that the DA had been approved?
6. On what grounds did the Heritage Council give approval to demolish all buildings in the Yasmar East Wing, this being in breach of the Heritage Act 1977 which prohibits any demolition in relation to an item on the State Heritage Register unless the buildings involved are deemed so derelict as to be irretrievably unsafe?
7. Given that the Minutes of 6 August reveal that the Conservation Management Plan of 2003 dealt only with Yasmar House so a new CMP for the entire site would be needed, what structural reports or other safety information was provided by the Dept of Lands for consideration by the Heritage Council in regard to the East Wing?
8. Why were details of the August Minutes not made available until early October, and then only as a result of repeated requests by community representatives ?
9. Why were the full Minutes of July not placed on the Heritage Council website as soon as they were confirmed? Why do these July Minutes refer to a 100year lease?
10. Why do the July Minutes reveal the Heritage Council as actively considering, and in favourable terms, the handover of the entire Yasmar site to one user, the DA applicant?

11. Is any such future 100-year handover already being discussed by the Minister? By the Department? By the applicant? By anyone else in or out of the Heritage Council?
12. What is the Minister's timetable for appointing a proper Yasmar Management Trust Board as required by the Crown Lands Act, and will this Board include representatives from Ashfield Council and the Haberfield community?

### **Questions from Ms Hale**

#### ***Donations and Part 3A approvals***

13. Under the new model Code of Conduct for Local Government Councillors if a development applicant has made a donation of over \$1000 to a Councillor's campaign fund or to the Councillor's party the Councillor must declare a non-pecuniary interest and must at the very least consider not participating in the vote on that application. Have the current Minister or the previous Minister for Planning ever declared a non-pecuniary interest in a development application that was being determined under part 3A where the applicant was a donor to the NSW ALP?
14. Will the Minister declare a non-pecuniary interest in any DA or similar application under Part 3A from a party donor?

#### ***Lower Hunter and Catherine Hill Bay***

On 12 April 2008 the Sydney Morning Herald ran a story that referred to documents that had not been presented to the Upper House following a s. 52 order by the House to produce all documents relating to the lower Hunter strategy. Specifically, the story referred to an email dated September 2006 from the Department of Planning's then regional director for the Hunter Mr. Steve Brown in which Mr Brown warned that the government was making "massive" concessions to developers "with little justification" and in which he expressed concern about the Hardie Holdings residential development near Branxton.

15. Why was the document referred to in the Sydney Morning Herald story not provided to the House under the s52 order for papers?
16. Has the Department checked if any other relevant documents did not make their way to the parliament? What was the outcome of this check?
17. Has the Department located the document referred to in the Herald story or any other documents that should have been provided to the parliament under the s52 order?
18. Have those documents been provided to the parliament?
19. What action has the Director-General taken to review the Department's procedures in light of the document not being provided to the parliament?
20. Given that the Planning Department rated the Sweetwater proposal last out of 91 potential development sites for the lower Hunter why was it subsequently approved as a development site?
21. How many times did the Minister meet with representatives of Hardie Holdings during 2006 and 2007?

22. Why was initial advice from the Department of Planning about the inappropriateness of the proposed residential developments at Catherine Hill Bay not accepted by the Minister?
23. How many times have the current and former Minister met with Rosecorp and Coal and Allied or their representatives to discuss the Catherine Hill Bay and Gwandalan proposals?

***Currawong***

24. Will the government heritage list the former union site at Currawong? If not, why not?
25. Will the government incorporate the Currawong site into the adjoining National Park? If not, why not?

***SEPP 1***

26. Given the evidence from Wollongong and elsewhere that SEPP 1 is abused by some developers for corrupt purposes will the government be moving to abolish or at least significantly tighten the requirements for SEPP 1 objections?

***ICAC report into Corruption Risks in Development Approval Processes***

At last year's estimates hearing of this committee, on Monday 15 October 2007, my colleague Lee Rhiannon asked then Minister Sartor if the government intended to provide a formal response to the ICAC position paper on corruption risks in the NSW development approval process. The Minister's response was "*The Government will provide a response in due course. It is a matter for the whole of Cabinet.*"

27. Has the Cabinet endorsed a formal response to the ICAC report?
28. Which of its recommendations has the Government decided not to implement?
29. Why has it decided not to implement those recommendations?

***Stockland and Sandon Point***

30. How much did the Sandon Point Commission of Inquiry cost and who paid that cost?
31. Why did the NSW Planning Department choose to ignore the Findings and Recommendations of Sandon Point Commission of Inquiry to protect significant Aboriginal and natural heritage values?
32. Why were the Offices of Commission of Inquiry Commissioners and Heritage dismantled and absorbed into the Planning Department?
33. How will the Minister demonstrate that she has "*conscientiously address(ed) the principles of ESD... to take into account the public interest*" (P63 of Supreme Court judgment at Sandon Point, CA 40893/07) when considering future Development Applications relating to Sandon Point?

***BASIX***

34. Why are Council's prohibited from implementing tougher sustainability standards than BASIX?

35. Why are BASIX outcomes measured on the basis of commitments in DAs rather than what is finally constructed?
36. How is BASIX compliance ensured in final construction? What happens if BASIX commitments have not been met?

***Bowraville Bus Depot***

37. Has the Department or the Minister received a complaint regarding the operations of the Bowraville bus depot?
38. Has the Department investigated whether the Bowraville Bus depot is complying with the relevant zoning?

***Affordable Housing***

39. Will the government amend the EP&A Act or write a new SEPP to allow mandatory levying for affordable housing in new or re-zoned multi-unit developments?
40. If yes, by when?
41. Is Planning NSW reviewing State Environmental Planning Policy no. 10 – Retention of Low-cost Rental Accommodation, and State Environmental Planning Policy no. 70 – Affordable Housing (Revised Schemes)?
42. When will this review be completed?
43. Will an options paper be released? When?

***Lawson Hall***

44. When will Amendment No.1 to the Blue Mountains LEP Heritage Schedule be gazetted?
45. Will Lawson Hall, also known as the Lawson Mechanics Institute be included in the Heritage Schedule? If not, why not?
46. Is the Minister aware of the RTA Great Western Highway widening plan that allows the Lawson Mechanics Institute to remain in situ?

**Questions from Miss Gardiner**

***Redfern Waterloo***

47. How many times have you met with representatives of the Redfern-Waterloo Authority? Please provide dates of meetings, with whom you met and the issues you discussed.
48. How many times have you met with representatives of the Aboriginal Housing Company? Please provide dates of meetings, with whom you met and the issues you discussed.
49. How many times have you met with representatives of the Aboriginal Housing Company? Please provide dates of meetings, with whom you met and the issues you discussed.

50. What are the salaries of the 3 most senior executives in the Redfern-Waterloo Authority? And what overseas or interstate travel has been undertaken by them since the establishment of the Redfern-Waterloo Authority?
51. What is the cost of rental for the premises occupied by the Redfern-Waterloo Authority? What is the length of the lease? And to whom is the rental paid?
52. Do you agree with Redfern-Waterloo Authority CEO, Robert Domm, that it is in the “public’s interest” to sell the North Eveleigh site?
53. How do you intend to balance your role as Minister for Planning as well as Minister for Heritage when deciding on the future of Eveleigh?
54. Why hasn’t there been a Redfern-Waterloo Update newsletter since July 2008? Is it acceptable that the Redfern-Waterloo Authority is not keeping the public informed on issues affecting that area?
55. What will your Department do to ensure the heritage future of the Eveleigh workshops?

### ***Planning***

56. Have you received in your capacity as a Member of Parliament, any donations from developers who have applications with which you’re involved as the decision making authority and if so, how do you propose to deal with those matters?
57. Major development corporations and organizations representing them have publicly stated that the State infrastructure levies are responsible for Sydney’s current housing crisis.
  - (a) What is your view on the role of State infrastructure levies on the current housing crisis?
  - (b) Has your Government investigated the possibility of lowering the State infrastructure levies and if so when was that investigation undertaken, and by whom and has there been any analysis done of the likely effect a reduction in State infrastructure levies would have on boosting the number of houses being built in NSW generally and Sydney specifically?
58. Has your Government conducted any analysis on the impact of State infrastructure levies and Section 94 levies on residential and/or non-residential development? If so, please advise details of the analysis or analyses.
59. In 2007-2008 can you advise how many local Councils failed to comply with Section 94 planning requirements in expenditure of those funds? Have you or your Department taken any action against those councils to ensure compliance with the expenditure provisions? Please provide details of those councils your Department has taken action against.
60. Please give details, broken down by Council of unexpended Section 94 funds accumulated, but not spent by the end of 2007-2008 and rolled forward to the 2008-2009 financial year?
61. Please advise by local Council how much interest accumulated on Section 94 funds during the 2007-08 financial year?

62. In view of the Mayor of Blacktown's criticism of your Government's grab for Section 94 levies in the Growth Centres, can you advise what discussions you have had with Leo Kelly in regard to Section 94 levies? What discussions have taken place with Leo Kelly specifically on the appropriateness or otherwise of the State Government controlling accumulated Section 94 levies?
63. What is the current average time of the rezoning process in the north-west sector and the south-west sector?
64. Can you please state how many homes have been built in each of the following first release precincts: Edmondson Park, Oran Park, Turner Road, North Kellyville, Riverstone, Alex Avenue, Area 20, Colebee and Riverstone West.
65. How many times have you visited the North West Growth Sector since January 2008 and in whose company and for what purpose?
66. How many times have you visited the South West Growth Sector since January 2008 and in whose company and for what purpose?
67. Are you aware of concerns of councils in the North West growth sector or South West growth sector at your Government requiring all Section 94 levies to be paid to your Government? Have you met with representatives of the councils to discuss these issues and will you now reverse that situation to ensure that councils can manage their own funds?
68. How many projects are currently sitting on your desk under Part 3A of the Environmental Planning and Assessment Act?
69. What is the average time taken to approve or refuse a 3A project in the last 12 months?
70. Since your appointment as Minister how many Part 3A projects have you called in and how many have you determined? Please detail the projects.
71. Frank Sartor appointed the current members of the PAC just prior to him being removed from the front bench. Will you maintain the current members of the PAC for their complete term?
72. Can you advise whether the members who were appointed to the PAC are currently being paid, notwithstanding that the PAC will not commence now till 1 November. Please advise how much each of the members of the PAC will be paid and if they are differing amounts, please advise the basis of determination of those amounts.
73. How many Part 3A projects have been called in, in your time as the Member for Heffron and how many of those projects resulted in you having personal discussions with the Minister for Planning?
74. In future if you receive a development application under Part 3A for the electorate of Heffron, how will you ensure propriety and objectivity in the processing of that application?

75. How will the PAC determine the fees to be paid to it for applications similar to current Part 3A applications that come to you as Minister for Planning?
76. You would be aware that the public has no idea how Part 3A is applied by you as Minister in determining whether an application should be called in, or whether it should be approved. Can you explain what each of the following guidelines establish in term of process and when each will be finalised and publicly released:
- (c) Protocol for working with Councils on matters of major infrastructure and development proposals” works?
  - (d) Draft guidelines for Independent Hearing and Assessment Panels under Part 3A of the Environmental Planning and Assessment Act
  - (e) Integrating threatened species assessment and Aboriginal Cultural Heritage assessment into Part 3A of the Environmental Planning and Assessment Act
  - (f) Draft guideline criteria for construction projects under the Major Projects SEPP
  - (g) Steps in the assessment and approval of major projects under Part 3A
  - (h) Guideline – what is the level and scope of assessment for Major Projects (Preliminary assessment)
  - (i) Concept plan application process under Part 3A
  - (j) Steps in the assessment and approval of major projects under Part 3A
77. The Metropolitan Strategy was due to be reviewed in 2010 – do you envisage it will now have to be reviewed at an earlier date? If so, why? If not, why not?
78. In 2007 as part of the Employment Lands Action Plan, \$1million was allocated to the Employment Lands Development Program. Have these monies been spent? If so, please detail where. If not, why not?
79. What is been done to address the barriers to accelerate infill housing development given 60-70% of new housing in Sydney to 2031 will be in infill areas?
80. When will you release the final versions of the following subregional strategies Inner North / East / Sydney City / Inner West / North East / West Central / South West / East / South / North / North West?
81. How many submissions have you received on the following subregional strategies: Inner North / East / Sydney City / Inner West / North East / West Central / South West / East / South / North / North West?
82. Have you or will you make any of the submissions on the subregional strategies public? If so, when? If not, why not?
83. Was the release of any of these subregional strategies advertised in the local areas they are concerned with? Please list where they were advertised and when they were advertised.
84. How much did the Department of Planning spend on advertising the subregional strategies from the time they were released to today?
85. When do you envisage you will release the final plans for West Dapto?



86. As a BIS Shrapnel report said fewer than 3,000 residential lots have been released every year in Sydney since 2004, down from a peak of nearly 9,000 lots eight years ago, will you now admit Sydney has a housing crisis?
87. As the Housing Industry Association (HIA) recently reported that the number of new homes being built has dropped 37% since 2002/03 will you now admit Sydney has a housing crisis?
88. Can you advise what conditions specific to NSW in your view are slowing down the housing market? Why is our housing industry dead on arrival when other states seem to be doing OK considering the current world economic crisis?
89. In relation to funding of parkland at Barangaroo, in the SMH 1.10.08 "Waiting...Sydney's 1836-style park" you said, "If the mini budget makes a change to the mechanics of the funding then we will look at that." Then in the ABC News Online 1.10.08 you said, "The funding for the park is not subject to the mini budget." Will the funding of parkland be affected by the mini budget or not?
90. What assessments have been done of the total expenditure required to optimally provide ferry wharf access and improved train access to the Barangaroo site? How will you ensure that public transport is addressed and provided before an additional 20,000-25,000 workers try to find their way to and from the Barangaroo site? Does your Government have a plan?
91. In your capacity as the Planning Minister do you have a view on whether it is preferable to have a ferry wharf for the extra 20,000-25,000 workers, or a passenger terminal for international cruise boats?
92. How many briefings have you had in relation to Barangaroo since you became Minister for Planning and please specify with whom those briefings were undertaken.
93. How many times have you met with Todd Murphy? Please provide the dates of any meetings.
94. What will each planning arbitrator placed in a council to determine planning decisions be paid and how will their pay be calculated and from whom will the pay be received? Will these figures be made public and if so, when?
95. What will each member of a Joint Regional Planning Panel (JRPP) be paid and how will their pay be calculated and from whom will the pay be received? Will these figures be made public and if so, when?
96. Is there a list of qualifications that must be met before a person qualifies as a planning arbitrator, member of an Independent Hearing and Assessment Panel (IHAP) or a JRPP? If so, what are they and if not, why not?
97. Given that the role of the IHAPs, JRPPs and PAC are to judge planning applications on their merit, what role do you see is left for the Commissioners of the Land and Environment Court?
98. Who undertook the assessment of what benefits would flow to the State from the V8 race being run at Homebush? Can you specify how taxpayers will get a net benefit for a project that's going to require a \$30million injection of taxpayers funds?

99. What analysis was done to establish what the net benefit would be if the race were run at Eastern Creek rather than at Homebush?
100. Please provide the dates and issues you discussed during any meetings you have undertaken with the Director General Sam Haddad, since your appointment as Minister. Did the Director General specify any concerns about the implementation of the new panels system and if so, what were his concerns?
101. How many times have you met with the Chief Executive Officer of the Growth Centres Commission, Angus Dawson since your appointment as Minister for Planning? Please provide dates, issues you discussed and names of whom else was in attendance.
102. How many times have you met with Norma Shankie-Williams since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
103. How many times have you met with Chris Wilson since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
104. How many times have you met with Chris Johnson since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
105. How many times have you met with Richard Pearson since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
106. How many times have you met with Jason Perica since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
107. How many times have you met with Damian Furlong since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
108. Were you briefed on the Planning portfolio by former Minister Frank Sartor? Please provide dates of the meetings and a list of the issues you discussed.
109. How many times have you met with Robert Domm since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
110. How many times have you met with Michael Collins since your appointment as Minister for Planning? Please provide dates of the meetings and a list of the issues you discussed.
111. How many times have you met with Treasury officials to discuss the Planning portfolio? Please provide dates of the meetings and a list of the issues you discussed.
112. How many briefings have you had on Callan Park? Please provide dates, issues you discussed and names of who was in attendance.

113. Have you met with the Friends of Callan Park? If so, provide dates. If not, why not? Can you advise what your attitude is to the demands of the Friends of Callan Park in relation to public ownership and use of Callan Park?
114. Were you aware prior to the Premier's announcement on 9 October that he intended to change your Government's previous policy in relation to Callan Park and announce he will keep Callan Park in public hands?
115. How many briefings have you had on the Southern Highlands Regional Shooting Complex? Please provide dates of the meetings and a list of the issues you discussed.
116. Have you met with the Hill Top Residents Action Group? If so, provide dates. If not, why not? Can you advise what your view is in regard to the Hill Top Residents Action Group proposals?
117. How do you justify spending \$116,000 on a Manager of Ministerial Liason when your Government has given NSW a \$42 billion debt?
118. How many briefings did you have on the Parramatta Motorcross event before approving it?
119. Given there is a 20% renewable energy target to be met by 2020, how many wind farms have been approved since January 2007? How many wind farms are currently at your Department awaiting approval? What is the reason for the delay of approving wind farms?
120. How many meetings have you had with the Minister for Infrastructure, Joe Tripodi? Please provide dates of the meetings and a list of the issues you discussed.
121. Given that one of your spokesperson's was reported as saying "The minister's door is open to any member of Parliament who wants to talk about planning issues in their community," how many Members of the Lower House have you met with? How many members of the Upper House have you met with? List names of those whom you have met with, the dates you met with them and the issues you discussed.
122. Why hasn't an eNews @ Planning newsletter been released since July 30?
123. Can you explain why in the Department of Planning's 2006-07 Annual Report the amount spent on legal action jumped by 625% in one year? (From \$142,880 in 2005-06 to \$893,000 in 2006-07) What was the Department of Planning's expenditure on legal action in 2007-08?
124. As you also have the role of overseeing heritage in NSW are you satisfied with the partial merger of the NSW Heritage Office with the Department of Planning? How will you corral decision making around heritage issues away from planning issues when the Heritage Office now sits within the Department of Planning?
125. How many times have you met with representatives of the Local Government Shires Association (LGSA)? Please provide dates, issues you discussed and names of whom else was in attendance.