

GENERAL PURPOSE STANDING COMMITTEE No. 4

Wednesday 21 September 2005

Examination of proposed expenditure for the portfolio areas

PLANNING, REDFERN WATERLOO, SCIENCE AND MEDICAL RESEARCH

The Committee met at 5.30 p.m.

MEMBERS

The Hon. J. A. Gardiner (Chair)

The Hon. G. J. Donnelly
The Hon. K. F. Griffin
Ms S. P. Hale

The Hon. E. M. Obeid
The Hon. D. Oldfield
The Hon. G. S. Pearce

PRESENT

The Hon. F. E. Sartor, *Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)*

Department of Planning

Ms J. A. Westacott, *Director-General*
Mr. S. Haddad, *Deputy Director-General*
Mr P. Lucas, *Chief Financial Officer*
Mr G. Smith, *Executive Director, Corporate Services*

Redfern-Waterloo Authority

Mr R. Domm, *Chief Executive Officer*

NSW Heritage Office

Mr R. McDougall, *Director*
Ms S. Macdonald, *Assistant Director*

Ministry of Science and Medical Research

Professor M. Reid, *Director-General*

Cancer Institute of New South Wales

Professor J. Bishop, *Chief Executive Officer*

CHAIR: I welcome you to this public hearing of General Purpose Standing Committee No. 4. I thank the Minister and his departmental officers for attending this evening. At this meeting the Committee will examine the proposed expenditure for the portfolio areas of Planning, Redfern Waterloo, Science and Medical Research. Before questions commence some procedural matters need to be dealt with.

I point out that in accordance with the Legislative Council guidelines for the broadcast of proceedings, which are available from the chamber support officers and clerks, only members of the Committee and witnesses maybe filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee you must take responsibility for what you publish or what interpretation you place on anything that is said before the Committee. With respect to the delivery of messages, there is no provision for members to refer directly to their own staff while at the table. Members and staff are advised that any messages should be referred to the chamber support officer on duty or the Committee clerks.

We have agreed that the timetable for the allocation of portfolio areas will be to deal first with the smaller portfolio areas and then have questions dealing with the Planning portfolio. The breakdown of allocation of time is as usual for this Committee, that is one-third each between the Government, the Opposition and crossbench members. Minister, will you need to attend divisions in the lower House?

Mr FRANK SARTOR: I have made special provisions. I am paired.

CHAIR: I declare the proposed expenditure area open for examination. Minister, do you wish to make a brief opening statement?

Mr FRANK SARTOR: No, we will go straight to questions, if that is all right with the Committee?

CHAIR: Yes. Can I ask a question in relation to the BreastScreen Program?

Mr FRANK SARTOR: Yes.

CHAIR: As you are aware, women in their 40s account for 18 per cent of all breast cancer cases while women over 70 make up 27 per cent of all breast cancer cases. This year's budget papers show that the participation rate for women in the breast screen target age group has fallen for the second consecutive year. Can you tell the Committee what the Government's response is to that?

Mr FRANK SARTOR: I will start by giving a general answer to that. It is a matter that the former Minister for Health and I discussed at length late last year and, as a consequence, we felt that it would be best to administer the BreastScreen Program under the auspices of the Cancer Institute, which happened effective from 1 July. At the same time we established a high-level consultative committee—and Jim Bishop will say more about it in a moment—which included people like John Boyages from Westmead, I think Helen Zorbas from the National Breast Cancer Centre, and others. The idea was to take existing practices and policies and deal at the national level with the national protocols if they needed to be changed, but to ensure that we improve the effectiveness of our program in New South Wales.

Our program has been pretty successful. We have provided additional funding for more fixed locations for breast screening, as well as a number of additional mobile locations. The national protocol was really about targeting women in that middle age group—the 50 to 69 age group. Although there were some counter-examples, it was never intended to turn away women aged 40 to 49 years. That has been further developed. I have not been briefed on the latest deliberations of this very high-level committee that the institute established, but I will ask now the Chief Executive Officer, Jim Bishop, to give an update of where he is going and the prognosis for the next six months or so.

Professor BISHOP: Before the Cancer Institute took over the responsibility for breast screening, we established a high-level committee, which has a lot of expert opinion on it. It has interstate individuals with a lot of experience in screening, such as the directors of screening for Victoria and the directors of screening for Queensland. It is chaired by Professor David Roder, an

epidemiologist who has been working on the National Committee on Breast Screening. It includes the national breast screening group from the Australian Government. That committee is meant to provide overall strategic and expert advice on how the program should now develop. We are happy to provide the full membership of that committee.

Mr FRANK SARTOR: You might as well disclose it, if you have got it.

Professor BISHOP: I have not got it with me but I am happy to provide it. It includes, as the Minister mentioned, Helen Zorbas, who is the Director of the National Breast Cancer Centre. The idea is to provide strategic and expert advice as to how we should go forward with screening, and look at how screening occurs in other States and how we can learn from their experience.

We have also had the committee look at the immediate needs prior to us taking over the management on 1 July. Two of the things that have come forward in the first meetings were that there needs to be, firstly, a work force review because of difficulty in providing expert radiologists as a broad issue across the State—across the country actually—and also internationally, but nevertheless to develop a work force review and then some strategies on how we might move forward on that; and, secondly, to look at the business practice and organisational practice that might assist in a more efficient process going forward. Those two reviews will be put before the committee as soon as they are complete, and we are doing those at the moment.

In terms of the question you asked, the large clinical trials across the world have suggested that the optimal target age group for these sorts of programs is the age group between 50 and 69, and that is the national policy. The national policy is to offer free breast screening for all women over the age of 40, and that is also our policy. The policy that the BreastScreen Program in New South Wales delivers is the same as the national policy. The reason that group is targeted is simply that, first, although there is breast cancer in the younger and older age groups, it is easier to administer breast screening in terms of the technicality of looking at the breast, which is less dense with a film mammography.

We hope that we will be able to do further work with the roll out of digital mammography, which will be important for two reasons. First, to overcome some of the problems in the general work force, because you can take a picture and transmit it down a line to an expert group that might be at a distant site. Second, it so happens that a large clinical trial that has just been reported by the National Cancer Institute in America has found that if you can manipulate the image using digital technology, you can often start to have much more effect and look more closely at breasts that happen to be dense and happen to be in younger women. So I think there is technological improvement, and this will help our ability to work with younger women.

Looking at the position around the world, I find that for many years the screening program in the United Kingdom has been for women aged 50 to 65, and they are extending it to an older age group now. Half of the public health authorities in America recommend screening only over the age of 50, whereas the other half recommend 40 and above. So the national policy for the Australian Government, which we adhere to, is that all women over the age of 40 can have a breast screen free under the service. Obviously we are targeting the group where the large clinical trials show the most benefit.

CHAIR: How do you go about targeting the women in that age group?

Professor BISHOP: The national policy is what we adhere to, and that is we actively try to recruit women in that target age group. There is an offer for others who self refer to the service, and also public discussions like this and others let women know that it is available over the age of 40.

CHAIR: The Minister mentioned additional funding for some fixed screening and mobile services. Can you give us a breakdown of where they will be located? Also, can you give an indication of the fate of the service in Tamworth for example, which has had some question marks about it in recent times?

Professor BISHOP: There is no intention at this point to close services. The mobile vans will be used in a number of areas because, as you know, the areas do not align to the area health

service boundaries at the moment. It will be our intention, once we have our review complete, most likely—and it depends on that review, but most likely—to try to move the screening boundaries to align more closely with area boundaries. Then we can get some synergy with respect to services and, I think, more infrastructure support for all services. It would be an intention to move in that direction following consultation with people providing breast screening, women in the area and the area health services. But that has yet to occur. That would allow a better alignment. As to the actual locations, I will have to take that on notice and give you the detail. I am happy to do that as quickly as I can.

CHAIR: Can you tell me about Tamworth?

Professor BISHOP: As I said, at this point there is no intention that I am aware of to close or change that service.

CHAIR: In relation to cancer, can you advise the Committee what preventative measures the Government is taking to implement the cancer incidence and mortality report of 2003? That report, which was released in June of this year, indicated that the overall incidence of cancer has continued to rise for women by 8 per cent? Is there a particular response to that?

Professor BISHOP: This is the report from the institute that, for the first time, looked back 30 years and also projected forward to 2011. This is the first time that figures have been used in that way to give us a full idea of trends. That shows a couple of things. One is that the cancer incidence is levelling off but the number of cancer patients is still increasing. That is because of the ageing of the population and population growth. So we will see more patient numbers but the incidence is actually levelling off. A dramatic finding of that report is that cancer death rates are falling by a substantial amount for the big three: prostate, bowel and breast.

The drop in death rates is more than 22 per cent, which is a very satisfying figure, and that is partly because of screening and other improvements in services. However, the increase in numbers, which we project to be about 24 per cent to 2011, needs further work. We have developed a number of programs that will start to address those issues. Firstly, we provided an additional 216 cancer health professional positions in New South Wales last year, including nurses, primarily, but also some specialist doctors, social workers and psychologists. We are also undergoing a review of ambulatory care because cancer services are optimally given with a ratio of about 1:15 for inpatient services versus outpatients occasions of service. We think that ambulatory care is the way we would deal with future large increases in cancer numbers. Another aspect about that is that we will be able to more efficiently run cancer services with optimal ambulatory care services. So the review we are undertaking now will provide considerable insight into how best to build services in those areas.

CHAIR: Does the Government propose to introduce legislation to delineate the Cancer Institute and the New South Wales Cancer Council?

Mr FRANK SARTOR: No. That is very close to being resolved. As honourable members may be aware, earlier this year I set up an independent review of that very issue because we had not settled the future configuration of the Cancer Council. That review was conducted by Dr Kerry Phelps, Professor Dick Smallwood and Kate Harrison. They conducted extensive consultations and produced a report, and I gave that report to the board of the Cancer Council about a month or five weeks ago. We have agreed on a way forward. Consistent with that, pretty much everything that has been recommended has been adopted.

We are registering a new company name. We are transferring the Cancer Council to a company under the Companies Act from 1 October. At the moment we are going through the last-minute issues of settling the tax effectiveness of the new body because we are going from the statutory body, the Cancer Council, to the new body, a private company limited by guarantee, which is the future cancer council. The new body will have memorandum and articles that are about to be gazetted. I have consulted with the head of the Cancer Council and a number of board members. I will be appointing an interim board of seven effective from 1 October. It will be in place until 30 June next year. That allows the new governance to come into effect. That involves a system that basically revolves around a cancer council assembly of 35 people that will elect the board every three years, and so on.

All these arrangements are consistent with the recommendations of the independent panel. They are pretty much supported by the board of the Cancer Council as they are pretty much along the lines they wanted. We are going through the machinery at the moment to make sure it is an independent company from 1 October, and from 30 June next year the interim board fails to exist and it will elect its own board. There will be arrangements under the articles of memorandum to do all that. So, the transition of the Cancer Council from a statutory body to a company limited by guarantee is just about done, and we are now going through the transition phase. It has been a successful operation.

With regard to the relationship of the Cancer Institute, the review panel recommended a particular role for the council. That is pretty much reflected in the objects of the new company. There is an obligation that by 31 March next year there will be rolling five-year agreements. Some things it will do totally independently and with regard to other things it will co-operate. We want it to be cost-effective. It has been pretty co-operative all round. I do not foresee any significant issues. It was a delicate issue, but with the benefit of having a State cancer plan and with the benefit of the institute being well-established it was much easier to see where the delineation lies. I am pretty confident that it will go ahead from 1 October as an interim board of a private company, and from July next year it will have its own elected board independent of government.

The Hon. DAVID OLDFIELD: You spoke about the screening of women over 40. It is clear that women under 40 are getting breast cancer. What do you have in mind for them?

Professor BISHOP: At the moment the evidence from large clinical trials around the world, which is what we rely on to know what we ought to do, cannot support a screening program for women under the age of 40. However, I think it is important that a large amount of public education will need to be done over the years to say that we are not talking about women with a lump in the breast or with an abnormal breast or some other symptom, because they should see a doctor and they need to get into the medical diagnostic system. We are talking about women who are perfectly well except for their age. For women under the age of 40, all the big trials show that a screening program with regular exposure to radiation essentially through a mammography screening program is not cost-effective and does not detect cancer any more than a person presenting with a lump.

I think more trials will be done with the new digital technology and maybe we can identify people at risk by looking at their genome in the future. I think we will be able to understand cancer risks better by looking through their genetic makeup as time goes on and all those ways of dealing with risk. That is the future. We are not there yet, so we are stuck with mammographic screening based on age as the only risk factor. That is the reason we do not screen at the moment.

The Hon. DAVID OLDFIELD: As you have raised the genes scenario, do you have any concerns for how such information will impact on people's capacity for insurance?

Professor BISHOP: I think there are a number of issues.

Mr FRANK SARTOR: There are ethical issues there.

Professor BISHOP: There are statements in relation to how we deal with genetic information and there is a pretty well-established protocol for familial cancer clinics, and these are well-established within New South Wales particularly at three of the major sites. They stick very closely to those guidelines, but I think it is a very vexed issue and an ethical one.

The Hon. DAVID OLDFIELD: With regard to the issue surrounding an increase in women with cancer, was much or any of that related to an increase in the incidence of smoking amongst women?

Professor BISHOP: Yes. We know that smoking rates continue to fall. They fell from about 38 per cent of adults daily smoking in 1972 down to less than 20 per cent now. The worry is, of course, young women. We can see an increase in smoking in young women. We also see the associated increase in lung cancer in young women and we see more peripheral cancers, because young women tend to use the so-called light or mild, which are not light or mild. They are just

inhaling further into the lung, so the cancers are peripheral. We see more of that, and we have shown that in our registry data that we publish and which was mentioned by the chairperson.

I am concerned about that. Therefore we have put quite a lot of effort into the new smoking television campaign. You have seen the campaigns where the doctor cannot operate at the end of the day. That has had a 90 per cent uptake, or 90 per cent of the population of New South Wales can describe that sequence, and our tracking information shows it has had quite an impact. We have other opportunities coming this year with the use of graphic warnings on cigarette packets that the Commonwealth Government will introduce in March, and our intention would be to try to use that opportunity to again publicise smoking, particularly in young women.

The Hon. DAVID OLDFIELD: Congratulations on the current campaign and the other associated advertisements. They are excellent.

Mr FRANK SARTOR: There is also the little girl with her father. It is a terrific advertisement.

The Hon. DAVID OLDFIELD: I have only seen that once. It is a new one. Yes, that is good too. The little girl says, "It's a pity you weren't there."

Ms SYLVIA HALE: Presumably you must be worried if the Government fails to define a smoke-free work place as one that is completely free of walls and ceiling—that is in fact outdoors. You would be worried if an outdoor smoke-free area were defined as something that had walls on three sides and a roof covering part of that?

Mr FRANK SARTOR: You mean a smoking area, where people can smoke, as opposed to smoke-free?

Ms SYLVIA HALE: I think the whole thrust of the legislation, is it not, is to provide safe working conditions so that people are not exposed?

Mr FRANK SARTOR: Yes.

Ms SYLVIA HALE: I think there is considerable concern within the community that the definition of "smoke-free area" may not bring about that result.

Mr FRANK SARTOR: I am not sure whether you are referring to pubs and clubs, or what you are referring to?

Ms SYLVIA HALE: Well, particularly in pubs and clubs, because that is where young people congregate.

Mr FRANK SARTOR: In relation to restaurants, for example, the Act talks about no smoking in a substantially enclosed space. In relation to pubs and clubs the Government decided there would not be indoor smoking. The question here is what is outdoors. That debate continues to occupy people's time.

Ms SYLVIA HALE: What is your own view, Minister?

Mr FRANK SARTOR: I am part of a committee decision-making system, and I am sure we will find a sensible compromise.

The Hon. GREG PEARCE: Mr Domm, with your knowledge of Mr Sartor's arrogant and sexist behaviour at Sydney council, are you surprised that his racist comments about Mick Mundine have now got him into so much trouble?

The Hon. EDDIE OBEID: Point of order: What has this to do with the estimates in the budget?

The Hon. GREG PEARCE: Do you not to debate his sexist and arrogant performance at Sydney council?

The Hon. EDDIE OBEID: No. This is not an appropriate question.

The Hon. GREG PEARCE: Of course it is appropriate.

The Hon. EDDIE OBEID: Well, let us debate that.

Mr FRANK SARTOR: I honestly do not know what that has to do with the estimates.

The Hon. GREG PEARCE: It is relevant. I am entitled to ask questions about—

Mr FRANK SARTOR: I would have thought the Committee would have some regard to its constitutional role.

The Hon. GREG PEARCE: I am asking the question of Mr Domm and I would like him to answer it.

Mr FRANK SARTOR: My personal view is—

The Hon. GREG PEARCE: I did not ask for your personal view.

The Hon. EDDIE OBEID: Madam Chair, you will have to rule on this. What has this to do with the estimates? That is my point of order and you will have to rule on it.

Ms SYLVIA HALE: It is my understanding—

The Hon. GREG PEARCE: It is the pot calling the kettle black, if Eddie has to defend Sartor.

The Hon. EDDIE OBEID: It is about hearing the Minister on the estimates for the portfolios he is responsible for. That is what we should be asking questions about.

Ms SYLVIA HALE: To the point of order: It is my understanding that there it is a well-established convention that budget estimates hearings can range over a wide variety of issues, and it seems to me it is particularly relevant to the inquiry as to the relationship that exists between the Minister and the people who are accountable to him. I think this is an appropriate question.

The Hon. GREG DONNELLY: To the point of order: I really cannot understand how this goes to the substantive question of the responsibility of the Minister with respect to his portfolio duties.

The Hon. GREG PEARCE: Let me cut that short, then, and I will move on to the next question.

The Hon. KAYEE GRIFFIN: Before you do: Madam Chair, I ask you to rule on the point of order before the Hon. Greg Pearce, or anyone else, continues.

CHAIR: At these estimates hearings members have a wide brief to ask about the performance of any particular Minister who comes before the Committee.

The Hon. GREG DONNELLY: This has nothing to do at all with the question of performance of the Minister with respect to his portfolio duties.

The Hon. GREG PEARCE: It does, with respect. It is what the Minister has done, and I am asking how it has impacted on one of his senior bureaucrats. The next question was going to be, given that the Aboriginal community in Redfern and Waterloo have now said that this Minister is completely unsuitable and somebody they cannot deal with, how are you as the head of the Redfern

Waterloo Authority going to deal with that community if he stays on as Minister, and how are you going to guarantee he does not make more racist remarks and does not continue in a sexist way?

Mr FRANK SARTOR: Madam Chair, I take exception to this.

The Hon. GREG PEARCE: It is a fair question. How is Mr Domm going to deal with this? You put him in this position. How is he going to deal with it?

Mr FRANK SARTOR: Very competently, as he always does.

The Hon. GREG PEARCE: Let him answer.

Mr DOMM: Which question am I supposed to be answering? The first, the second or both?

The Hon. EDDIE OBEID: You do not have to answer any of them.

Mr DOMM: The first question is based on a false premise. Therefore it is impossible for me to answer. In respect of the second question, the Redfern Waterloo Authority has a very good relationship with the majority of Aboriginal organisations in Redfern and Waterloo. That has not been impacted upon in recent times. Only today we revised the formation of a new organisation called the Redfern Aboriginal Authority headed by Mr Sol Bellar. I have spoken to him today and he has indicated to us that all the organisations within that authority are prepared to work co-operatively with the Government and the Redfern Waterloo Authority. As far as I am concerned, the future is positive.

The Hon. GREG PEARCE: Do you have any money available for the redevelopment of the Block?

Mr DOMM: No, not as yet.

Mr FRANK SARTOR: We have not allocated any money. I have said quite clearly to the Aboriginal Housing Company and everyone that I will not seek funding unless and until we can agree on an outcome of the issue. The whole issue has been a process to deal with that.

The Hon. GREG PEARCE: You have not been able to agree, because of the way you have behaved, because of your arrogance and the way you treat the people?

The Hon. GREG DONNELLY: Point of order—

The Hon. GREG PEARCE: That is what they say. This Minister is supposed to be doing the job. How can anybody expect him to do it?

Mr FRANK SARTOR: With the greatest respect, I have no difficulty with the Hon. Greg Pearce asking me anything. A Coalition member of this Committee is in no position to talk about appropriate behaviour. I have read through transcripts of some of the people Mr Pearce has cross-examined in the past, and he and a number of members of this Committee are in no position to criticise others about behaviour. Some of their behaviour was appalling.

The Hon. GREG PEARCE: There is another example of you trying to intimidate.

Mr FRANK SARTOR: No, let us get beyond personalities.

The Hon. GREG PEARCE: It is the way you behave.

Mr FRANK SARTOR: With the greatest respect, I do not think your behaviour is particularly fantastic either. Let us just get over personalities and talk about the substantive issues. The substantive issue that I think is relevant to this Committee is trying to resolve the future of the Block. The housing company has a view. The Government has a different view. I have attempted to set up a process to find an alternative solution. They said, "No, our solution or nothing," and there has been a bit of a stalemate. That has happened and that is fair enough. It is a democracy and they are entitled to disagree. We have said we will not be resuming their land.

It is pretty patronising and totally misleading to suggest that all the Aboriginal community speaks with one voice on these issues. They do not: there is a disparate range of views. What you need to be careful of here is the difference between a particular incident two or three days ago, or whenever it was, and the substantive issue, which is what it is really all about, and that is agreeing on a vision. The Government has not allocated money. I will not be seeking funding unless and until I have a vision in relation to the Block or until we as a government or the Cabinet believe there is a solution that we can back without the risk of repeating past problems. We have carried out a great deal of good work. We had the CFMEU contract, which led to 18 indigenous jobs. Perhaps Robert Domm could outline to the Committee all the positive things that we have been doing for Aboriginal people. I am not going to be distracted by personal invective and some of this stuff. I made a mistake. I apologised for it at the time. I am going to focus on issues, because that is what I am about—I am about positive outcomes.

The Hon. GREG PEARCE: Your problem is that you are a serial offender. You are not going to come to an agreement with the Aboriginal Housing Co, are you?

Mr FRANK SARTOR: Smearing, maliciousness and personal invective are very much a hallmark of the Liberal Party. You are a riven party. For you, Greg Pearce, to start lecturing us about personal differences is really the pot calling the kettle black. With the greatest respect, Mr Pearce, your party is in no position to point the finger.

CHAIR: Minister, will you answer the question?

Mr FRANK SARTOR: Let us talk about the issues. Let us debate the issues in a mature fashion.

The Hon. GREG PEARCE: Can you explain how you are going to come to an agreement with the Aboriginal Housing Co? It thinks the way you have negotiated is inappropriate.

Mr FRANK SARTOR: No, it has refused to enter into the negotiating process and there is a point of disagreement. I have always said that we are not going to impose our will in terms of anything to do with acquiring their land or whatever. We want to come to an agreement. We have failed to do so. It may well be that it will take many more years. But this is a really important issue because—

The Hon. GREG PEARCE: Many more years? It will if you are the Minister.

Mr FRANK SARTOR: With the greatest respect, I cannot see a future Liberal government, even 10 years from now, ever agreeing to support proposals—

The Hon. GREG PEARCE: Let us worry about what you are doing rather than what some future government is going to do.

Mr FRANK SARTOR: You keep interrupting. You really do bring the Committee—

The Hon. GREG PEARCE: You do not make any sense in what you are saying so I have to—

The Hon. GREG DONNELLY: Point of order: It seems to me that the Minister is entitled to complete the answer to the question without interruption. It seems to me that that is due process in this meeting.

CHAIR: Question and answer.

The Hon. GREG PEARCE: I think we have come to the end of that issue. Can I ask where the Heritage Council and Heritage Office people are? Why are they at this hearing?

Mr FRANK SARTOR: The Heritage Office reports to me.

The Hon. GREG PEARCE: Does it?

Mr FRANK SARTOR: Yes. And after we finish with the people at the table, as I have agreed with the Chair—

The Hon. GREG PEARCE: Why does the Government Directory, which I printed from about an hour ago, list the Heritage Council of New South Wales and the Heritage Office under Minister Michael Costa?

Mr FRANK SARTOR: That must be a misprint.

The Hon. GREG PEARCE: So that is a mistake, is it?

Mr FRANK SARTOR: The Heritage Office quite clearly reports to me.

The Hon. GREG PEARCE: So the Government is in such disarray that you do not know which Minister to report to?

Mr FRANK SARTOR: Greg, I have dealt with Reece McDougall already several times on matters of business to do with the Heritage Council. The council always reports to the planning Minister. If there is a printing error in the schedule we will deal with it.

The Hon. GREG PEARCE: I am referring to the New South Wales Government Directory, agencies by portfolio, infrastructure portfolio, Minister the Hon. Michael Costa, MLC, agencies the Heritage Council of New South Wales, the Heritage Office, Honeysuckle Development Corporation, Landcom, et cetera. So you are clarifying that that is wrong and the Heritage Council and Heritage Office report to you?

Mr FRANK SARTOR: I do not know what you are reading from. I will clarify that.

The Hon. GREG PEARCE: It is your Government's web site.

Mr FRANK SARTOR: I will take that on notice.

Ms SYLVIA HALE: Minister, you referred to a stalemate between you and the Aboriginal Housing Co. Presumably that stalemate is about the Pemulwuy project and also the number of dwellings that the Aboriginal Housing Co wishes to provide for its indigenous citizens, is that correct?

Mr FRANK SARTOR: I will explain the point at issue here. There are probably about six or seven issues on which I have no problem in principle with negotiating an outcome on any basis with the Aboriginal Housing Co. For example, there is no question that it will remain in ownership and control of the land. That has never been an issue. There is no question that it has requested that we provide 62 dwellings. That in principle is not a problem. Funding, scheduling and working out the detail are all open for discussion. The question of the management model and the Government's model are also open to negotiation. I am happy to talk about all that and work it through. There is a range of other issues. From our point of view, uses in and around the Block, non-residential uses, are open for negotiation. That has never been a hard and fast issue. In any event, I think I have identified six or seven issues. There is only one sticking point and that seems to be that we as a Government have been concerned that the building of 62 dwellings on the Block and focusing on residential—whether it be white people, if it were not owned by the Aboriginal Housing Co, it would not matter where it was. Mistakes have been made by governments of both political persuasions in this.

Putting a whole lot of high dependency people together leads to a higher risk of the sort of social problems that we have seen happen there and indeed in some other public housing estates. So it has been our view that we prefer an alternative vision where the focus is on housing but on other uses. Some housing I think is symbolically important and some housing would not be resisted. The difficulty has come from the fact that the Aboriginal Housing Co and its very passionate consultants have had this process and produced a medium density model which involves about 62 dwellings on the Block. The difficulty has been that today they have not been willing to move off that position. On most other issues it is all entirely negotiable and reasonable. I think quite frankly that out there in the

broader community people do want a change to the direction in terms of the Block. In fact, I am quite convinced that a majority of Sydneysiders would strongly support a change in direction.

The Hon. GREG PEARCE: It is their property, you know. That is a bit patronising, is it not? It is dreadfully patronising. It is their land. It is their property.

Mr FRANK SARTOR: With the greatest respect, they are seeking Government money, and the Government and its services are always called to account if there are problems. It then becomes the taxpayers problem and the Government is charged with that. In fact, that is why we are before an estimates committee. So the Government has a legitimate interest in this. There is a local view, a particular view, and there is a broader public interest view. The issue is finding a way through this. It has never been easy. I never thought it would be easy, but I think I would be being intellectually dishonest if I just went in to bat for something that I personally think runs a risk of recreating some of the problems.

I am a great believer in strengthening the Aboriginal community. I am happy to promote an increase in the population of Aboriginal people in Redfern. I am happy to negotiate on all fronts. In fact, we have already done a lot of good work and will keep doing it. But there is a body of people that have a different view, and that is respected. If this takes a long time—because that is the nature of democracy—so be it. But I think that the Government is entitled to an opinion and to a position on this matter, and I would be being dishonest if I said otherwise. If you do not like my honesty I am not going to apologise for it. It is much better to be honest about it than to go ahead and support something that has significant issues that we believe will not work.

Ms SYLVIA HALE: Minister, would you not agree that public funding has been contributed to the development of the Pemulwuy project and it has been developed and advanced in conjunction with a number of academics from the architecture department of the University of Sydney? Would you not agree that the project envisages a range of people of varying income levels rather than being solely focused, as you describe it, on high dependency individuals? Indeed, as I understand it, it is not solely a residential complex; rather there are varying other activities associated with it. If that is true, do you not believe—

Mr FRANK SARTOR: I do not agree with all those assumptions.

Ms SYLVIA HALE: —it is extraordinarily patronising of you to say to the community there, "You will do what I want or you will not do anything at all"?

Mr FRANK SARTOR: You have said five or six things and a number of them are quite wrong. Firstly, I think there has been virtually no public funding. I think there was the involvement of a junior architect from the government architects branch.

Ms SYLVIA HALE: From the architecture department at Sydney university?

Mr FRANK SARTOR: The architecture department is entitled to be involved—Colin James, in particular. That is fine. He has been working with the Aboriginal Housing Co. I remember his being there in the seventies. I have no problem with that.

Ms SYLVIA HALE: It shows his dedication to the project. He is bringing his skill over a long period to that project.

Mr FRANK SARTOR: He is bringing his skill but at the end of the day we are accountable for some of these things and he is not accountable. You can find these urban design solutions. Let me go back to the issue of social mix. I have not seen a governance model that will guarantee that we will be able to manage that social mix. For example, when I was invited—contrary to what was reported in some articles today—I did chair the residents advisory committee to the Aboriginal Housing Co in the mid eighties and I did attend many meetings. I remember distinctly that the problem at the time was the pub on the corner of Lawson Street and Eveleigh Street. The community, to their great credit, took up a petition and sought to have the pub closed because it was creating problems. I was very supportive of that.

Later it became a supermarket for a while. I think it was called the Black Market. Efforts were made. I was involved. I was the local ward alderman. That is probably why I was invited to be part of it. I also believe that during that time they demolished an awful lot of the housing because it became damaged and unsustainable. No-one can tell me exactly how many houses they started with but it would be in excess of 50. They are down to 19. In the context of that track record they are saying, "Oh, yes we are going to have some people here that are of different socioeconomic background" and whatever. No-one has explained to me why an Aboriginal person of independent means, possibly with a high level of education—this is probably a western measure but let us just say that for a minute—would necessarily agree to live on the Block. I have not seen a governance model—

Ms SYLVIA HALE: Minister, are you not aware of the significance to the Aboriginal community of the Block?

Mr FRANK SARTOR: It is significant but I also know a significant number of Aboriginal people that believe that we have to do it differently. I did not seek to be the Minister for Redfern Waterloo. I did not seek appointment. In fact, I resisted it initially.

The Hon. GREG PEARCE: You can resign now and fix the problem. It would fix a lot of problems.

Ms SYLVIA HALE: Everybody will be a lot happier.

The Hon. GREG PEARCE: In fact, a lot of people want you to resign. So your concern is consistent with theirs. Why do you not just resign and you will satisfy your own concerns?

Mr FRANK SARTOR: I think you should resign as a member of this Committee because you are not adding much value at all.

The Hon. GREG PEARCE: Other people can judge that.

Mr FRANK SARTOR: The critical issue here is to talk through the issues intelligently and calmly. There is a concern that the model proposed is not going to succeed.

The Hon. GREG PEARCE: It is your concern.

Mr FRANK SARTOR: No, it is actually a much broader concern than my concern. I have to say that if you canvassed the people of greater Sydney you would see that the vast majority would agree.

The Hon. GREG PEARCE: Where did you get that information?

Ms SYLVIA HALE: The results of the last local government elections would hardly bear out that the City of Sydney is happy with the current State government or—

Mr FRANK SARTOR: With the greatest respect, it has got nothing to do with this, Sylvia.

The Hon. GREG PEARCE: You damn yourself by saying that the Aboriginal Housing Co has got an intractable position, and here you are saying that you have an intractable position and you know better. How patronising are you? You know better. There is not going to be agreement for years if it takes that long until they come around to your way of thinking.

Mr FRANK SARTOR: Mr Pearce, you can lecture me and hector me. That is okay. You enjoy doing that. But I never actually came along and said, "That is what I think the answer is." All I said was, "We have serious reservations about your model. Will you join us to come up with an alternative model?" And then I got criticised by the Aboriginal Housing Co, saying that I was non-specific, that I did not come up with a specific plan. I deliberately did not come up with a specific plan because I think that the final configurations and vision should be worked out in co-operation with them.

Ms SYLVIA HALE: Minister, you are on the record—reported in the *Australian Financial Review*—as saying you think there should be less than 20 dwellings for indigenous people. It seems to me that you are coming to the project with a preconceived condition, rather than the reverse.

Mr FRANK SARTOR: No. The issue, when I initially spoke to them, was, "What sort of uses should we have here?" I said I did not favour residential. They said, "But there are 19 families living here." I said, "Well, let us accept that they should remain. I do not want any notion that we are moving people out, but let us centre the uses around something else. Let us work out what that might be. Let us talk about that. In the process of doing that there could be flexibility in respect of the whole issue. We could provide the 62 dwellings in total. Everything is negotiable." However, what has been sought and what was put to us was that we should come up with \$29 million—whatever the number was—of public money and put it into a project that we believe has significant issues. I am not talking about the urban design. I am sure Colin James is quite a competent architect. We believe it has significant risk of failure. The Government and the Cabinet, at the time when we considered it last year, were not supportive. It is a legitimate position to have, and I would have that position no matter what the ethnicity of the people concerned.

Ms SYLVIA HALE: Would you not agree that there should be a separation, an assessment of the model, in terms of, as it were, a conventional development application? It seems to me that you also have a separate set of concerns about the management model by which it is going to be overseen and run. I would think that the appropriate thing would be to assess it as a development application—I am sure the Council of the City of Sydney would be only too keen to do that assessment—but then, if government moneys were to be provided to assist its realisation, then I think conditions could be applied as to how it was to be managed. I think it is wrong of you to conflate the two issues.

Mr FRANK SARTOR: I think they are inextricably linked. I think there needs to be a way forward and that eventually we will get there. But the thing is that if you look at the investment of State money, in the past two years I think the Aboriginal Housing Office gave the Aboriginal Housing Co \$1.8 million for emergency repairs. The financial condition of the housing company is in dire straits. I have talked more about a vision and a positive outcome than I have talked about all those issues, but you cannot just say, "We will do this. We will manage this social mix. This is the urban design. This is all going to work," and separate that from the whole picture.

I think it is related. In fact, if you look at the Environmental Protection and Assessment Act you will find that the heads of consideration are not just urban design matters, but also deal with social issues as well. It is a complex issue. I do not pretend to have infinite wisdom on this matter, but the views I express are the legitimate concerns of the Government of New South Wales, and I would have thought any Coalition government, some time in the distant future, would probably have the same sort of concerns. I think that, in time, ways will be found through this.

Ms SYLVIA HALE: Several months ago you told a meeting of public housing tenants in Waterloo at the Government had no intention, or you had no intention, of reducing the number of public housing units in Redfern or Waterloo. Is it your intention to see the number of public housing units increased at all?

Mr FRANK SARTOR: Well, to the extent that 62 Aboriginal dwellings would mean an additional housing, no.

Ms SYLVIA HALE: I am not talking just about the Block; I am talking about the Redfern-Waterloo area.

Mr FRANK SARTOR: If appropriate opportunities arise I have no problem with that. My interest is quality of housing. There is a whole range of other issues. Our prime objective is to provide—we have a highly dependent community in Waterloo. I think, Robert, 59 per cent of the people are on welfare?

Mr DOMM: It is a very large figure.

Mr FRANK SARTOR: It is a very large figure. I would like to see us address employment and other issues before we start expanding public housing, but I have not said we would not. I simply

gave a guarantee to those people that there is no intention to reduce it. In fact, with regard to the notion that was floated out there by various consultants and people, it is very easy for people who are not accountable to give advice. You can get all sorts of advice from people who are not ultimately accountable for the decision. To demolish those high-rise buildings, even if it were a good idea, and replace them would cost hundreds of millions of dollars. I am saying that, from a practical point of view, I cannot see the Government finding that sort of money. In any event, I think there are a lot of things we can do to support the community well before that.

That is not to say, Sylvia, that there may not be a particular building demolished and replaced on a one-off basis by the Department of Housing for whatever its own strategies are, but as far as a precinct strategy by us is concerned, the answer is no. We definitely do not want to reduce the number of dwellings and we definitely do not have plans for any sort of demolition and replacement. Can there be more? I have no problem in principle, but I would like to see a lot more done. We are doing the human services plan and hopefully soon will be able have an exhibition for comment. It is a delicate issue. There are a lot of non-government organisations working out there, a lot of government departments and a lot of services working very hard to deal with a lot of these issues.

This is a very complex problem. I think any fair-minded member of the Committee would realise that this is a difficult task. I would like to think that, in a bipartisan way, we could find our way through it. I do not pretend to have infinite wisdom in these matters, but I think we can provide a lot of employment. Already, some of the initiatives for the Aboriginal community are paying real dividends. Employment gives people choices. It is about giving people choices and helping them to help themselves.

Ms SYLVIA HALE: That suggests that a certain autonomy is a good thing in community affairs, does it not?

Mr FRANK SARTOR: A lot of autonomy. I am one of the most autonomous people you will ever meet.

Ms SYLVIA HALE: I am not sure of that. Minister, can you tell me how much was spent on the creation or design of the Redfern-Waterloo Authority logo?

Mr FRANK SARTOR: I have no idea.

Ms SYLVIA HALE: Will you take that question on notice?

Mr FRANK SARTOR: I am happy to take that question on notice.

Ms SYLVIA HALE: Finally, can you tell me if there are any plans to sell the Everleigh carriage workshop?

Mr FRANK SARTOR: No, not to my knowledge. The carriage workshop is where the contemporary art facilities are located?

Ms SYLVIA HALE: That is right.

Mr FRANK SARTOR: I think work is just about to start. Mr Domm, would you care to comment?

Mr DOMM: Yes, work has commenced and is due for completion next year. We are talking to RailCorp about the transfer of ownership of that site to the Redfern-Waterloo Authority, but there are no proposals to sell any of the land on that site.

Ms SYLVIA HALE: So, that will be retained?

Mr DOMM: Well, there are no proposals at the moment. It does not form part of our thinking. I am not going to say what might happen in two years' time, but at this stage our intention is to try to retain that site in public ownership and get a very good urban renewal process going. The Contemporary Performing Arts building is a \$40 million project in total, and that covers about 2.4

hectares of a 10.5-hectare site. A very significant amount of that site is being refurbished at the moment. Of course, that is going to bring a lot of activity and people to what is currently a largely unused site.

Therefore, it is imperative that the rest of the site be renewed and refurbished over time. There are a number of heritage buildings on that site, which constrain the site from a straightforward redevelopment point of view. Therefore, it is a difficult site and we intend to go out to the community and consult with the community on what is best for that site. At this stage we are looking at the mix of residential and perhaps commercial and community. I think that, given the nature of that site—it is a long, narrow site—that would be a good outcome.

The Hon. DAVID OLDFIELD: I have a couple of research questions, if that is all right.

Mr FRANK SARTOR: Yes. Are we done with Redfern-Waterloo?

CHAIR: I think so.

The Hon. DAVID OLDFIELD: Minister, with regard to what are considered the unfortunate side-effects of Ritalin, has the Government undertaken any research with regard to the use of the drug and the possibility of limiting or banning it?

Mr FRANK SARTOR: I will take that question on notice. It probably would be a job for the Chief Health Officer.

The Hon. DAVID OLDFIELD: I refer to colouring and food additives. Is there anecdotal evidence suggesting that these may be a trigger for what is currently being diagnosed as attention deficit hyperactivity disorder?

Mr FRANK SARTOR: I will take that question on notice.

CHAIR: We will now move to Planning. I thank Ms Westacott, Mr Haddad and Mr Lucas for being here this evening. I will lead off. Ms Westacott, does your department have a code of conduct for staff? I do not imagine you would have a copy of any such code with you, but do you have a code of conduct for staff?

Ms WESTACOTT: Yes, we do, but I do not have it with me.

CHAIR: Will you provide it to the Committee?

Ms WESTACOTT: Yes.

CHAIR: Are you aware whether the code of conduct is compliant with the latest provisions in the Anti-Discrimination Act?

Ms WESTACOTT: I would have to take that question on notice.

CHAIR: What is the department's policy in relation to discrimination on the basis of gender?

Ms WESTACOTT: It would be consistent with the Government's policy that there should be no discrimination on the basis of gender or any other basis.

CHAIR: Under the code, what would happen if a member of staff were to make an offensive comment about someone's gender or a comment relating to a person's sexual orientation? Would, for example, such an employee be dismissed if the comment was considered to be a serious matter?

Ms WESTACOTT: I would need more information about the nature of the comment. Normally it would be a matter for staff to counsel people. It would depend on the seriousness of the comment in the context in which it was made.

CHAIR: What about discrimination on the basis of race, would that be the same? If a seriously offensive comment were made about a person's race or colour, would dismissal be in order?

Ms WESTACOTT: As I said, it depends on the exact nature of the comment in the context in which it was made.

CHAIR: What about the term "black arse"? Would that warrant dismissal under the department's code of conduct?

Mr FRANK SARTOR: With the greatest respect, Madam Chair, what does this have to do with the planning department?

CHAIR: It has to do with the administration of your portfolio. I have asked the question of the director-general.

Mr FRANK SARTOR: This has nothing to do with the director-general. I am well aware of transcripts in the past in which this Committee has, I think, greatly transgressed any sense of decency, with some of the ridiculous questions that have been asked. If this is an issue to do with me, you ask me. This has nothing to do with the planning department.

CHAIR: Under your department's code of conduct, Minister, would such a comment warrant dismissal if it were uttered by a departmental officer?

Mr FRANK SARTOR: I think all these matters have to be dealt with in the circumstances and under the code. I am not totally familiar with all these codes; I do not run any department.

The Hon. GREG PEARCE: Then let your CEO answer the question; she runs the department.

Mr FRANK SARTOR: No. I do not think you should be putting the director-general in a position of asking her to pass judgment on her Minister. It is not in her gift to do so. It is absolutely outrageous if you are going to start using this Committee—

CHAIR: Order! I was not asking the director-general to comment upon a Minister; I was asking her—

Mr FRANK SARTOR: You are asking her questions leading to a question about the Minister. I think it is highly inappropriate, when it had nothing to do with her portfolio for a start. You are putting her in an impossible position. When I read the transcript and what this Committee tried to do to her over the last year or so, I think it is outrageous. You ought to be ashamed of yourselves.

CHAIR: Ms Westacott, are you aware whether Professor Blakely has indicated his dissatisfaction with the Minister's offensive remarks concerning Aboriginal people?

Ms WESTACOTT: I am not aware of any comments that Professor Blakely has made on this matter, no.

The Hon. GREG PEARCE: Who approves regional conferences?

Ms WESTACOTT: That would often be the Executive Director of Corporate Services, or the relevant regional director.

The Hon. GREG PEARCE: Would you be aware of those conferences?

Ms WESTACOTT: Not specifically. I am aware of major programs that are under way in the organisation, but I am not normally aware of some of the details.

The Hon. GREG PEARCE: Are you aware of a conference held on 2 September at Parramatta? The purpose of the conference was to introduce a group of employees to a newly hired person, Ms Jo Beattie?

Ms WESTACOTT: I am not aware of that conference, and Ms Beattie did not take up her appointment in the department.

The Hon. GREG PEARCE: What were the circumstances in which she did not take up her appointment?

Ms WESTACOTT: It is a matter for the Minister for Natural Resources; it is on the natural resources side.

The Hon. GREG PEARCE: Is it the case that the acting Natural Resources director-general, Richard Sheldrake, revoked Ms Beattie's appointment?

Ms WESTACOTT: You would have to put that question to him.

The Hon. GREG PEARCE: Were you involved in the hiring process regarding Ms Beatty?

Ms WESTACOTT: I approved her appointment. At the time I was director-general of the DIPNR.

The Hon. GREG PEARCE: What was the process for her appointment?

Ms WESTACOTT: The normal competitive selection: an external advertisement panel with an independent person on it.

The Hon. GREG PEARCE: Could you give us the names of the panelists?

Ms WESTACOTT: Off the top of my head, I cannot. I know it was someone from the Premier's Department and two people from my department. May I take the question on notice, because I cannot be specific?

The Hon. GREG PEARCE: Minister, given that the director-general is voting with her feet and leaving, what processes do you put in place in relation to her moving to a commercial firm?

Mr FRANK SARTOR: Are you talking about before she goes there was a possible conflict of interest, or are you talking about afterwards?

The Hon. GREG PEARCE: Both.

Mr FRANK SARTOR: When I issued a media release about two or three weeks ago, there was a comment in there already that the director-general and I have discussed this issue and we thought it was very important to be particularly careful about this. The director-general has already done a number of things to deal with that, by delegating the awarding of contracts to other executives and delegating development approvals and assessments to our deputy director-general. I can also confirm that she announced her intention to leave on 9 September, but we also agreed on a date by which she would be leaving, which was 7 October.

We also hired a probity auditor, to be particularly careful and make sure protections were in place. The director-general is very conscious of these issues, and in the time I have been in this job I have found her to be an exemplary department head. She is extremely conscious of these things. She is, I think, scrupulous in so many matters—apart from her incredible knowledge and competence. So she will be leaving on 7 October, and Mr Haddad will be the acting director-general from that point until a decision is made for her permanent replacement.

The Hon. GREG PEARCE: You have hired a probity officer—?

Mr FRANK SARTOR: The probity auditor will also advise. A number of areas have already been delegated, and we are making sure and double-checking that there are not any other possible conflicts. I have the utmost regard for her integrity, and this is something that she has also

suggested. We have been particularly careful. In fact, I would have preferred her to stay on longer, but in light of—for a range of reasons, I think Jennifer decided to go on 7 October.

The Hon. GREG PEARCE: I do not intend to in any way make this personal, but who is paying for the probity auditor?

Mr FRANK SARTOR: The department will pay for the probity auditor.

The Hon. GREG PEARCE: How much will that be?

Mr FRANK SARTOR: I do not know. But if you were not so vicious and malicious towards her, we might not have needed one.

The Hon. GREG PEARCE: That is offensive, Minister. One would have thought that, given your behaviour in the last few days, you could have shown a little bit of remorse about some of this, instead of going on the attack and being as arrogant as you are all the time. I am asking you a legitimate question about a sensitive issue. You cannot restrain yourself long enough to answer a very important question about a conflict of interest, a matter that is of grave importance and in the public interest.

Mr FRANK SARTOR: I happen to believe that the personal attacks that you and others have made against the director-general are outrageous.

The Hon. GREG PEARCE: I have not been on this Committee. If you have read the transcripts of the Committee proceedings, you would have seen that I was not there. So do not make those sorts of allegations—

Mr FRANK SARTOR: You are behaving like a polemicist.

The Hon. GREG PEARCE: You obviously have not read the transcripts of the Committee.

Mr FRANK SARTOR: I have read them. You are behaving like a polemicist.

The Hon. GREG PEARCE: The issue is of significant importance. I would have thought that the appropriate thing to have done here, where the person has announced where she is going, would be for her to have left straightaway, rather than put the department in the position where there is a perception of conflict of interest, where you have to take the duties a way from her, where you have to hire a probity auditor. Why is it that in this matter you have not taken what would have been the normal course?

Mr FRANK SARTOR: Is that a question, or is it another lecture?

The Hon. GREG PEARCE: Yes, it is a question.

Mr FRANK SARTOR: As you may well be aware, a number of very significant planning strategies are in the making. There are the land release issues in the north-west and south-west sectors, there is the Metropolitan Strategy, there is the Freight Strategy, and so on. These are issues that Jennifer Westacott had a lot to do with. She has a great deal of knowledge, skill and corporate memory. It is useful to have her around on these matters.

We have been extra cautious about potential conflict, and she will be leaving on 7 October. Compared with the planning issues you could be asking me about, which I think are important issues for Sydney and the State, I think this has now become a pretty minor matter.

The Hon. GREG PEARCE: It is not a minor matter. If that is your justification for Ms Westacott staying on, why have you not taken the normal course, that is, hiring the officer leaving, if she has such valuable information, as a consultant to deal with these matters?

Mr FRANK SARTOR: So you think that if I hired her as a consultant she would not be subjected to the same sort of criticisms?

The Hon. GREG PEARCE: She would not have had the conflict of interest. You would not have had to take duties away from her and give them to other people. You would not have had to hire a probity auditor.

Mr FRANK SARTOR: That has been by precaution.

The Hon. GREG PEARCE: What is the current status of the Metropolitan Strategy? Will it be released by 7 October, when Ms Westacott leaves?

Mr FRANK SARTOR: No, it will not be released by 7 October. It is a matter under consideration by the Government as we speak. We have, for example, the north-west sector and south-west sector on exhibition on 7 October. It follows therefore that we will not be making any final decisions until the exhibition period is over. I have spent a great deal of time in both the north-west sector and the south-west sector meeting with representatives of landholders.

I think the director-general has been meeting with the Department of Environment and Conservation. I have met with the Minister for Emergency Services and Phil Koperberg, looking at green zones, asset protection zones, and other relevant issues. There are a lot of matters under consideration. We believe the environmental targets are important. We believe that some changes need to be made to the way we have been dealing with the rural lifestyle zones, and that is a key part of the Metropolitan Strategy.

It is an important strategy. It is a very important attempt by the Government to think 20 or 30 years ahead, and to make sure there is a coincidence between infrastructure development and land releases. In addition, of course, we have the issue at Port Botany. We have freight issues around that, and there is also the Transport Strategy. A whole bunch of issues are being worked on as we speak. But I am still confident that we will have a Metropolitan Strategy before the end of the year.

The Hon. GREG PEARCE: You mentioned freight issues. What about the Freight Strategy?

Mr FRANK SARTOR: That is an important issue as well, and it is under consideration.

The Hon. GREG PEARCE: It is a separate consideration?

Mr FRANK SARTOR: Yes, but it is related. Everything is related. The Port Botany issue and the other issues are all related to the freight issues and how we manage them in a city like Sydney. They are complex issues. I think the work the department has done in this area has been exceptional. They are issues that the Government still has to satisfy itself on, especially where there are financial implications for the Government.

The Hon. GREG PEARCE: Will the Freight Strategy be ready at the same time as the Metropolitan Strategy?

Mr FRANK SARTOR: I am confident that it will be a similar time frame. I do not want to be too precise because it is not just my gift; it is a matter for the whole of government. But I am confident that by the end of the year you will see a Metropolitan Strategy that will settle the State environmental planning policy for the new release areas, and we will also have a Freight Strategy up and running to do with those issues. I would also like to see a Hunter Strategy at least on exhibition by the end of the year. But I think we need to move forward. They are really important land use issues. I am determined to focus our efforts to give certainty to people in the future, both from an environmental perspective and a development perspective.

The Hon. GREG PEARCE: What is the status of the intermodal freight terminal at Ingleburn?

Mr FRANK SARTOR: On my understanding, that was the subject of a decision by the Land and Environment Court. I do not intend to intervene contrary to the decision; I simply intend to factor that into the Freight Strategy.

The Hon. GREG PEARCE: So there is no appeal?

Mr FRANK SARTOR: I do not intend to appeal.

The Hon. GREG PEARCE: Perhaps Mr Lucas could answer this. How much did it cost the department to fight the court case regarding that terminal?

Mr LUCAS: I do not have that information. I would have to take the question on notice.

The Hon. GREG PEARCE: Minister, has your department received a development application for the widening of footpaths throughout The Rocks?

Mr FRANK SARTOR: No, I am not aware of that. A lot of those matters, I think below \$5 million, are delegated to the Sydney Harbour Foreshore Authority. In fact, I was even thinking of increasing that level. They would probably go to the authority. I am not sure whether I will even see that. I am not aware of it.

The Hon. GREG PEARCE: I am told that widening of the footpaths will cost between \$9 million and \$10 million.

Mr FRANK SARTOR: Then it may come to me.

The Hon. GREG PEARCE: But you do not have it yet?

Mr FRANK SARTOR: No.

Ms WESTACOTT: It would be assessed by the Sydney Harbour Foreshore Authority, and then it would go straight to the Minister. We will take the question on notice.

Ms SYLVIA HALE: Minister, you mentioned the Lower Hunter Regional Strategy. I understand it has been prepared. Do you support the strategy?

Mr FRANK SARTOR: Yes. I think the work the department is doing in that area is very good. But there are still processes of government to be taken care of before—

Ms SYLVIA HALE: Have you any idea when the strategy will go to Cabinet?

Mr FRANK SARTOR: A budget for these things will be going up in the next one to two months.

Ms SYLVIA HALE: I understand that demographers in your department have indicated that they expect the population growth over the next 25 years to be about 125,000. Do you agree with their prediction?

Mr FRANK SARTOR: There have been a lot of ranges. I think the lower end was below 100 and the higher end was 280, which I think the Property Council produced in the document; they want 280. The department has been working through what is a sensible target that is reflective of what we have to address, but also sensible in terms of balancing environmental and other concerns, and infrastructure in particular.

Ms SYLVIA HALE: But you recognise that the Property Council is obviously very self-interested when it promotes a population growth?

Mr FRANK SARTOR: I never assume anyone with property is self-interested.

Ms SYLVIA HALE: Will the strategy include an integrated transport plan that incorporates the retention of the rail line into Newcastle?

Mr FRANK SARTOR: This is why I need more time for these issues to be discussed. We need to talk about all these infrastructure issues. I do not know if you can add anything to that, Jennifer?

Ms WESTACOTT: There is a Hunter Transport Working Group that is looking at those issues and trying to integrate those with the broader land use and settlement strategy and the plans for the Hunter CBD.

Ms SYLVIA HALE: Last night the Minister for Transport told us that it was not so much the Hunter Working Group that was doing it but there was a separate proposal to look at the provision of rail services.

Ms WESTACOTT: There has been some separate work, but there has been a Hunter Transport Working Group that has been trying to bring these issues together as well.

Ms SYLVIA HALE: With the proposed development in the area, are you in a position, Minister, to give an assurance that the majority of the development will take place on already cleared infill sites and not on new greenfield sites that would involve yet more clearing of vegetation?

Mr FRANK SARTOR: I expect that would be correct, but I prefer not to give a categorical assurance because I am not as across the detail of the Hunter as I am on other issues I am dealing with. As you would understand, I have only been there six or eight weeks and there is a lot I am getting myself around. I am very sympathetic to your view on that matter but I just do not want to give an assurance when there is a risk—that may be small—that I am wrong. Do you have a comment to add on that, Jennifer?

Ms WESTACOTT: I think there are two types of development: one will be, obviously, like in the metropolitan strategy, trying to do as much development where we can on brownfield sites, as we call them—former industrial sites—increasing densities around transport corridors around existing centres, but also looking at some subdivision contiguous to a centre, that is, cleared land, and trying to give an emphasis on urban expansion in cleared sites contiguous to a town centre.

Ms SYLVIA HALE: But there are fundamental principles on which to base good planning. You would agree that any strategy should be influenced by such considerations as development taking place along established transport corridors, there being no major new land clearing to make way for greenfields development, and that the rail link should be retained? Do you think that is a reasonable basis on which to plan for the future?

Mr FRANK SARTOR: I think when you are looking at new sites you look at a range of things: there is an infrastructure test; there is a transport test; there is a hospitals/schools test; there is a whole range of tests in terms of services available. There are environmental tests that are very important to vegetation and habitats. There is a whole range of tests. Beyond the new north-west sector and south-west sector there is also a whole bunch of other proposals in greater Sydney where I am looking to develop some clearer criteria that help to rate these proposals in a fairly transparent kind of way.

I think that a lot of good work has been done beyond the transitional projects that are still coming through the system. Beyond those would create a lot more certainty and, hopefully, will make it a lot easier and considerably more efficient to deal with development applications.

Ms SYLVIA HALE: Just switching to another topic, today in the House the Minister for Ports and Waterways was asked when the report of the Commission of Inquiry into Port Botany would be released, given that it was finished three months ago. He declined to answer on the grounds that the report has gone to the Minister for Planning. When will that report be released?

Mr FRANK SARTOR: As I said earlier, I spent three hours yesterday morning at Port Botany looking at the development proposal and speaking to the two stevedores. I have been turning my mind to a range of those things and I want to have a bit more discussion within government about the freight directions in future. But then I have to sit down in the next few weeks and address the

development application, and that will include the Commission of Inquiry report and the Brereton report.

Ms SYLVIA HALE: But would you not agree that to have informed public input into any development application decision it is important that the public have access to that report of the Commission of Inquiry?

Mr FRANK SARTOR: It is, but it is also important when dealing with these matters that we do not produce just part of the information and create a slanted view, because people rely on that for their commercial decisions. I have also got to be careful to be equal with everyone in relation to information. There has been a Commission of Inquiry and there has been public input. I have now got to sit down and make sense of all that and make a determination.

Ms SYLVIA HALE: Are you saying you will make a determination but not release the report?

Mr FRANK SARTOR: When I have made a determination I will release the report and all other relevant documents.

Ms SYLVIA HALE: And will that determination be a final determination or will you be giving people information after the event?

Mr FRANK SARTOR: There has been a process. I am at the end of the process. The process is you have a Commission of Inquiry, you deal with all these matters. There has been public input; there has been public debate; someone at the end of the day has to make a final call. That is the process I am following. My cautiousness in the matter has always been that I just want to make sure that other freight issues are also addressed.

Ms SYLVIA HALE: The media recently reported the departure of Stephen Alchin, head of strategic transport planning for the department, along with other senior figures such as Mark Duffy. Will your department retain responsibility for strategic transport planning issues, and what resources will you be dedicating to that?

Mr FRANK SARTOR: There were a couple of people left. Some people left because of the split in the department; a couple of people have come on board—Gail Connelly from Campbelltown and Chris Johnson, the Government architect. At the moment we are in the process of increasing our staff numbers, especially with the part 3A powers, which are fairly important. So there will be an increase in staff numbers to address these issues. The strategic planning remains with us; the transport corridors remain with us, but it is fair to say that—and I am an advocate of this—I think it is very important that land use planning go with infrastructure, go with the ability to find the finance and fund it. So there will be an interactive process. It is very important that what we put in the metro strategy we can back up financially. So there is an interactive process, which will involve Minister Costa and the Treasurer and the infrastructure and planning committee of Cabinet.

Ms SYLVIA HALE: Leaving aside environmental considerations such as the suitability of the south-west sector for intense residential development, from just an air pollution aspect, how does your department plan to offset the loss of prime agricultural land in those outer Sydney areas if intense residential development takes place?

Mr FRANK SARTOR: I might refer that to the director-general.

Ms WESTACOTT: As you know, those areas were earmarked for investigation in 2001. As part of the metropolitan strategy we are looking at a rural lands strategy to identify those areas outside of the growth areas that need to be retained for rural lands, and, indeed, we funded some of the councils such as Baulkham Hills and Camden to prepare a rural lands strategy to secure those agricultural lands.

Ms SYLVIA HALE: But any proposal to subdivide land into five-hectare rural lifestyle blocks is hardly conducive to the retention of agricultural enterprises, is it?

Ms WESTACOTT: But that is not what is being proposed. Are you suggesting that is what is being proposed?

Ms SYLVIA HALE: It is my understanding that that is what you are proposing, particularly in the south-west areas.

Ms WESTACOTT: Outside of the growth centres?

Ms SYLVIA HALE: Yes.

Ms WESTACOTT: No, we have not made a decision about that.

Ms SYLVIA HALE: But even inside—

Ms WESTACOTT: Inside the growth areas they will be subject to subdivision more intense than that in some cases. As I said, those areas were always earmarked to deal with Sydney's land supply. But outside the growth centres those are the areas where we are working with local government on what is the most effective way of protecting rural lands that both protects them and gives people the flexibility they need to use those lands productively, and that is what we have funded a number of local government authorities to do.

Mr FRANK SARTOR: I have also flagged that outside the actual growth zones we are considering whether there is much useful purpose served by styling those rural lifestyles when in fact we are not really changing the underlying zoning. For example, in Baulkham Hills they are dealing with that in a much more fine-grained fashion, and I think there is a real possibility we will leave it to the councils to sort that out and not change the zonings outside the growth zones.

Ms SYLVIA HALE: Reverting now to the inner-city, particularly the Carlton United Brewery [CUB] site, given the brewery site's proximity to Central railway station and the bus interchange, and the public transport corridor along Parramatta Road, not to mention it being within walking distance of the CBD, Sydney University and the University of Technology, do you agree with the decision of the Central City Planning Committee to allow 0.97 car parking spaces per unit for the site?

Mr FRANK SARTOR: I have left that entirely to the Central City Planning Committee. In the City of Sydney I have the advantage of having a joint consent process, which means that I do not have to get so involved. All I would say to that is that in my time as Mayor we did allow car parking in the city because all of our surveys showed that residential car parking in apartment buildings is actually dormitory car parking; it is minimally commuter car parking. And you are providing apartments close to employment. But I have not personally been involved in the CUB, and I hope not to be involved in the CUB, and as much as possible I am trying to get councils to address these things rather than me having to do them. Occasionally there will be exceptions, but this is not one I have been involved with.

Ms SYLVIA HALE: But would you not agree that it flies in the face of good planning principles when you have got a significant site that is so strategically located in terms of transport facilities—

Mr FRANK SARTOR: If you are talking about commuter journeys, yes, but if you are talking about someone who is a resident using their car on the weekend so they can go somewhere and do something, that is a different issue.

Ms SYLVIA HALE: But surely what we are going to see is a far greater influx or provision for parking within that development than was originally proposed by the city council, and the people who are going to bear the disadvantages of that are the residents of the Chippendale area, yet all the funding from the section 94 contributions and whatever are being garnered by the Redfern Waterloo Authority.

Mr FRANK SARTOR: No, I do not think that is right. I think that with the funding and contributions there might be some apportionment. I do not think that it is at all settled. In fact, when I

was Minister for Redfern Waterloo and not Minister for Planning, Craig and I spoke about that and he was going to work out how that would work. But if it is 0.9 cars per unit I do not think the code is inconsistent with other development sites very close to Town Hall station or Wynyard, of which the city has approved many. I think it is fairly similar.

Ms SYLVIA HALE: But surely you would agree the impact of excessive reliance on cars has been one of the blights on the city's development, and to be in this day and age still promoting car ownership, particularly in a site that is so central, I would think is very retrograde.

Mr FRANK SARTOR: I have some sympathy with your view but I do not agree in this case it has that practical effect. I am someone who understands well that a railway line at full capacity at peak can carry 50,000 passengers but a lane of highway at peak can only carry 2,500 people per hour. I understand the importance of an equilibrium between public transport and private motor vehicles. In the city I promoted policies that contained heavily commuter car parking—car parking for employment—but we were more liberal, when I was Mayor, on residential car parking because our studies showed it did not lead to much car use during the week. I do not know if Jennifer wants to add something?

Ms WESTACOTT: Two points I would add, Minister. Firstly, the final local environmental plans [LEP] and planning controls are not settled for that site and, secondly, the decision of the Central Sydney Planning Committee was to make those parking controls consistent with the council's other planning policies.

Ms SYLVIA HALE: I turn now to a perennial topic: the M5 East Tunnel.

Mr FRANK SARTOR: Why am I surprised you are raising this?

Ms SYLVIA HALE: It is the inability of the people who are so directly affected by that tunnel to get any satisfaction to their very legitimate complaints and concerns that causes it to be consistently raised. Can you explain why the audit report into the RTA's compliance with air quality conditions still has not been finalised and publicly released as Mr Haddad promised in April 2005, and when will that audit report be released?

Mr FRANK SARTOR: That is a really good question and I am glad you asked it. Let me start by answering a related question, that is, that there was an issue relating to an incident on 13 January.

Ms SYLVIA HALE: That is right.

Mr FRANK SARTOR: For which we asked the CSIRO to provide an independent investigation. That report was released today. I think it referred to 50.1 particulates per cubic metre.

Mr HADDAD: Micrograms.

Mr FRANK SARTOR: Micrograms per cubic metre, when the limit was 50. But I think the CSIRO in that case found that the measuring equipment was faulty. Mr Haddad can add more on that. In relation to the audit report, yes, it is more tardy than it should have been, and I will chase that up. I think we are getting close to finalisation.

Ms SYLVIA HALE: Does chasing it up mean—

Mr FRANK SARTOR: That is the beauty of these estimates committees. Apart from having to deal with Greg—which I enjoy enormously—I have to bone up. I find out these things, so it has been very useful.

Ms SYLVIA HALE: Then you will be very well aware that in response to the findings of the audit, the chief executive officer of the RTA claimed in a letter to DIPNR of 6 June 2005 that DIPNR had misrepresented some of the conditions, that some other conditions were unenforceable and that many of the audit findings were inaccurate. Has your department accepted these assertions or rejected them?

Mr FRANK SARTOR: It would be not inconceivable that different departments and proponents would have different points of view.

Ms SYLVIA HALE: Yes, but people's lives are at stake here with these emissions, which have exceeded what was acceptable.

Mr FRANK SARTOR: I hope you are not overly dramatising the issue.

Ms SYLVIA HALE: No, I am not.

Mr FRANK SARTOR: It is, nevertheless, an important issue and I respect that. Sam, do you want to add anything?

Mr HADDAD: The CSIRO report, which has been released, is on the web site and the technical arguments are there. In relation to the audits, I think it is fair to say that, in accordance with the protocols, the RTA submitted its views. We challenged it and took its views into account. The final conclusions will show the findings in terms of the RTA's views. As I said before, there were some legal disagreements in terms of interpreting conditions of approvals. We are looking at the outcome rather than the technical legal interpretations of those conditions. I just want to note, as I said before, that at no time did we monitor exceedances in relation to air quality standards outside the stacks or portals. We did not detect any evidence of any impact on people's health or amenity.

Ms SYLVIA HALE: But if you read the letter from the RTA, there is no question that it more or less arrogantly dismissed DIPNR's concerns. What are you doing to ensure that the RTA is made to comply with those conditions of consent? After all, everyone was told that the 150 conditions originally put in place were so stringent that there was no way there would ever be an exceedance, and if there were an exceedance, the Government would immediately step in and take steps to filter the tunnel. This has just gone on and on. The RTA does what it wishes and is totally disdainful of both the department and the community at large.

Mr HADDAD: As I said, there were no exceedances in terms of the air quality goals outside the stacks of the M5 East Tunnel. There were no exceedances above 50 micrograms per cubic metre.

Ms SYLVIA HALE: But there are plenty of instances of air being emitted from the portals?

Mr HADDAD: Yes.

Ms SYLVIA HALE: In contravention of the conditions of consent?

Mr HADDAD: That is correct, and there were reasons for such emissions.

Ms SYLVIA HALE: Yes, because it was unsafe to be in the tunnel unless they emitted gas?

Mr HADDAD: Not necessarily. I am not sure that there were any unsafe conditions for people driving or working.

Ms SYLVIA HALE: The Health Department seemed to suggest that it would be reasonable to put up some sort of warning sign stating that people should avoid being in the tunnel for any prolonged length of time. The RTA has still failed to put up that warning, has it not?

Mr HADDAD: I am not aware of any adverse health impacts inside or outside the tunnel, but I am happy to take that on notice and clarify it further.

CHAIR: I ask a question about the Tugun bypass. Are you aware that one of the administrators of Tweed Shire Council has asked for a commission of inquiry into the Tugun bypass?

Mr FRANK SARTOR: Yes, I am aware that Mr Max Boyd has asked for that. I am waiting for the matter to come to me and, depending on the nature of the reports I get from the department, I will decide whether I should have a commission of inquiry or independent assessment panel, or

whether I should just determine the matter. I am just not sufficiently au fait with all the issues to form a view as to whether that would be the case or not. The good thing about the new amendments to the Act is that I have other options available and I will deal with it at that time. I am sorry that I cannot give you more information, but I am not sufficiently on top of those issues.

CHAIR: Fair enough. We will await your further advice. I have a question about the overdevelopment at Oatley.

Mr FRANK SARTOR: At the Coles site?

CHAIR: Apparently, a site is intended for small neighbourhood shops and business activities.

Mr FRANK SARTOR: The Coles site.

CHAIR: Why have you not signed the Hurstville City Council draft LEP amendment 60?

Mr FRANK SARTOR: I did. I approved it about three weeks ago and it has been gazetted.

CHAIR: You did. That is good.

Mr FRANK SARTOR: You can thank the member for Georges River. He is very conscientious.

CHAIR: I wish to ask a question about seniors housing. I understand that the Combined Pensioners and Superannuants Association has made representations outlining concerns about minimum standards for seniors housing. Are you aware of those representations and are you prepared to review the minimum standards for such persons?

Mr FRANK SARTOR: I am not aware of those representations. I am aware of the issue and also the State environmental planning policy [SEPP]. I have had discussions with the director-general about this already. I want to look at the whole question of the way the SEPP operates and also disabled-friendly buildings. I recall when I was mayor—I think I ran out of time on this—that Lane Cove had a building code whereby it required at least 10 or 15 per cent of apartments to have bathrooms and such that were friendly to people with limited mobility, whether elderly or disabled people.

I want to look at rolling many of these things together and coming up with a model for both the location of aged housing and what might almost be called a BASIX equivalent, like a scorecard that addresses these sorts of issues. There is work happening in the department about this. I think we can do better. I will take on board your comment about the representations, which I have not personally seen, but I regard it as a pretty important issue.

CHAIR: On a related issue, in the Ku-ring-gai council area there has been much debate about the character of the municipality being changed?

Mr FRANK SARTOR: Yes.

CHAIR: Would you be prepared to take up an invitation from the local members for Davidson and Ku-ring-gai to have a look with them?

Mr FRANK SARTOR: I am so pleased to be able to please you today. I have agreed to do that. In fact, I think next Wednesday I am going to visit the council. I wrote to them a couple of weeks ago. The member for Ku-ring-gai and I have spoken about this several times, and he will be there. We are going to discuss the matter in detail with the mayor and the council. He has raised it with me, and I am confident about it. I just want to get some on-the-ground feeling for the whole thing and listen to the council.

I am doing this with quite a few councils actually. I have had 14 developers in to see me over a couple of weeks. I just lined them all up, had the department present and made sure there was no

misinterpretation of what they were wanting and so on. I have met with a number of councils already. I will see probably the same number of councils over the next few weeks. I am visiting some. I am going to Byron Bay to see if I can untie the Gordian knot between the mayor and the developers with respect to the issues in that area. I am going to Ku-ring-gai to hear their point of view. I am keen to have the matters resolved fairly quickly, if I can. I will take on board those issues. Barry raised it with me. He has copies of my correspondence and I am happy to have him there to talk about it.

CHAIR: Very good. We might be getting somewhere. Can you tell the Committee if the Gosford city link plan is still valid?

Mr FRANK SARTOR: I will take advice on that.

Ms WESTACOTT: Can you be more specific? Is this the LEP?

CHAIR: The Gosford city link project?

Ms WESTACOTT: I will take that on notice. There are number of projects on the Central Coast.

CHAIR: In relation to the Sydney metropolitan strategy, which we mentioned earlier, can you tell the Committee how much money has been spent so far on consultants and advisers who were hired to assist residents to produce submissions to the Department of Planning in relation to that strategy?

Mr FRANK SARTOR: Yes. I have some details here for you, although I may not have them all. The department received 930 submissions and lots of emails. The web site had 12,000 hits, I think. The special assistance line has taken 600 calls and made 550 appointments with landholders; 283 of these meetings have actually been held. I do not know the actual cost of the consultants.

Ms WESTACOTT: We will take that on notice. The exhibition period has not finished so we have not finalised the cost.

Mr FRANK SARTOR: It has been a pretty useful exercise. I think there will be significant changes to our approach. The important thing is to keep the growth centres intact and the commission intact and to make sure that we marry infrastructure with urban development. It has been quite useful and I have been spending some time there. Once we get past the exhibition period, I will go back to talk to the councils, the residents and the owners groups. Again, I cannot guarantee 100 per cent satisfaction, but we are doing our best.

CHAIR: At previous estimates hearings we have talked about the metropolitan strategy and I have asked questions about the planning department's view of planning beyond the metropolitan area. Ms Westacott has previously advised the Committee she envisaged that Newcastle, for example, could take some of the pressure off Sydney.

Ms WESTACOTT: In its own right though.

CHAIR: Do you have a view about planning beyond Sydney, Newcastle and Wollongong—

Mr FRANK SARTOR: Absolutely.

CHAIR: —and whether some of the regional centres and cities can take some of the pressure off the growth of Sydney for example?

Mr FRANK SARTOR: I do not have an answer but it is on my radar screen. I am not just looking at a metropolitan strategy for Sydney and the lower Hunter. We are also having to look at the South Coast, the Far North Coast and the North Coast. There are probably six or eight regional strategies in the process of being developed. I think it is essential. Beyond anything else, it is also important to provide certainty to communities and developers to avoid some of the land use conflicts we have when developers buy land that is perhaps not appropriate for development. So we are rolling

out a whole range of things. Some of these will not be finalised or put on exhibition until sometime next year. Do you want to add to that?

Ms WESTACOTT: No, I think that is correct.

Mr FRANK SARTOR: The lower Hunter, the Far North Coast, the Sydney to Canberra corridor, the South Coast, the Central Coast, the Illawarra and the mid North Coast—we are planning to release all of those for public comment by about the middle of 2006, some of them earlier.

CHAIR: What about the hinterland areas?

Mr FRANK SARTOR: The pressure is more on the coastal strip.

CHAIR: I understand that.

Mr FRANK SARTOR: In terms of the hinterland areas, in my experience in my previous portfolio, the biggest limitations in hinterland areas—not so much in the North Coast area—relate to sustainability and water.

Ms SYLVIA HALE: The Minister for Fair Trading issued a statement of the Government's position in relation to residential parks.

Mr FRANK SARTOR: Yes.

Ms SYLVIA HALE: She indicated that the Government would move to ensure that considerations such as the loss of affordable housing would be taken into account when determining applications to redevelop residential park sites. What specifically are you intending to do?

Mr FRANK SARTOR: This is very much a work in progress. She and I have discussed this. The matter has been to Cabinet and I will be talking again this week about it. I do not know that I am in a position to reveal the details of what is under consideration, but it is a very live issue and we are very conscious of it. I know, for example, that in Gosford there is a local environmental plan [LEP] that provides certain protections already. It is a difficult issue because at the end of the day if people wish to sell land, they can sell land. Certainly, the Minister is looking at a whole range of protections and thresholds before people can just turn up and buy a caravan park and kick tenants out. We must balance people's rights to property but at the same time try to protect people. This is a live issue that has received Cabinet consideration and there are ongoing discussions in relation to it. I am confident that the Minister will be announcing further progress on this matter very soon.

Ms SYLVIA HALE: Do you envisage the implementation of that position to be by way of a State environmental planning policy [SEPP] or by amendment to the Act?

Mr FRANK SARTOR: At this stage it is probably an amendment to the Act but I do not wish to be definite on that.

Ms SYLVIA HALE: You announced that you were intending to visit or meet with a number of councils. Do you know if Cowra Shire Council is on your list?

Mr FRANK SARTOR: It is on my list.

Ms SYLVIA HALE: Are you aware of the intensive dairying operation there that has been operating illegally since 2001? Pollution from that operation is being fed directly into the Lachlan River and the council is refusing to take action?

Mr FRANK SARTOR: I am not aware of the details of that but my department has drawn it to my attention. As I said, I have had 14 development companies in. I have already seen a few councils and I want to see a lot more. I want to set aside a day or two and get them in for an hour—the ones that have a multiplicity of issues—and Cowra is one council that we will be inviting in to see us to talk about all these things.

Ms SYLVIA HALE: Will you be meeting with Shoalhaven?

Mr FRANK SARTOR: I met with Rick Sheridan only two or three days ago.

Ms SYLVIA HALE: Are you aware of the consternation that exists in the Shoalhaven at the prospect of Stockland developing a mall at Vincentia in that the land it proposes to develop has about 35 threatened species on it?

Mr FRANK SARTOR: Yes, I am aware of that in general. I do not remember the details. I am also aware of other issues that have been brought to my attention by the council in relation to a small hamlet that has a SEPP development. I cannot remember where the Vincentia one is up to.

Mr HADDAD: It is being assessed now by us, and the Department of Environment [DEC] and Conservation [DEC] is heavily involved in terms of defining the conservation and development footprints. That is where it is.

Ms SYLVIA HALE: Are you aware that the proposal to create something like 600 residential lots at the end, as it were, of a very narrow road, would pose a number of problems?

Mr HADDAD: There is an extensive assessment process going on at the moment and the DEC and others are extensively involved in that assessment.

Ms SYLVIA HALE: Are you also likely to meet with Sutherland Shire Council?

Mr FRANK SARTOR: Absolutely. I am looking forward to that one!

Ms SYLVIA HALE: Are you conscious of the consternation about the proposal for a fairly intense residential development at Bundeena and the desire of the residents to retain what they consider to be a unique environment?

Mr FRANK SARTOR: I am aware of that from other sources. Other people have been to see me about Bundeena but I am not sure whether we have much of a role in that. I will take advice. But I am also aware of some other issues in the Sutherland shire that have not been addressed in a timely fashion that need to be resolved. My message to councils is: Let us resolve a few things and not create more work for everybody. Under the new planning laws, we have a lot more power to refuse things or to refuse to accept applications, and to be much quicker in giving answers, especially noes. Noes would be quick. But I do not know whether we would want to get involved in the Bundeena one.

Ms WESTACOTT: I am not sure whether that is being dealt with under consent by council. I will take that on notice.

Ms SYLVIA HALE: I believe that one of the considerations is that the council prepared a draft LEP that would have restricted the scale or intensity of the development in the area. But with the amendments to the Act the existing LEP, rather than the draft LEP, will now be taken into account and the existing LEP will permit this more intense development.

Mr FRANK SARTOR: So you are saying that a draft LEP has not been finalised and that has been the problem.

Ms SYLVIA HALE: That is right.

Mr FRANK SARTOR: I will ask my department to look at that and report to me on it.

Ms SYLVIA HALE: What is the general state of the draft LEPs that were waiting for approval by the department and that were with the department prior to the amendments to the Act? Is the department treating them as null and void?

Ms WESTACOTT: The Act is irrelevant to them.

Mr FRANK SARTOR: The Act is irrelevant.

Ms WESTACOTT: The Act does not impact on draft LEPs. I will have to take this on notice. My recollection of the Sutherland LEP is that the council did not proceed with that LEP, but I will give you that on notice. The implementation of part 3A did not change the status of draft LEPs in the system.

Ms SYLVIA HALE: It is my understanding that draft LEPs had been rendered null and void.

Mr FRANK SARTOR: No.

Mr HADDAD: Part 3A does not provide for dealing with draft LEPs at all. The status quo is maintained.

Mr FRANK SARTOR: On that point, there are some 5,000 LEPs in New South Wales, and today we released a new template for LEPs. We want to get it down to probably below 200. Instead of 1,700 definitions, it will come down to 250 definitions; instead of 1,700 zones or whatever the number was, it will come down to probably 30 or 40 zones. Councils will have within five years to revise their LEPs into the standard format. Last year the department dealt with 220 amendments. I am also concerned that there are probably a few too many spot rezonings coming to me. Some of them should be more procedural, rather than just a spot rezoning. Some of them are anomalies, and when we look at them it is obvious that it is just a matter of adjusting the anomaly to a more common land use. It is not a big deal. But some of them concern me because I never know the context. I am always wary of spot rezonings. But I think a lot of very good work has been done, and I hope that by the end of the year the template going on exhibition will be adopted. Hopefully that will create a lot more certainty for people with LEPs. I am also keen to reduce the clutter of LEPs coming in for minor amendments. We have to find a better way of doing things.

Ms SYLVIA HALE: At what stage is the master plan for Callan Park to be produced? If the department is unable to produce it in a timely fashion, will you provide funding to Leichhardt council so that it can produce the master plan?

Mr FRANK SARTOR: There is no intention to change. There is an Act covering Callan Park and we will live with the Act. There is some limited consideration. I am not exactly sure where that is up to. I have not seen an offer from Leichhardt council to fund the master plan so that it can do the plan itself.

Ms SYLVIA HALE: Are you saying that you have not seen a request from Leichhardt council?

Mr FRANK SARTOR: No. I think Leichhardt council might be one of the councils that I will invite in and talk to about it.

Ms SYLVIA HALE: Do you agree that there are many proposals to utilise that site and that there will continue to be uncertainty in relation to it until a master plan is prepared?

Mr FRANK SARTOR: The other side of that is the physical impact of the proposals. The Government is not a bottomless pit, and we must be very cautious about the impacts. But it is certainly something that I think a number of us would like to see addressed over time. It is just that solutions have not been easy.

The Hon. GREG PEARCE: On the question of approving LEPs, do you keep statistics on how long it takes for LEPs to be approved by the Minister once they come back?

Ms WESTACOTT: Yes, we do. There are two types of LEPs. As you know, there are those that are dealt with under section 69 delegations that go from councils directly to the Minister, and there are those that are more comprehensive or significant that are dealt with by my department, which prepares the section 69 report to the Minister. I am happy to take that question on notice.

The Hon. GREG PEARCE: Can you give us the statistics for the past three years and how many are outstanding at the moment?

Mr FRANK SARTOR: If you are concerned about delays, I have noticed—and I have been looking at this issue—that delays are caused by a range of reasons. One reason is that Parliamentary Counsel does not support the wording and says that it is too—whatever. By the time it bounces between councils and Parliamentary Counsel it can take months alone. Another reason is that sometimes they simply do not comply with state policies. One of my concerns with section 69 delegations is that they are all able to be put on exhibition but sometimes they have provisions that are clearly at odds with State policies. For example, I have met with property industry representatives. They were amongst the groups. I have also met with the Total Environment Centre and others. One thing they said was that they are concerned about some councils wanting to impose all sorts of conditions beyond basics that, for example, just duplicate basics. That is something I simply want to streamline. Basics is a pretty reasonable standard; a fairly reasonable demanding standard. I would be concerned if more of that happened. I hope to reach a point where we can, at a very early stage, tell councils, "No, you can't do that."

I also have the power to amend LEPs before approving them. The problem with that is that in some cases amendments will involve a rezoning, and that probably should not be done unless there is a further public process, if you know what I mean, especially if you are changing a use, like residential to commercial or whatever. Under the new provisions of the Act I am looking at a more streamlined approach, but I suspect that that is a work in progress. It will always be a work in progress. Councils will change their minds and put things up that are not acceptable. There will be negotiations. By their nature, they take a while. I would like to see them done more quickly but given that I am such a consultative kind of guy, I like to talk to people and consider these matters. I cannot always determine them with the speed that I have been accused of acting in other ways.

The Hon. GREG PEARCE: We will get the figures anyway and no doubt they will be useful to you. Finally, given your comment that you did not want to take on the Redfern-Waterloo ministry and what happened earlier this week, did you have the decency to offer your resignation to Morris Iemma?

Mr FRANK SARTOR: I have answered that question in the House.

The Hon. GREG PEARCE: Did you have the decency to offer your resignation?

Mr FRANK SARTOR: I have answered that question in the House. I refer you to yesterday's *Hansard*.

The Hon. GREG PEARCE: What was the answer?

Mr FRANK SARTOR: The answer was no.

The Hon. GREG PEARCE: Why not?

Mr FRANK SARTOR: I have answered that question. At the time I was busy and I am still busy, but Robert Domm and his people are doing some great work there.

The Hon. GREG PEARCE: In spite of you?

Mr FRANK SARTOR: Be gracious for once in your life.

CHAIR: Minister, the Committee has resolved to seek the return of answers to questions taken on notice at this hearing within 21 calendar days. We may resolve shortly to have a further hearing. In the meantime, I thank you and your officers for attending this evening.

The Committee proceeded to deliberate.