

**44 ORDER FOR PAPERS—CENTRAL BARANGAROO**

Mr Latham moved, according to sessional order: That private members' business item no. 1799 be considered in a short form format.

Question put and passed.

Mr Latham moved, according to notice: That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Infrastructure NSW (INSW), Treasury, Department of Premier and Cabinet, Department of Planning and Environment, Premier, Treasurer, Minister for Planning, or Minister for Infrastructure relating to Central Barangaroo:

- (a) Deed of Sight Lines Resolution between INSW, Crown and Lendlease dated 18 August 2019,
- (b) all amending deeds or agreements, all notices or other documents issued, and all records of payments made pursuant to the Deed of Sight Lines Resolution between INSW, Crown and Lendlease dated 18 August 2019 or any amending documents,
- (c) the following documents created between 1 January 2019 and 10 October 2019:
  - (i) all documents relating to communication or meetings between Simon Draper, Chief Executive Officer of INSW and John Carfi or Warwick Smith, Aqualand Australia, or Bob Aziz, David Matheson or Paul Brundage, OMERS/Oxford Properties, which refer to Central Barangaroo, Grocon or Daniel Grollo,
  - (ii) all documents relating to communication or meetings between Philip Paris, Executive Director, Development and Precincts (Barangaroo) of INSW and John Carfi or Warwick Smith, Aqualand Australia, or Bob Aziz, David Matheson or Paul Brundage, OMERS/Oxford Properties, and referring to Central Barangaroo, Grocon or Daniel Grollo,
  - (iii) all documents relating to communication or meetings between INSW and the Department of Premier and Cabinet which refer to Central Barangaroo, Grocon or Daniel Grollo,
  - (iv) all without prejudice email and other communications from or to solicitors acting for Aqualand or Oxford which refer to Central Barangaroo,
  - (v) all documents sent or received by the Hon. Gladys Berejiklian, former Premier of NSW or the Department of Premier and Cabinet and INSW which refer to Central Barangaroo, Grocon or Daniel Grollo,
  - (vi) all board papers and documents provided to the Board of INSW by INSW which refer to Central Barangaroo, which may be redacted to remove any matters not relevant to Central Barangaroo,
  - (vii) all minutes of the board of INSW which refer to Central Barangaroo, which may be redacted to remove any matters not relevant to Central Barangaroo,
- (d) the following documents created between 1 January 2019 and 26 September 2019:
  - (i) all correspondence and communication, including documents which record the content of correspondence, between the Hon. Gladys Berejiklian, former Premier of NSW, and John Carfi or Warwick Smith, Aqualand which refer to Central Barangaroo,
  - (ii) all correspondence and communication, including documents which record the content of correspondence, between the Hon. Dominic Perrottet, Premier of NSW, and John Carfi or Warwick Smith Aqualand which refer to Central Barangaroo,
  - (iii) all correspondence and communication, including documents which record the content of correspondence, between Tim Reardon, former Secretary of the New South Wales Department of Premier and Cabinet, and John Carfi or Warwick Smith, Aqualand which refer to Central Barangaroo,
- (e) all documents provided to or received from the NSW Expenditure Review Committee which refer to Central Barangaroo,
- (f) all documents of the NSW Expenditure Review Committee which refer to Central Barangaroo,

- (g) all documents relating to the interpretation of the clauses in the Crown and Lendlease development agreements for Barangaroo South concerning the sight lines from their respective developments to the Harbour Bridge and Opera House, referred to as “Sight Lines clauses” in the case of *Crown Sydney Property v Barangaroo Delivery Authority*; *Lendlease (Millers Point) v Barangaroo Delivery Authority* [2018] NSWSC 1931,
- (h) all documents relating to negotiations with Crown and Lendlease, or their solicitors, in relation to the Sight Lines clauses, or the resolution of the dispute concerning them, including all without prejudice communications,
- (i) all documents relating to the terms of settlement, proposed or agreed, with Crown and Lendlease of the appeal of the judgment in *Crown Sydney Property v Barangaroo Delivery Authority*; *Lendlease (Millers Point) v Barangaroo Delivery Authority* [2018] NSWSC 1931,
- (j) all documents relating to consideration as when or whether to issue a notice pursuant to section 1.10 of the Central Barangaroo Development Agreement dated 15 November 2017 (CENDA), sometimes referred to as a “section 1.10 notice”, to Grocon or Aqualand,
- (k) all draft and final section 1.10 notices,
- (l) all documents relating to any proposal in relation to the content of any section 1.10 notice,
- (m) all documents relating to any proposed amendments to the CENDA,
- (n) all documents relating to the State’s target financial return for the Central Barangaroo development,
- (o) all documents relating to the expected or proposed above ground developable floor area of the Central Barangaroo development,
- (p) all documents relating to the transfer of development rights for Central Barangaroo from Grocon to Aqualand, including any proposal to do so,
- (q) all documents relating to all proposed development envelope or design for Central Barangaroo since 27 September 2019,
- (r) all documents relating to any reasons for delay of the commencement of construction of the development at Central Barangaroo,
- (s) any document from the Department of Premier and Cabinet which responds to the briefing paper from INSW dated 23 August 2019, and
- (t) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Debate ensued.

Question put.

The House divided.

Ayes .....18  
 Noes .....12  
 Majority.....6

AYES

Banasiak  
 Borsak  
 Boyd  
 Buttigieg

Fachrmann  
 Field  
 Hurst  
 Jackson

Moselmane  
 Primrose  
 Roberts (teller)  
 Secord

## AYES

D'Adam  
DonnellyLatham (teller)  
MoriartySharpe  
Veitch

## NOES

Amato  
Farlow  
Farraway  
FranklinMaclaren-Jones  
Mallard (teller)  
Martin  
PoulosRath  
Taylor  
Tudehope  
Ward

## PAIRS

Graham  
Houssos  
Mookhey  
SearleCusack  
Mitchell  
Barrett  
Mason-Cox

Question resolved in the affirmative.