

QoN-1

Mr DAVID SHOEBRIDGE: Will you table the correspondence to and from Santos regarding this most recent stage of the process, and if not why not? Mr ANTHONY ROBERTS: I will take that on notice. The CHAIR: Many local residents are deeply concerned that a recent approval has been granted for the development of 880 apartments, a dozen shops, a hotel and medical centre in Woollooware Bay near Shark Park. Residents echo that developers do not care about community impacts and the lack of infrastructure when proposing and building new developments. In regard to Shark Park, development concerns have been raised about proximity to the nearby protected wetlands. Are you aware that the community has no confidence in the so-called Independent Planning Commission and the decisions it has made in regard to this development?

A) The latest correspondence relating to the Narrabri Gas Project is publicly available on the Department's website at <http://majorprojects.planning.nsw.gov.au>
B) No.

<p>QoN-2</p>	<p>Mr ANTHONY ROBERTS: Thank you very much for that question. I place on the record that the IPC is an independent body and it is a body in which I have full faith. It is led now by former Chief Scientist and Engineer Professor Mary O'Kane and it does a remarkable job at ensuring that there is integrity within the planning process. Because this is site specific, I might ask whether Deputy Secretary Ray could give an update on that for you if you would be happy with that. The CHAIR: A brief one, thank you. Mr RAY: There was an independent assessment conducted by the department. There was a fair amount of community consultation on that particular project and the community's concerns about the proposal. It was an extension of an existing proposal so a substantial amount of that site had previously been developed. The community's concerns about car parking and other matters were taken fully into account. I will have to check; I think the department actually met with community groups on that project to deal with their concerns. I will take that on notice.</p>	<p>Yes, during the exhibition of the modification of Stage 1 – retail precinct the Department met with a number of residents in Woollooware in March 2017 to understand concerns about the proposed changes.</p>
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QoN-3

The CHAIR: What would be the maintenance cost of the land and the lakes that they are trying to hand over to the State? Has anyone done costings on that? If not, can you take the question on notice? Mr ANTHONY ROBERTS: Can I take it on notice?

The final area of the Penrith Lakes Parkland to be dedicated to the NSW Government is still under negotiation. Maintenance costings are still being determined.

<p>QoN-4</p>	<p>The Hon. PETER PRIMROSE: Can I talk briefly about local planning panels [LPPs]? When is the first quarter local planning panels performance report going to be released? Mr ANTHONY ROBERTS: Can I seek advice from Deputy Secretary Frame on that? Ms FRAME: The first quarter report is currently being finalised. It is in early stages of analysis in the Department of Planning. It is a very small sample size at this stage so there is nothing I am able to provide today but I can say that it has been received by the department and is currently undergoing that analysis and evaluation. The Hon. PETER PRIMROSE: Estimated time—ballpark? Ms FRAME: Can I take that on notice? The Hon. PETER PRIMROSE: Please do. Will the report identify all the costs incurred by councils in establishing and supporting these panels? Ms FRAME: It is too early for us to have any solid information on that. It has been raised as a concern by some councils, but at the moment it is still too early to determine the net cost of operating panels. Certainly there has not been enough time elapsed yet to assess one of the key savings attached to panels, which is fewer appeals to the Land and Environment Court and significantly reduced legal costs for councils that have had those panels in place for some time, preceding the introduction of the mandatory panels. We are anticipating that it will take some time for the full impacts to be adequately assessed. I can further update the information I provided earlier to let you know that—as I said, it is a very small sample in that first report—it was 30 councils that have supplied the data that we are currently assessing and it covered 136 Independent Hearing and Assessment Panels [IHAPs] meetings and 460 development applications [DAs]. At the moment we are undertaking analysis and, as I said, I will take on notice when we would be able to provide more information.</p>	<p>Reporting about panel progress will be available by the end of the year and will cover the first two quarters of operation.</p>
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<p>QoN-5</p>	<p>The Hon. PETER PRIMROSE: Fifty-three have been appointed to multiple panels, have they not? Mr RAY: I would have to check on the numbers. I would have to take that on notice. The Hon. PETER PRIMROSE: Do you know how many expert members sit on two panels? Mr RAY: I do not know. I would have to check on that number, but I do know that there are a number of expert panellists that sit on a number of different panels. The Hon. PETER PRIMROSE: I would be interested to know if my information is accurate and that it is, in fact, 53. Minister, if you are taking this on notice I would be interested in how many expert members sit on two panels, three panels, four panels and how many more. Is that okay with you? Mr ANTHONY ROBERTS: Yes, thank you, Mr Primrose.</p>	<p>123 expert members have been appointed to a local planning panel (IHAP) by either the relevant local council or the Minister from the approved list of 218 experts (more than 50% of all experts on the approved list). 64 experts sit on more than one IHAP (Independent Hearing and Assessment Panel). Of these: -59 experts sit on one IHAP only; -34 experts sit on two IHAPs; -18 experts sit on three IHAPs; -6 experts sit on four IHAPs; -4 experts sit on five IHAPs; -1 expert sits on six IHAPs; - 1 expert sits on 10 IHAPs.</p>
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<p>QoN-6</p>	<p>The Hon. PETER PRIMROSE: Minister, would you be concerned that one person is on so many panels, given the fact, as I said, in your second reading speech you indicated that you wanted to disperse power not actually centralise it in individuals? Mr ANTHONY ROBERTS: Again, the issue around having one individual, the power is not invested in one individual on a committee and that is why we have a panel. But it is a point that I am happy to take on board. If we have a need to introduce more people, bring more people in, I am quite happy to look at that. The Hon. PETER PRIMROSE: Can I ask that you take on notice then the concern and indicate to us in your response why you have no concerns about people being appointed to multiple boards? Mr ANTHONY ROBERTS: In fact, what I will do, Mr Primrose, is ensure that this particular issue is looked at and reviewed by Mr Kaldas.</p>	<p>Refer to Hansard - question was answered during hearing.</p>
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QoN-7

Mr DAVID SHOEBRIDGE: What is "moderate"? Mr BROGDEN: It is as per the Act. Mr DAVID SHOEBRIDGE: Can you provide us on notice what the income is for "moderate"—what the entry point is for affordable housing? Maybe Mr Nelson has the figure. Mr BROGDEN: I will come back to it.

The Environmental Planning & Assessment Act 1979 defines "affordable housing" as 'housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.' The household income bands for very low, low and moderate are set out in the NSW Affordable Housing Ministerial Guidelines which defines the income for moderate as 80% to 120% of the median income which is between \$68,600 and \$103,000 for Sydney and between \$58,700 and \$88,000 gross income per annum for the rest of NSW (2017-18). The entry point for affordable housing is nil/zero income for the very low income bracket and up to 50% of the median income which is a maximum of \$42,900 for Sydney and \$36,700 for the rest of NSW (2017-18).

<p>QoN-8</p>	<p>Mr DAVID SHOEBRIDGE: Lastly, do you not think it would be appropriate to revisit the 30-odd projects already in the pipeline to ensure that at least 5 per cent to 10 per cent of those projects, the uncompleted projects, are delivered as affordable—or are there ministerial or political barriers preventing you doing that? Mr BROGDEN: Yes, I should have mentioned earlier: We are looking at our existing book of projects to see if there is the capacity to reopen them and look for 5 per cent to 10 per cent affordable housing. Some of them are so far down the track that they are almost completed and it is clearly too late—they are at the finishing stages. Where possible we are. Mr DAVID SHOEBRIDGE: Could you provide on notice what the projects are where you think it is possible? Mr BROGDEN: Yes.</p>	<p>Sydney Metro North West is the only project post introduction of our policy and so able to adopt the policy targets in full. It is underway but not yet built and will include between 550 and 1,100 Affordable Homes when delivered. Four other projects were commenced prior to the policy, but are nevertheless assessing the opportunity to include affordable housing. No exact figure is available on the amount at this stage however it is likely there will be Affordable Housing in them. The projects are at Green Square, Edmondson Park, Lachlan’s Line and Thornton.</p>
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<p>QoN-9</p>	<p>The CHAIR: I will come back to that. Is the Government aware that given the mechanics of the deed, the PLDC is no longer under any obligation to dedicate the Lakes and Nepean River frontage parklands to the Government if the Government does not rezone the initial 150 hectares of rehabilitated urban south lands by February 2019? Mr ANTHONY ROBERTS: Negotiations are underway. We always negotiate strongly on behalf of the people of New South Wales. I will ask if there is anything further. Mr NELSON: I will have to take that on notice. At this stage, the Government has received over 400 hectares that have been dedicated. I think there is a difference in interpretation around expectation of dedication for Penrith Lakes, and they have been subject to numerous ongoing negotiations, backwards and forwards, between the Government and the PLDC.</p>	<p>The NSW Government is considering options to both resolve the Deed and to ensure the safety of the community in the event of flooding. Ongoing discussions are being held with the Penrith Lakes Development Corporation to resolve this issue.</p>
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QoN-10

The Hon. JOHN GRAHAM: I understand the guidelines. I am asking you: Have you met with Daryl Maguire on planning issues since you became planning Minister? You must have given some thought to this. Mr ANTHONY ROBERTS: I am quite happy to take it on notice and I am quite happy to think about it.

These relate to matters that are currently under investigation by the ICAC and would be inappropriate for me to comment until the investigation has concluded.

<p>QoN-11</p>	<p>The Hon. JOHN GRAHAM: I understand and I acknowledge you have done that in this case. You might choose to take the next question on notice. Since you became planning Minister have you had other contact on planning issues with Daryl Maguire either on the phone or in person separate to meetings? Mr ANTHONY ROBERTS: Again, I am happy to take that on notice, but it is not unusual for a member of Parliament to discuss general planning issues. In fact, I have members from all sides of politics talk about it. It could be overdevelopment, it could be— The Hon. JOHN GRAHAM: I am asking you a specific question. Feel free to answer it now or take it on notice. Mr ANTHONY ROBERTS: I am quite happy to take that on notice. The Hon. JOHN GRAHAM: There have been reports that Country Garden paid \$69.88 million to secure land it knew would benefit from the M9 orbital months before locals knew. They are public reports. Did you ever discuss issues around the M9 orbital with Daryl Maguire? Mr ANTHONY ROBERTS: I am happy to take that on notice, but again, to the best of my knowledge, no. No.</p>	<p>These relate to matters that are currently under investigation by the ICAC and would be inappropriate for me to comment until the investigation has concluded.</p>
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QoN-12

The Hon. PETER PRIMROSE: How many staff did Landcom trading as UrbanGrowth have prior to the restructure that saw the two organisations result: Landcom and UrbanGrowth NSW Development Corporation? Mr BROGDEN: I would prefer to give you an accurate answer, if that is okay? The Hon. PETER PRIMROSE: Please take it on notice. Mr ANTHONY ROBERTS: We will take that on notice. The Hon. PETER PRIMROSE: You may also wish to take on notice how many staff remained with Landcom after the UrbanGrowth NSW Development Corporation was formed? Mr BROGDEN: Yes, I can come back to you on that.

Landcom trading as UrbanGrowth had 236 staff prior to the structure. Following the creation of UrbanGrowth NSW Development Corporation, 163 staff members remained with Landcom.

<p>QoN-13</p>	<p>The Hon. PETER PRIMROSE: Why did you take 10 months to finally amend the mining SEPP? Ms FRAME: For Drayton South? The Hon. PETER PRIMROSE: Yes. Mr DAVID SHOEBRIDGE: Something about a farce? The Hon. PETER PRIMROSE: I mentioned the farce but I will leave that—that was directed at the Minister. Mr ANTHONY ROBERTS: Thank you. Ms FRAME: I will have to take that on notice. Mr ANTHONY ROBERTS: We will take that on notice. The Hon. PETER PRIMROSE: Minister, have you been to Bylong Valley? Mr ANTHONY ROBERTS: Not that I recall. I have been to a lot of places in New South Wales. Whether or not I have been to Bylong, that I cannot tell you. I am happy to take that on notice. I will go through my diary. The Hon. PETER PRIMROSE: Michael Cassel is the chief executive of both the Hunter and the Central Coast Development corporations, as well as the project director for revitalising Newcastle. Is he being paid any form of remuneration or salary for all three jobs? Mr ANTHONY ROBERTS: Whatever he is being paid is probably not enough. What he has been able to do with Newcastle is just incredible. We have seen the transformation there; it is generational. To have a look at Newcastle from a decade ago to where it is today is a tribute not only to the great work that Newcastle council does—I have to say that they work incredibly well together with the Hunter Development Corporation—but also to Mike Cassel and his team. In fact, I was only— The Hon. PETER PRIMROSE: Minister, given the time issues, is he being paid a salary? Mr ANTHONY ROBERTS: Yes, he is. The Hon. PETER PRIMROSE: And you fully endorse that for all three jobs? Mr ANTHONY ROBERTS: Yes. The Hon. PETER PRIMROSE: Will you provide on notice a breakdown of that? Mr ANTHONY ROBERTS: I am quite happy to do so.</p>	<p>1) Ongoing consultation with stakeholders was undertaken. The amendments were exhibited from 1 - 14 December 2017. The amendments were made on 22 December 2017.</p> <p>2) MO to respond re Bylong Visit</p> <p>3) Mr Cassell is remunerated as a Senior Executive Band 3 in accordance with the NSW Public Service Senior Executive Remuneration Management Framework.</p>
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QoN-14

Mr DAVID SHOEBRIDGE: Mr Chair, my time is limited. I asked about what has been approved to date and we got an answer, which is nothing. Minister, do you support the process whereby developers can buy their way out of the planning laws through voluntary planning agreements and pay a couple of hundred grand or a couple of million dollars to councils and buy their way out of the planning laws, and do you know how many VPAs have been negotiated on your watch? Mr ANTHONY ROBERTS: Can I make it very clear that the whole issue around VPAs has been of some considerable concern to me. Mr DAVID SHOEBRIDGE: You are not alone, Minister, this is a very real concern, particularly about Parramatta. They are being signed like confetti in Parramatta. Mr ANTHONY ROBERTS: I am concerned that they are paperless and they do not necessarily in any way coincide with our ability and our want to have an open, transparent planning system, and I think that is felt right across the board, that we need to ensure that we have a very close look at VPAs. The Government has a plan to ensure that arrangements that are made with developers around the provision of infrastructure ensure that it keeps pace with development in higher-growth areas and that it is open and transparent. We will be looking, and we are looking at the moment, very closely at reforming the whole VPA system. I am happy to provide further information if you want that on notice.

Voluntary Planning Agreements (VPAs) are a flexible tool for planning authorities and developers to work together to deliver innovative, flexible and efficient solutions for infrastructure with development. The Department of Planning and Environment executed 48 VPAs in the 2017-18 financial year. To ensure VPAs are used fairly, the Government released a draft policy framework in early 2017 for consultation to support certainty in the planning system and ensure that VPAs are considered on merit as part of a broader planning assessment, and not based on the financial outcome achievable.

The draft policy package included a draft Practice Note that aimed to provide guidance to councils and developers regarding fundamental principles and considerations for determining the acceptability of VPAs. Forty-eight (48) submissions were received from local government, industry and peak organisations expressing very diverse positions, both between and within stakeholder groups. This reflects the different approaches taken to the negotiation of VPAs over time and the consequent establishment of different policy decisions. The Department has analysed these submissions and is considering how the policy framework can be improved before being finalised.

While there are concerns that there is a lack of transparency in the negotiation of VPAs, there is a current legislative requirement under the Environmental Planning and Assessment Regulations that VPAs must be publicly notified for a period of 28 days before they can be entered into. This provides an opportunity for public scrutiny.

QoN-15

Mr DAVID SHOEBRIDGE: Then let us talk about Waverley council. Are you aware that almost 10 per cent of the budget of Waverley council comes through payments from these corrupting voluntary planning agreements—almost 10 per cent of the council's income comes from it? And we could have a similar analysis about Willoughby Council. Are you aware of this? Mr ANTHONY ROBERTS: As I have said, I have expressed concerns both within my department and externally around the opaqueness of VPAs and the need to reform those. That work is currently underway to reform those to create a more open and transparent system in providing infrastructure to local communities. But I am happy to take those on notice. I appreciate you raising that other issue and I will be seeking advice on that.

This is a matter for Waverley Council. Refer to draft package outlined in question on notice above.

QoN-16

The Hon. PETER PRIMROSE: Is it the case that there is still around \$682 million in the reservation? Mr NELSON: The total reservation has a value of somewhere around \$1.46 billion. The Hon. PETER PRIMROSE: May I then specify, the unallocated allocation? Mr NELSON: Because it is a drawdown over a forward program I will have to take that on notice, that specific number.

The Housing Acceleration Fund has received five rounds of funding since its inception in the 2012/13 financial year, totalling \$1.566 billion. HAF Rounds 1 to 4, totalling \$966 million, is fully assigned to projects including road and water infrastructure. These projects are in various stages of design, construction or are complete (noting that the actual allocation of funding only occurs after the detailed planning and design stage and immediately prior to the commencement of construction). HAF Round 5 was announced in 2017/18 financial year with a Restart NSW Fund reservation of \$600 million. This reservation is fully assigned to a number of projects in the early stages of planning, design and strategic business case development.

QoN-17a

The Hon. JOHN GRAHAM: I will signal some questions on notice, because there are many very good questions in your estimates folder that we did not get to, things like: Why did the Office of Open Space and Parklands give so much money to councils around the North Shore when these areas already have so much tree canopy cover?

No funds for tree canopy expansion have been granted to councils in Greater Sydney.

QoN-17b	Why did the department's transitional development office spend more on a year of communications for 2018 than on the planned precincts public awareness campaign?	Refer to answer provided for Question 78.
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QoN-17c	No trees have been given out under the Free Tree Initiative: Will Bunnings keep the money? I am signalling that we will put those questions on notice to you, Minister, but I now pass to my colleague.	The free tree initiative commenced on 6 July 2018. Bunnings are only reimbursed for the trees they have supplied to eligible homeowners.
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<p>QoN-18</p>	<p>Mr DAVID SHOEBRIDGE: Minister, what is the Government's new plan for Sydenham to Bankstown? Does the housing target of 35,400 homes along the corridor remain in place? Are you going to require councils to deliver on that? If not that, then what?</p>	<p>Refer to response to questions 379 and 380.</p>
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<p>QoN-19</p>	<p>The CHAIR: Minister, take that on notice. I will ask the final question: What further work and advice have you received from the department regarding potential opportunities for Aboriginal economic development in the way of housing needs? Time has now concluded, so I will put that on notice and there will be further questions put on notice in light of your evidence. You will have 21 days to answer them. The secretariat will be more than able to assist you to achieve that. We thank you for your presentation and all your colleagues for presenting today. That concludes this session.</p>	<p>The Department of Planning and Environment are developing a coordinated NSW Government response to address planning and infrastructure issues for Aboriginal community lands which will enable Local Aboriginal Land Councils to better deliver housing and meet housing needs. Activities currently underway include:</p> <ul style="list-style-type: none">- ongoing engagement and consultation with Local Aboriginal Land Councils as part of the implementation of the nine Regional Plans – each of these Plans includes a Direction to “strengthen the economic self-determination of Aboriginal communities”;- working with Local Aboriginal Land Councils to prepare mapping to identify environmental constraints and opportunities for their landholdings;- consideration of planning tools and strategies to better address the needs of Local Aboriginal Land Councils and the use of Aboriginal community-owned land;- implementation of training courses for Local Aboriginal Land Councils and Aboriginal Corporations to build their capacity to understand and engage with the NSW planning system.
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