

## Planning and Public Space – Questions on Notice

| # | Member  | Question   | Our Answer   |
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| 1 | <b>SHOEBRIDGE, David</b><br>(p.9 of transcript) | <b>SIDOTI DECLARATIONS</b> – Did you ask your department to investigate whether or not Mr Shang or any corporation associated with Mr Shang had made the relevant declaration in regard to the development that Mr Shang and Mr Sidoti's company did in Tallawong?   | I am advised that the Department of Planning, Industry and Environment provided information to the Department of Premier and Cabinet's review into the allegations. I am advised this review has been placed on hold while the relevant authority undertakes a preliminary investigation.  |
| 2 | <b>PEARSON, Mark</b><br>(p.10 of transcript)    | <b>BOURKE ABATTOIR</b> - This is in relation to Capra Developments trading as Darling River Meats. It sought approval for a small animal abattoir in Bourke, New South Wales, to slaughter lambs, sheep and wild goats. The department's environmental assessment report accepted the claims that the abattoir would bring significant economic benefits to Bourke and its surrounds. Given the size of the investment was \$60 million, it was deemed a State significant development under part 4 of the Environmental Planning and Assessment Act.<br><br>The development was approved and the abattoir opened for business in January this year but closed in May, citing unexpectedly heavy autumn rains that had made it difficult to trap and transport rangeland goats to the slaughterhouse. Given the significant taxpayer investment in the abattoir—that is \$10 million from Bourke council, \$10 million from the Federal Government and \$1.5 million from the New South Wales State Government—and then complete closure within only five months of opening, do you consider that your department undertook due diligence in examining the economic benefits of the development? | I am advised in its assessment the Department considered the environmental, economic and social impacts of the proposal.<br><br>The EIS included an economic impact analysis of the proposal which considered the potential annual economic stimulus, direct and in-direct employment opportunities and impacts on the regional economy.<br><br>The EIS indicated the proposal would provide the following economic benefits: <ul style="list-style-type: none"> <li>• Around 55 full time construction jobs</li> <li>• 200 full time equivalent jobs once operational</li> <li>• Annual economic stimulus to the region of \$150M when fully operational.</li> </ul> The EIS stated the proposal would enhance the capacity of the local and regional economies and help to address population decline and the diminishing availability of services and facilities within Bourke.<br><br>Bourke Shire Council provided a submission which supported the proposal and highlighted the economic benefits the proposal would have for Bourke and the wider region.<br><br>As such, the Department concluded the proposal would have a positive economic and social impact on the regional economy. |
| 3 | <b>PEARSON, Mark</b><br>(p.11 of transcript)    | <b>BOURKE ABATTOIR</b> - Given the historic drought conditions prevalent in the region, was it realistic to assess the estimated population of rangeland goats at more than three million? How was that figured?   | I am advised the EIS indicated an aerial survey of goat population numbers across Australia grew from 1.4 million in 1997 to an estimated 3.3 million in 2010.<br><br>This was based on a report by the Queensland Department of Environment, Economic Development and Innovation.   |
| 4 | <b>PEARSON, Mark</b><br>(p.11 of transcript)    | <b>BOURKE ABATTOIR</b> - What, if anything, did the Department do to seek verification of the assessment of the numbers of the rangeland goats available for capture and slaughter when assessing the economic benefits of the proposal?   | I am advised the proposal was for a maximum processing capacity of up to 6,000 head per day. This included goats and sheep.<br><br>EIS indicated 75% of Australia's rangeland goat population is in NSW.<br><br>Note the abattoir was also seeking to process sheep.   |
| 5 | <b>PEARSON, Mark</b><br>(p.11 of transcript)    | <b>BOURKE ABATTOIR</b> - How confident was your Department that an annual draw rate of up to 365 megalitres would not place undo stress on the Darling River, given the township already draws more than half of the allowable allotment of 3500 megalitres of water each year?  | The capacity of Council's raw water connection to the Darling River is 518,400 litres of water per day.<br><br>The Department does not know how much of this connection is supplied to abattoir.<br><br>DPI and Council were consulted. Council advised they could provide the necessary water requirements.   |
| 6 | <b>PEARSON, Mark</b><br>(p.11 of transcript)    | <b>BOURKE ABATTOIR</b> - The environment assessment report states that the water supply into the abattoir is by connection to the council's reticulated water supply in North Bourke via a "new underground pipework" within the Mitchell Highway road reserve. The report has very little detail as to whether the new pipework was specifically made for this project, considering that it is 14 kilometres away from North Bourke.<br><br>Can you advise who was responsible for the construction costs of the new pipeline?  | I am advised the construction of the pipeline was assessed as part of the development application (DA) and consented to. The cost of the pipeline was therefore included in the Capital Investment Value of the project.<br><br>How the project is funded is not considered as part of the assessment of the DA. The Department is not aware of who was responsible for the construction costs associated with the pipeline.   |

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| 7  | <b>PEARSON</b> , Mark<br>(p.12 of transcript)     | <b>BOURKE ABATTOIR</b> - In the final development consent Capri was required to show documentary evidence of a waste agreement identifying a suitable waste collection facility prior to commencement of the operations. Was that done?   | I am advised the Applicant provided confirmation with a letter of an agreement from the receiver of the waste material.<br><br>The facility which has agreed to take the waste material to reuse as a product is called Master Butcher Co-Operative (MBL Proteins) in South Australia.  |
| 8  | <b>SEARLE</b> , Adam<br>(p.16 of transcript)      | <b>SIDOTI &amp; SYDNEY METRO WEST ROUTE</b> - Mr Sidoti was formerly the Parliamentary Secretary for Planning. Did he have prior knowledge of the route and the potential location of the stations?   | I am advised that a search of the Department of Planning, Industry and Environment's electronic records does not reveal any record of consultation with Mr Sidoti regarding Sydney Metro West, nor any Briefing Notes prepared relating to Mr Sidoti and Sydney Metro west.   |
| 9  | <b>SHARPE</b> , Penny<br>(p.16 of transcript)     | <b>SIDOTI AS PARLIAMENTARY SECRETARY</b> -<br>...It would be useful if you could provide the Committee a list of the work that was undertaken by Mr Sidoti as the Parliamentary Secretary for Planning.<br><i>Mr BETTS: We can provide a functional description of the role of parliamentary secretaries.</i><br><b>The Hon. PENNY SHARPE:</b> No. I understand what a functional description is—we all have one of those. I am actually interested in the direct work that he was involved in as the Parliamentary Secretary for Planning.<br><i>Mr BETTS: That is such an open-ended question as to be virtually unanswerable.</i><br><b>The Hon. PENNY SHARPE:</b> No, I do not think it is. I think it will be good to know, if you want specificity in relation to this, what briefings he received in relation to being the Parliamentary Secretary for Planning, what correspondence he was involved in, what visits he did and who he met with. Those things should all be recorded and he should be able to provide those and we would ask that, in terms of the support that the department gave him in that role, we would like to get that material.<br><i>Mr BETTS: I will explore what information might be available.</i><br><b>The Hon. ADAM SEARLE:</b> In particular, what information he was privy to about the planning for the metro and the location of stations. That would also be very useful. | I am advised that Mr Sidoti was Parliamentary Secretary for Planning for 5 months and 12 days between 17 October 2014 and 28 March 2015.<br><br>The role of Parliamentary Secretaries is separate to the operation of the Public Service (see Part 4 Constitution Act 1902). The Parliamentary Secretary for Planning does not and did not at the time have a role in the operation of the planning system.<br><br>In relation to the Tallawong precinct, a search of the Department of Planning, Industry and Environment's electronic records does not reveal any record of Mr Sidoti making enquiries or representations to the Department regarding the rezoning. |
| 10 | <b>SEARLE</b> , Adam<br>(p.16-17 of transcript)   | <b>CALL FOR PAPERS (REVIEW OF URBANGROWTH/LANDCOM) 8 AUG</b> – Minister, you would be aware that the upper House did a call for papers on 8 August. That call for papers was directed to you as the Minister for Planning and Public Spaces, it was directed to the Department of Planning, Industry and Environment, so that is Mr Betts' bailiwick, and it was also directed to Landcom, Mr Milton.<br>One of the documents called for at paragraph (g) was the review of UrbanGrowth/Landcom conducted by Mr Jim Betts in 2016 or 2017. Now, there has been no return from any of the bodies named in the call for papers, including your department, Minister, and Landcom. I believe the report was provided to the Secretary of the Department of Premier and Cabinet [DPC] but also to the Minister for Planning. Was that you at the time, Mr Stokes?   | I am advised that my office nor I have a copy of the review.  |
| 11 | <b>SEARLE</b> , Adam<br>(p.17 of transcript)      | <b>CALL FOR PAPERS (REVIEW OF URBANGROWTH/LANDCOM) 8 AUG</b> – I am just trying to understand why you did not provide a copy. Is it because you did not have one or is it because you are claiming Cabinet-in-confidence?<br><i>Mr BETTS: I am not sure that the department did have a copy. I will take that on notice.</i>  | I am advised that to the best of its knowledge the Department of Planning, Industry and Environment does not hold a copy of the review.   |
| 12 | <b>SHOEBRIDGE</b> , David<br>(p.18 of transcript) | <b>SIDOTI DECLARATIONS</b> - At any time prior to the decision in April 2014 by your department to recommend rezoning in the precinct around Tallawong, did Mr Sidoti make any representations to the department, seek any information from the department about rezoning in or about Tallawong or the department's approach in or about Tallawong?   | I am advised that a search of the Department of Planning, Industry and Environment's electronic records does not reveal any record of Mr Sidoti making representations to the Department regarding the rezoning around Tallawong precinct.  |

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| 13 | <b>SHOEBRIDGE,</b><br>David<br>(p.19 of transcript) | <b>SIDOTI DECLARATIONS</b> - What about between the period of October 2014 and March 2015 when Mr Sidoti was the Parliamentary Secretary for Planning. At any stage during that period did Mr Sidoti have any involvement with Planning decisions in or about Tallawong?  | I am advised that Mr Sidoti had no role in the decision in or about Tallawong in his capacity as Parliamentary Secretary for Planning.   |
| 14 | <b>SHOEBRIDGE,</b><br>David<br>(p.19 of transcript) | <b>SIDOTI DECLARATIONS</b> - And again could you take on notice whether Mr Sidoti sought any information about any planning decisions in or about Tallawong?  | I am advised that a search of the Department of Planning, Industry and Environment's electronic records does not reveal any record of Mr Sidoti making enquiries of the Department regarding this matter.  |
| 15 | <b>SHOEBRIDGE,</b><br>David<br>(p.19 of transcript) | <b>SIDOTI DECLARATIONS</b> - Did Mr Sidoti, when he was Parliamentary Secretary for Planning, declare to the department that he had received \$1,750 from a property developer, Mr Shang, in February 2015? Did he make that declaration or advise the Planning department that he had received \$1,750 from a property developer?  | I am advised that a search of the Department of Planning, Industry and Environment's electronic records does not reveal any record of Mr Sidoti making a disclosure under the <i>Environmental Planning and Assessment Act 1979</i> . There is no requirement for this under the planning legislation. There may be a requirement under other legislation or codes of conduct. |
| 16 | <b>SHOEBRIDGE,</b><br>David<br>(p.19 of transcript) | <b>SIDOTI DECLARATIONS</b> - Did Mr Sidoti make any approaches or have any discussions with the department regarding the land about Tallawong when he was in partnership with Mr Shang and purchased the development land for \$4.1 million in March 2015?  | I am advised a search of the Department of Planning, Industry and Environment's electronic records does not reveal any record of Mr Sidoti sending any written correspondence or making any contact with the Department regarding this matter.   |
| 17 | <b>SHOEBRIDGE,</b><br>David<br>(p.19 of transcript) | <b>SIDOTI DECLARATIONS</b> - In September 2015 when Southern Han Rouse Hill submitted a development application—Southern Han Rouse Hill being a corporation in which Mr Sidoti had a financial interest—did that development application include a disclosure about Mr Sidoti's financial interest?   | I am advised:<br>No.   |
| 18 | <b>SHOEBRIDGE,</b><br>David<br>(p.19 of transcript) | <b>SIDOTI DECLARATIONS</b> — In September 2015 when the corporation associated with Mr Sidoti, Southern Han Rouse Hill, made a development application for a \$70 million development with your department he was a parliamentary Cabinet secretary. Was that disclosed to your department? Was it disclosed to Cabinet? Was it disclosed to anybody?   | I am advised of the following:<br>1. No.<br>2. This information is Cabinet in Confidence.<br>3. Not applicable.  |
| 19 | <b>SHOEBRIDGE,</b><br>David<br>(p.20 of transcript) | <b>SIDOTI DONATIONS</b> – You say the application was made to the council, and true that is, but it was decided by the Sydney Central City Planning Panel, which comes under your department's control. Was the disclosure made to the Sydney Central City Planning Panel that the development application for a \$70 million development was in part owned by a Cabinet secretary of the Government?<br><b>Mr ROB STOKES:</b> <i>Again, my expectation would be that all relevant disclosures would be made.</i><br><b>Mr DAVID SHOEBRIDGE:</b> I am not asking about your expectation. I am asking about what you knew, and if you do not know will you find out? | I am advised that the development application was not lodged by a Cabinet Secretary of the Government.   |
| 20 | <b>PEARSON,</b> Mark<br>(p.21 of transcript)        | <b>BOURKE ABATTOIR</b> – According to the environment assessment report, Bourke Shire Council indicated at the very beginning that it was unable to accept livestock processing waste and that the council's waste facilities were unlikely to be upgraded. Under the NSW Environment Protection Authority's [EPA] proximity principle, waste cannot be disposed of unless it is to a licensed facility within 150 kilometres of the original waste or second closest to the origin of the waste.<br><br>Which waste collection facility was contracted to receive the waste?   | I am advised MBL Proteins is contracted to receive waste material from the facility. This material is then reprocessed into animal feed products rather than going into landfill.  |

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| 21 | PEARSON, Mark<br>(p.22 of transcript)    | <b>BOURKE ABATTOIR</b> – The economics of an export facility such as this being built so far from ports or markets seems to bring about a huge economic risk. The overheads for a facility in a location such as Bourke would be very high transport refrigeration, offsite waste, et cetera. Was any modelling provided to the department to show that this venture would ever be able to stand up financially before the Government put taxpayer money into it?  | I am advised that as outlined above, the EIS included economic impact analysis of the proposal including the proposal’s potential annual economic stimulus, direct and in-direct employment opportunities and impacts on the regional economy.<br><br>Matters regarding financial viability of a proposal and provision of any funding or grants are not considerations for the assessment of the development application.  |
| 22 | PEARSON, Mark<br>(p.22 of transcript)    | <b>OLD IBM SITE/MIRVAC</b> - Given the objects of the Environment Planning and Assessment Act require the protection of the environment, including the conservation of threatened and other species and native animals et cetera, is the Minister concerned that the Mirvac development application in its current form does not meet legislative requirements?  | I am advised the Mirvac proposal for the former IBM site is a planning proposal to rezone the site.<br><br>In August 2017 The Hills Shire Council lodged a planning proposal with the Department to change the local planning controls that apply to the site.<br><br>The Department made a Gateway determination on 31 October 2017 that the planning proposal could proceed, subject to certain conditions. These include addressing issues such as minimum lot sizes, the site’s ecological values and its flora and fauna.<br><br>In December 2018, Council submitted the updated planning proposal to the Department which was considered to satisfactorily address pre-exhibition requirements prior to commencing community consultation.<br><br>The planning proposal was exhibited from 30 April 2019 to 31 May 2019 and over 1000 submissions were received. The planning proposal is currently with Council for further consideration and they are required to consider all submissions received and make amendments to the plan, if required.<br><br>A development application for the site is yet to be submitted.<br><br>The legislative requirements for the protection of biodiversity will be considered at both stages.<br><br>Should the Hills Shire Council resolve to support the planning proposal, it will be required to demonstrate how any requirements of the Environment Energy and Science group (EES) and the relevant legislation can be met and whether proposed rezoning of the site should be supported on its merits by reference to the criteria in the <i>Environmental Planning and Assessment Act 1979</i> . |
| 23 | PEARSON, Mark<br>(p.22-23 of transcript) | <b>OLD IBM SITE/MIRVAC</b> - The Blue Gum High Forest and the Turpentine-Ironbark Forest on the Mirvac site are listed as potential ecological communities that meet principles and criteria for serious and irreversible impacts [SAII].<br><br>Minister, have you received any advice from your department that that development consent cannot be granted to proposals that impact on an SAII-affected entity?  | I am advised that Mirvac has not yet provided enough evidence to Council to enable this to be determined.<br><br>Consideration of the potential impact on ecological communities will form part of Councils post - exhibition assessment which will consider whether to support the Local Environmental Plan (LEP) with or without any variation. If Council resolves to support the LEP it will be required to forward a copy of all relevant documentation, including a copy of Council’s exhibition outcomes report to the Department together with the final proposal.<br><br>For the planning proposal to proceed to finalisation, the Department of Planning, Industry and Environment will need to be satisfied that the proposed environmental conservation and residential zones are likely to support conservation objectives prior to rezoning.  |
| 24 | SEARLE, Adam<br>(p.26 of transcript)     | <b>MR KALDAS’ RECOMMENDATIONS</b> - Minister and Mr Betts, where is the department up to in relation to implementation of the various recommendations and suggestions made by Nick Kaldas?<br><b>Mr ROB STOKES:</b> <i>As the secretary has already referred to, Mr Kaldas made 19 recommendations, 10 of which have been fully implemented.</i><br><b>Mr BETTS:</b> <i>Correct.</i><br><b>Mr ROB STOKES:</b> <i>The nine remaining are iterative. They are being implemented progressively, and I will refer to the secretary for further details.</i><br><b>Mr BETTS:</b> <i>Thank you. Yes, as the Minister said, 10 out of the 19 have been implemented. Mr Ray is in a position to lead you through the status of each of those 19 recommendations.</i><br><b>Mr RAY:</b> <i>Thank you, Mr Betts.</i><br><b>The Hon. ADAM SEARLE:</b> I am happy for him to table them. Put them on notice. | I am advised the following:<br><br><b>1. Consider further developing Plain English Materials and a User-friendly Plain English Guide</b><br><br>Status: In progress<br><br>A plain English guide to the planning system is being drafted and will be finalised before the end of the year. Additional guidance material will be developed in support of the guide over time.<br><br><b>2. Ensure that IHAPS remains Mandatory for Sydney Metropolitan and Wollongong Areas.</b><br><br>Status: Complete   |

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|  | <p><b>The Hon. CATHERINE CUSACK:</b> You could have asked it on notice if you wanted that. If you did not want the answer then you should not have asked the question.</p> <p><b>The CHAIR:</b> If you could table them, given the Opposition has 20 seconds left and we do not want to eat into the crossbench question time.</p> <p>[Exchange kept here for clarity and context]</p> | <p>This recommendation is accepted and Independent Hearing and Assessment Panels (now known as Local Planning Panels or LPPs) will remain mandatory for Sydney metropolitan and Wollongong areas.</p> <p><b>3. Consider extending Mandatory IHAPS to the Central Coast and Newcastle LGA</b></p> <p>Status: Complete</p> <p>The Department considers that establishing an LPP on the Central Coast is a priority given the high level of growth occurring in the region that requires good decision making to properly implement the Central Coast Regional Plan 2036. An LPP for the Central Coast local government area is currently in progress and is expected to be established and operational by early 2020.</p> <p>A mandatory LPP is not being pursued in Newcastle LGA at this time.</p> <p><b>4. Consider ensuring consistency and clarity in relation to the IHAPS and Regional/District Panels</b></p> <p>Status: In progress</p> <p>The Department is considering options to align tenure and restrictions on membership between the LPPs and the Sydney and Regional Planning Panels. Options include possible administrative and legislative amendments.</p> <p><b>5. Consider mandatory probity checks for IHAP community representatives, similar to the appointment process of the Chairs and technical experts</b></p> <p>Status: Complete</p> <p>The Department completed probity checks for all current community representatives in August 2018, and future probity checks will be carried out by councils. The IHAP overview published in August 2018 specified that it is council's responsibility to undertake probity checks on its community representatives.</p> <p><b>6. Clarify the issue of Independent Hearing and Assessment Panel Meeting Procedures</b></p> <p>Status: Complete</p> <p>The Local Planning Panels Best Practice Meeting Procedures, released in September 2018, and the Local Planning Panels Direction - Operational Procedures both provide guidance on this issue.</p> <p><b>7. Conduct an Annual Review of Multiple Membership on IHAPS to ensure no conflicts of interest or other issues arise</b></p> <p>Status: Complete</p> <p>An annual review of those panel members appointed to multiple panels has been undertaken, this included auditing council websites for panel member declarations of interest for matters which the members determined. The review did not find any conflicts of interest or other issues of concern.</p> <p><b>8. The Minister to consider amending the "Local Planning Panels Direction – Development Applications" to provide greater flexibility for local councils to refer additional matters to Independent Hearing and Assessment Panels for consideration</b></p> <p>Status: In progress</p> <p>The Department is considering amending the direction to provide this flexibility.</p> |
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**9. Consider Providing Greater Guidance and Clarity to Local Councils and IHAPS in relation to decisions of those Panels that have been appealed to the Land and Environment Court**

Status: Complete

LPP Chairs and members were provided guidance on LPP involvement in Court appeals in the Quarterly IHAPs Newsletter, February 2019. The Deputy Secretary emailed all Council General Managers in relation to appeals guidance in May 2019.

**10. Consider Undertaking an Audit of all Infrastructure Contributions and spending**

Status: In progress

The Department reports infrastructure contributions revenue and planned expenditure to Treasury and INSW each month. Expenditure is published in the annual budget.

The Department is also developing improved digital and business systems to assess, monitor and report on State infrastructure contributions (SIC and VPA). These improvements will provide greater transparency and accountability to State Infrastructure contributions.

The Department notes that the NSW Audit Office is also undertaking an audit of the management and use of developer contributions, including Voluntary Planning Agreements, in selected NSW local government areas. The Department is engaging with the Audit Office on this work to closely monitor any finding of this audit.

**11. Update the Practice Note for Voluntary Planning Agreements to ensure consistency and transparency.**

Status: In progress

A draft policy package comprising a Practice Note, Planning Circular and Ministerial Direction was exhibited for public comment in late 2016 and early 2017. Stakeholder responses to the package were very diverse. The Department is considering submissions and is revising the package further to address the response and the Kaldas recommendations.

**12. VPA Framework should include requirements for reporting and auditing where the funds are being allocated.**

Status: In progress

The Department is looking at requirements for reporting and auditing where funds are allocated.

**13. Improve Concurrences and Referrals – Development of a Transparent Technological Solution**

Status: In progress

The Digital System for concurrences and referrals is operational and being used by 52 councils. This system provides a transparent technological solution. Additional councils are being trained in the use of the Digital System and the system will be mandatory for all councils by 1 January 2020.

**14. The Secretary and the Chair of the Independent Planning Commission to consider a contemporary Memorandum of Understanding to clarify the independence of the Commission and its staff.**

Status: Complete

The MOU was completed on 5 September 2019.

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|    |  |   | <p><b>15. Provide Continued Support to the ePlanning Project</b><br/>Status: Complete<br/>The ePlanning Program is actively addressing many of the issues raised in the Review, particularly in regard to the sections on LPPs, Infrastructure Contributions, Certifiers, Concurrence and Referrals and Technology.</p> <p><b>16. Establish an Ethics Unit</b><br/>Status: Complete<br/>An Ethics Unit was established in December 2018.</p> <p><b>17. Consider the Establishment of a Regular Quarterly Forum for CEOs as a basis for strategic issues and policy discussions of planning related issues</b><br/>Status: In progress<br/>The need for interagency coordination at the CEO level is being addressed through the establishment of this new Department, which integrates leadership from key portfolios of Planning and Environment, Water and Industry. A secretaries' board of all the cluster heads also provides an appropriate forum for discussion on strategic issues and planning matters. Arrangements are also in place for regular CEO meetings with other agencies.</p> <p><b>18. Monitor the Development of the South Australian Scheme in relation to accreditation of Planners and review in twelve months' time the desirability of progressing a similar scheme in NSW.</b><br/>Status: In progress<br/>The South Australian scheme commenced on 1 April 2019, and the department will develop a review program in early 2020 to determine if the scheme is successful and should be replicated in NSW, or if the scheme duplicates existing professional accreditation processes.</p> <p><b>19. Consider In-Principle Approval to Major Infrastructure Commitments, subject to appropriate planning approval</b><br/>Status: Complete<br/>Government has considered this and determined not to proceed.</p> |
| 25 | SHARPE, Penny<br>(p.26 of transcript)      | <p><b>TREE PLANTING COMMITMENTS</b> - You have made a lot of commitments around planting trees across New South Wales, and particularly in Sydney. You have made significant multimillion-dollar commitments around that. In 2018-19 I understand only \$6 million was allocated to the planting of trees. Can you confirm that, and what is the budget for 2019-20?</p> <p><i>Mr ROB STOKES: The overall budget is \$37.5 million—</i></p> <p><b>The Hon. PENNY SHARPE:</b> Yes, I understand that. I want to know how much has actually been spent?</p> <p>[Exchange kept here for clarity and context]</p> | <p>I am advised the budget for the 5 Million Trees Program is \$37.5 million over 4 years. An innovative street-tree demonstration project in Rosemeadow has been allocated \$650,000. Twenty councils were also awarded a total of \$5,378,407 in grants for 32 tree-planting projects across Greater Sydney</p> <p>Councils were required to provide matched funding on a dollar-for-dollar basis that could include in-kind contributions. Grant funding is being paid in instalments over 36 months as projects reach milestones.</p> <p>The budget for 2019-20 is \$16.7 million, which includes some funding already committed under the pilot grant round and the Rosemeadow demonstration project.</p>  |
| 26 | FAEHRMANN, Cate<br>(p.26-27 of transcript) | <p><b>KOALAS &amp; BIODIVERSITY OFFSETS</b> - The CHAIR: In relation to offsets, why do you oversee a system that allows koala habitat to be cleared and offset with habitat that is not koala habitat?</p> <p><i>Mr ROB STOKES: The Biodiversity Offsets Policy is a policy that has been established now for several years. The way in which the Biodiversity</i></p>   | <p>This is a question for the Minister for Environment and Energy.</p>  |

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|    |   | <p><i>Offsets Policy works—from memory—is that, effectively, it prefers like-for-like offsets and only—</i></p> <p><b>The CHAIR:</b> Yes. But it is the case, isn't it, that koala habitat can be cleared for developmental land clearing, for example, and be approved to be offset by land that is clearly not koala habitat and will never be able to have koalas live there? That is the case?</p> <p>[Exchange kept here for clarity and context]</p>  |  |
| 27 | FAEHRMANN, Cate<br>(p.27 of transcript) | <p><b>INDEPENDENT EXPERT PANEL FOR MINING IN CATCHMENT 2<sup>ND</sup> DRAFT REPORT</b> - Minister, I understand that several community groups have written to you calling for— this is in relation to two underground mine expansions, the Russell Vale as well as Dendrobium—those submission deadlines to be extended beyond the release of that second report. As you know, the first report had concerns about the impact of mining under those catchments. Will you commit to ensure that those submission deadlines are extended so the community can see the second report before those submissions close?</p>   | <p>I am advised the findings and recommendations of the Panel's report will be considered in the Department's assessment of the Dendrobium Extension Project and Russell Vale Underground Expansion Project.</p> <p>Extensive environmental assessment material was available to the community during the public exhibition of these projects, along with the detailed information contained in the Panel's 2018 initial report. As both projects will be determined by the Independent Planning Commission, there will be further opportunities for the community to make representations to the Commission before any decision is made. At that stage, the Panel's final report will have been available for several months.</p> |
| 28 | SEARLE, Adam<br>(p.31 of transcript)    | <p><b>LANDCOM BOARD</b> – In the time that you have been at Landcom, including your role as CEO and as chair of the board, has Landcom ever had seven directors?</p>  | <p>I am advised by Landcom:<br/>No.</p>  |
| 29 | SEARLE, Adam<br>(p.31 of transcript)    | <p><b>LANDCOM BOARD</b> – Has Landcom ever had any legal advice about whether or not the board is properly constituted by having less than seven directors?<br/><i>Mr BROGDEN: Not to my knowledge.</i><br/><b>The Hon. ADAM SEARLE:</b> You might want to take that one on notice because there are various statutory approaches to this. I think the Australian Hotels Association [AHA] board says it shall have at least eight and no more than 13. A more usual formulation is, "The board shall have up to however many members", but this is very precise: It is to consist of seven directors. The plain English meaning I take from that is it is a legal requirement to have seven. If you have had less than seven there might be a question mark over the legal effect over the board's decision. If you could take that on notice that would be great.<br/><i>Mr BROGDEN: Sure, I will. I just want to restate that the board of Landcom cannot appoint directors.</i></p> | <p>I am advised by Landcom:<br/>This is a matter for the Shareholder Ministers.</p> <p>However, clause 6.4(3) of the Landcom Constitution provides that "The Board may act, notwithstanding any vacancy in their number, but for as long as the number of Directors is below 3 the Board will not act except in emergencies or for the purpose of appointing a Chief Executive Officer or acting Chief Executive Officer or convening a general meeting of the Corporation."</p> <p>According to Landcom's corporate records, since December 2001, Landcom has at all times had 3 or more directors.</p>   |
| 30 | SEARLE, Adam<br>(p.31 of transcript)    | <p><b>LANDCOM BOARD</b> – Looking at your total current liabilities on page 67 of the annual report, for 2017 it was only \$264 million and then it jumps to nearly \$668 million. Can you tell us what caused that deterioration in the liability profile?</p>   | <p>I am advised by Landcom:<br/>The increase is mainly due to:</p> <ul style="list-style-type: none"> <li>• \$200m Dividend was declared in FY18 (nil in FY17);</li> <li>• Increase in income tax payable \$44m due to movement in deferred tax assets;</li> <li>• Higher accruals to pay out for projects settling at June FY18 \$105m; and</li> <li>• Higher deposits received from purchasers for lots to be settled in the current year \$37m.</li> </ul> <p>Refer to the Financial statements Note 16 (Page 84), Note 17 (Page 84) and Note 18 (Page 85) for breakdown of balances.</p>   |
| 31 | SEARLE, Adam<br>(p.31 of transcript)    | <p><b>LANDCOM BOARD/MENANGLE PARK &amp; VPA</b> – In relation to the Menangle Park matter and the voluntary planning agreements, is that liability reflected anywhere in your financial statement?</p>  | <p>I am advised by Landcom:<br/>Yes.</p> <p>\$22m is included in provisions (Part of the balance shown in Note 18, Page 85), for lots already settled.</p> <p>For unsettled lots \$68m has been allowed in the forecast and a liability will arise when settlement occurs.</p>   |



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| 32 | SEARLE, Adam<br>(p.32 of transcript)       | LANDCOM OFFICE IN MLC – How much does it cost in rent?  | I am advised by Landcom:<br>\$43,562.75 per month.   |
| 33 | SEARLE, Adam<br>(p.32 of transcript)       | LANDCOM OFFICE IN MLC – Are there security cameras in the MLC office?   | I am advised by Landcom:<br>Yes.   |
| 34 | SEARLE, Adam<br>(p.35 of transcript)       | LANDCOM AND MS TELFOR'S SUBMISSION ON MS JONES – Prior to your meeting with Mr Pratt did you discuss any of these issues with Ms Telfer or Mr Werman?   | I am advised by Landcom:<br>No.  |
| 35 | PEARSON, Mark<br>(p.37 of transcript)      | OLD IBM SITE/MIRVAC - Can you explain in a bit more detail what this stewardship offset means? Is it acceptable to have an offset of finding an area and planting some trees of the same species, even if they are saplings? Is that seen as an offset for removing 120-year-old trees?   | I am advised that a Stewardship Site is a permanently reserved area, with a legally-binding conservation management plan under the <i>Biodiversity Conservation Act 2016</i> . The conservation management of a Stewardship Site is regularly audited by the Biodiversity Conservation Trust / the Environment Energy and Science group (EES).<br><br>This will deliver conservation management of these important large areas of Endangered Ecological Communities (EEC) in perpetuity, while formally allowing and managing public access. The proposed dedication as a permanent Stewardship Site is proposed to offset the clearing of EEC in asset protection zones. This will need to be further assessed by EES.  |
| 36 | FAEHRMANN, Cate<br>(p.38 of transcript)    | KOALA PLAN OF MANAGEMENT - What resources have been provided to local governments to help them facilitate the development of these koala plans of management?   | I am advised the Department provides support to councils when preparing comprehensive koala plans of management by providing advice and reviewing content.   |
| 37 | FAEHRMANN, Cate<br>(p.38-39 of transcript) | CAMPBELLTOWN KOALA PLAN OF MANAGEMENT - Why did the Department of Planning and Environment in 2018 commission its own internal report into koalas in that area, instead of relying on the Campbelltown Comprehensive Koala Plan of Management, which was written with resources from the OEH and ecologists on the ground? Why did the then Department of Planning and Environment need to do its own research? | I am advised the <i>draft Campbelltown Comprehensive Koala Plan of Management</i> was prepared under the provisions of <i>State Environmental Planning Policy No. 44 (Koala Habitat Protection)</i> . The document was authored by Dr Stephen Phillips and staff from Campbelltown City Council. The document provides a framework for the assessment of development applications in core koala habitat within the Campbelltown LGA.<br><br>In 2018, the Environment Energy and Science group (the former Office of Environment and Heritage) prepared a report, titled <i>Conserving koalas in Wollondilly and Campbelltown LGAs</i> . This report undertook a regional approach and informed growth area planning in the Campbelltown and Wollondilly LGAs.  |
| 38 | FAEHRMANN, Cate<br>(p.39 of transcript)    | CAMPBELLTOWN KOALA PLAN OF MANAGEMENT - Are you aware of the koala populations in Campbelltown?   | I am advised that based on surveys undertaken by its Environment, Energy and Science division, the Department estimates the Campbelltown metapopulation, extending down into East Wollondilly, at between 600 - 1000 individuals.  |
| 39 | SHOEBRIDGE, David<br>(p.39 of transcript)  | WILPINJONG EXTENSION PROJECT - Why has the final social impact management plan for the Wilpinjong Extension Project not yet been signed off when it was submitted to the department in September last year?   | Answered in hearing on p.67 of transcript:<br><br><b>Mr RAY:</b> Madam Chair, your colleague asked about the Wilpinjong social impact management plan. I do have some information. I will be very brief. It was submitted in accordance with the requirements of the approval, but the department received a very detailed submission on the draft plan from the Wollar Progress Association. We met with the Wollar Progress Association and considered its very detailed submission. It is obviously representatives of the local community and has a very deep interest in the proposal.<br><br>We have gone back to the company in July, provided detailed comments and I understand that we expect a revised version of the plan to be submitted by the end of this month, in which case we will review the plan. If it meets the requirements that we have requested then it will be approved, but |

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|    |  |  | we are waiting for the company to come back and address the concerns, many of which were brought forward by the Wollar Progress Association.  |
| 40 | <b>SHOEBRIDGE, David</b><br>(p.39 of transcript) | <b>WILPINJONG EXTENSION PROJECT</b> - Which officers in the department are responsible for signing off on social impact management plans and what, if any, training or skills do they have in that regard? | Answered in hearing on p.56-57 of transcript:<br><b>Mr RAY:</b> We have two staff. One has a Doctorate in Community Engagement, also an MBA and a BA which focused on economics and public policy. He has more than 20 years experience in social impact assessment and community engagement research. Our other staff member has a BA in Sociology and Economics and a Master of Environmental Studies and also 20 years experience.   |
| 41 | <b>SHOEBRIDGE, David</b><br>(p.39 of transcript) | <b>WILPINJONG EXTENSION PROJECT</b> - When the department is looking at social impact, does the department assess cumulative social impacts? Is that part of the assessment?                               | I am advised that yes – the Department’s Social Impact Assessment Guideline specifically deals with cumulative social impacts. See section B4: Cumulative impact.<br><br>In addition to cumulative social impacts, the Department also considers cumulative environmental and economic impacts.   |
| 42 | <b>SHARPE, Penny</b><br>(p.42 of transcript)     | <b>WESTCONNEX OPEN SPACES</b> - Are you able to give the committee information on Concord Knolls, green link, Cintra Park and Ashfield? I am happy for you to take this on notice.                         | I am advised the following:<br><b>M4 East: Concord Knolls</b><br>The Concord Knolls was an informal name given by WestConnex / Transurban to a proposed elevated and accessible landscaped open space in and around the Concord Interchange. Consultation with the community and local council revealed that this design was not strongly supported and it was therefore not included in the final landscape design for the Concord Interchange.<br><b>M4 East: Cintra Park</b><br>The original hockey field at Cintra Park was rebuilt at the adjacent St Luke’s Park. Cintra Park was almost entirely occupied during the construction phase. Operational components of the project remain within Cintra Park and the balance of land is in the process of being handed back to council as per Canada Bay’s Council’s requirements.<br><b>New M5: Green Link</b><br>This is a heavily landscaped and planted shared path along the widened Campbell Road in St Peters, designed to create an active transport and tree canopy link between Camdenville Oval, Simpson Park, Sydney Park and eventually the new St Peters Recreational Area.<br><b>M4 East: Regarding residual land for M4 East Open Space in Ashfield</b><br>Adjacent to the Ashfield interchange are three small pieces of residual land that are surplus to RMS’s requirements.<br>RMS has submitted a Residual Land Management Plan to the Department indicating that the final land use remains under consideration. |
| 43 | <b>SHARPE, Penny</b><br>(p.42 of transcript)     | <b>ROZELLE INTERCHANGE PARKLANDS GREEN LINK MODIFICATION</b> - Can you provide to the committee the difference in what is currently proposed and what the change is?                                       | I am advised that the approved project includes the construction of: <ul style="list-style-type: none"> <li>• a land bridge from the Rozelle Rail Yards over The Crescent/City West Link intersection to provide a pedestrian and cycling green link to the open space and active transport infrastructure within Bicentennial Park, Annandale; and</li> <li>• a new elevated pedestrian connection from the land bridge to the Rozelle Bay light rail stop.</li> </ul> Roads and Maritime Services has submitted a request to modify the approved project involving: <ul style="list-style-type: none"> <li>• realignment of the land bridge to the west of The Crescent, providing a connection between the Rozelle Rail Yards and the Rozelle Bay light rail stop;</li> <li>• a new shared user path bridge spanning The Crescent to link the Rozelle Rail Yards with Bicentennial Park; and</li> <li>• construction of a new elevated vehicular overpass to allow eastbound traffic heading north on The Crescent from Annandale to bypass the signalised intersection at The Crescent/City West Link junction and continue east on The Crescent towards Victoria Road and the Anzac Bridge.</li> </ul>   |

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|    |   |   | <p>RMS has advised that the overpass is required to improve intersection performance and maintain the surrounding road network performance and would provide the additional network capacity required to support the operation of the future Western Harbour Tunnel project, if approved.</p> <p>The change to the land bridge and pedestrian connections is consequent to the construction of the vehicular overpass.</p> <p>The proposed modification was on exhibition until 25 September 2019.</p>   |
| 44 | SHARPE, Penny<br>(p.43 of transcript)     | <p><b>BUDGET FOR NEW OPEN GREEN SPACES</b> - What I am trying to understand is how many new hectares of open space have been delivered with this money?</p> <p><b>Ms O'MARA:</b> <i>In the last financial year?</i></p> <p><b>The Hon. PENNY SHARPE:</b> Yes. And what is projected for this coming financial year?</p>   | <p>I am advised that in the 2018/2019 financial year \$50 million was allocated for the embellishment of existing land owned by the Office of Strategic Lands. This comprises 91.6 hectares of new parkland and 30.3 hectares of existing parks that will be improved.</p> <p>New open space:</p> <ul style="list-style-type: none"> <li>• Withers Road, Beaumont Hills – 9 hectares</li> <li>• New open space, Leppington – 7.6 hectares</li> <li>• New open space, Appin – 63 hectares</li> <li>• New open space, Frenchs Forest - 12 hectares</li> </ul> <p>Existing open spaces being upgraded:</p> <ul style="list-style-type: none"> <li>• Kempt Field, Allawah – 4.8 hectares</li> <li>• George Kendall Riverside Park, Ermington – 6 hectares</li> <li>• Nepean River Parklands</li> <li>• Penrith – 11 hectares Carrawood Oval</li> <li>• Carramar – 8.5 hectares</li> </ul> <p>In the 2018/2019 financial year the Office of Strategic Lands also acquired 124 hectares of land at a cost of \$54.45 million. This land was acquired for future use as open space and includes acquisitions for environmental conservation, regional open space, heritage significance, the Coastal Lands Protection Scheme, and the Western Sydney Parklands.</p> <p>The budget allocation for the Office of Strategic Lands 2019/2020 acquisition program is \$45 million. This will include acquisitions for the purposes of open space, environmental conservation and infrastructure planning. As this program is predominantly owner-initiated, the Office of Strategic Lands is unable to forecast the land area that will be acquired.</p> |
| 45 | SHOEBRIDGE, David<br>(p.45 of transcript) | <p><b>SIDOTI DECLARATIONS</b> – Mr Ray or Mr Betts, in June 2015 the <i>Cudgegong Road Station (Area 20 Precinct) Finalisation Report</i> was delivered by your department. It proposed a series of planning changes to, amongst other sites, the sites owned by Southern Han Rouse Hill Pty Ltd in north-west Sydney. It is dated June on the front but it is dated April 2015 on page one. Do you know when that report was actually published and when the changes came into effect?</p> | <p>I am advised that the Finalisation Report was published in June 2015. The amended planning controls came into effect on 26 June 2015.</p>   |
| 46 | SHOEBRIDGE, David<br>(p.45 of transcript) | <p><b>SIDOTI DECLARATIONS</b> - In the course of consultations for that report there were detailed submissions made by Caladines Town Planning Pty Ltd on behalf of Southern Han Rouse Hill Pty Ltd for both 38 Cudgegong Road and 1 Rouse Road. Did Caladines Town Planning Pty Ltd or anybody else disclose Mr Sidoti's involvement when they made those submissions?</p>   | <p>I am advised that a search of the Department of Planning, Industry and Environment's electronic records does not reveal any record of Mr Sidoti making a disclosure under the <i>Environmental Planning and Assessment Act 1979</i>. There is no requirement for this under the planning legislation. There may be a requirement under other legislation or codes of conduct</p>  |
| 47 | SHOEBRIDGE, David<br>(p.45 of transcript) | <p><b>SIDOTI DECLARATIONS</b> - Are there any requirements for a member of the Government or somebody putting in an application or a submission on behalf of a member of the Government about a planning proposal, is there any obligation for them to disclose that a member of the Government has a financial stake in it?</p>  | <p>I am advised there is not.</p>  |
| 48 | SHOEBRIDGE, David<br>(p.45 of transcript) | <p><b>SIDOTI DECLARATIONS</b> –</p> <p>So you are not aware, sitting there, you are not aware of any obligation or any anti-corruption controls in the Department of Planning, Industry and</p>   | <p>The NSW Ministerial Code of Conduct requires Ministers and Parliamentary Secretaries to disclose interests and conflicts of interest to the Premier.</p>  |

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|    |   | Environment that would require a member of the Government to out themselves when a submission is made on their behalf regarding a planning matter—to out themselves and say, "Actually, I've got a financial stake in it." You are not aware of any existing arrangements within your department. Is that right?   |   |
| 49 | SHOEBRIDGE, David<br>(p.47 of transcript) | <b>TRANSPORT DISCUSSIONS ON FIVE DOCK METRO STATION</b> – Have they provided you or consulted with you about those proposed changes around the Five Dock metro station?  | This is a question for the Minister for Transport.<br><br>The Department has been consulted by Transport for NSW (Sydney Metro) on the Business Case for Sydney Metro West. There is no planning application before the Department for Five Dock in respect of the Sydney Metro West project.   |
| 50 | SHOEBRIDGE, David<br>(p.48 of transcript) | <b>FIVE DOCK METRO STATION</b> - Are there any maps or other documents that identify the area of interest for potential planning changes around the Five Dock metro station?   | This is a question for the Minister for Transport.<br><br>The Department has been consulted by Transport for NSW (Sydney Metro) on the Business Case for Sydney Metro West. There is no planning application before the Department for Five Dock in respect of the Sydney Metro West project.   |
| 51 | SEARLE, Adam<br>(p.50 of transcript)      | <b>ANNUAL RETURN ON ASSET SALES</b> - How are you going to achieve that?   | I am advised that in the 2018-19 Budget (page 7-8 of Budget Paper 1) the NSW Government indicated it will review the government property portfolio to ensure that property assets are only held when required, and in the form necessary to support the provision of core government services. The reviews will identify surplus and underutilised property held by government departments and government businesses, which may be suitable for transfer to other government agencies or sold to deliver housing, social infrastructure or for other purposes. These reviews are ongoing, and land and property policies are being refined to more effectively achieve the Government's strategic land use objectives whilst managing the trade-off between financial and non-financial outcomes and delivering on the land and property sales target and open space commitments. |
| 52 | SEARLE, Adam<br>(p.50 of transcript)      | <b>ANNUAL RETURN ON ASSET SALES</b> - Is that four-year target broken down equally into annual targets or does it vary from year to year? What is the target for this year?  | I am advised that the 2019-20 Budget allocated Land & Property sales targets to clusters. The target for the Planning, Industry and Environment Cluster is \$180 million over four years from 2019-20 to 2022-23. The targets for each year are: <ul style="list-style-type: none"> <li>• 2019-20 - \$27 million;</li> <li>• 2020-21 - \$50 million;</li> <li>• 2021-22 - \$47 million; and</li> <li>• 2022-23 - \$56 million.</li> </ul>   |
| 53 | SEARLE, Adam<br>(p.50 of transcript)      | <b>ANNUAL RETURN ON ASSET SALES</b> - In relation to the \$180 million, could you take on notice what the annual targets are for your agency or department?  | Refer to answer to Q52  |
| 54 | SEARLE, Adam<br>(p.50 of transcript)      | <b>GENDER PAY EQUITY</b> – I asked the secretary of DPC some questions about pay equity across the public service and the fact that over the last short period of time the gap between male and female workers had blown out fourfold from something like \$252 to nearly \$1,000 based on the median earnings of male and female workers. Do you have a sense of how that plays out in your department or your cluster? | I am advised that across the Department of Planning, Industry and Environment women at Executive level earn marginally less than men on average.<br><br>In comparison to Australian average gender pay equity, DPIE performs very strongly.<br><br>These are basic averages and may not take into account structural challenges women face in the workplace, length of service for either gender, or any other socio-cultural or technical factors that could help us draw more reliable conclusions.<br><br>We are committed to ensuring all employees have equal access to opportunity and parity of remuneration at every level, regardless of gender.   |
| 55 | SEARLE, Adam<br>(p.51 of transcript)      | <b>GENDER PAY EQUITY</b> - Again, I am not going to ask you for how much they are actually paid but can I ask you to take on notice whether the men at the table are being paid more than the women?   | I am advised that across the Department of Planning, Industry and Environment, women at Executive level earn marginally less than men on average, and the Department reiterates the Secretary's commitment to address inequity in DPIE  |
| 56 | SEARLE, Adam<br>(p.54 of transcript)      | <b>LANDCOM ENGAGEMENT OF RUSSELL REYNOLDS FIRM FOR CEO RECRUITMENT</b> – Can you tell the Committee how much that firm was paid in total for running that selection process?<br><i>Mr BROGDEN: I will come back to you on that.</i>  | I am advised by Landcom:<br>\$94,092.76 plus GST  |

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|    |  | <b>The Hon. ADAM SEARLE:</b> I am not asking how they calculated the amount, just the global amount.   |  |
| 57 | <b>SHOEBRIDGE,</b><br>David<br><br>(p.54-55 of transcript) | <b>WILTON GROWTH AREA</b> - The material from Planning in relation to the 2016 State environmental planning policy for Wilton indicated it would be a township in the order of 60,000 people—bigger than Port Macquarie. Is that 60,000 residents right?   | I am advised it is estimated that around 15,000 dwellings will be built in the Wilton Growth Area over the next 20 to 30 years.<br><br>The estimated population depends on the number of people per dwelling and could range from 37,500 to 50,000 people once all development has occurred over 30 years.   |
| 58 | <b>SHOEBRIDGE,</b><br>David<br><br>(p.55 of transcript)    | <b>WATER &amp; WILTON PLANNING</b> - But there is no planning requirement anywhere to provide for a water recycling plant. Why aren't you making an early requirement that there be a water recycling plant, given the scarcity of water resources in that part of south-west Sydney?  | I am advised Wilton 2040 released by the Department of Planning, Industry and Environment (DPIE) in September 2018 requires an integrated approach to drinking water, wastewater and stormwater services to be considered at the precinct planning stage to drive more sustainable water management outcomes.<br><br>Sydney Water has prepared an integrated water management strategy for the Wilton Growth Area which includes the provision of recycled water. The strategy has identified that the ultimate wastewater servicing solution will require a treatment facility within Wilton. In the interim, Sydney Water is also considering alternative options such as package plants.<br><br>DPIE is working closely with Sydney Water to identify opportunities to make strong incentives for the use of recycled water in the growth area. |
| 59 | <b>SHOEBRIDGE,</b><br>David<br><br>(p.56 of transcript)    | <b>WATER &amp; WILTON PLANNING</b> - Why doesn't it set aside land, specific sites of land, for a recycling plant? Why doesn't it make it a firm requirement up-front rather than just push the issue downstream, if you like, and hope it gets resolved, Ms O'Mara?<br><br><b>The Hon. SHAYNE MALLARD:</b> Point of order: The witness did say she would take it on notice twice now and Mr Shoebridge is pursuing the same question.<br><br><b>The CHAIR:</b> Yes.<br><br><b>Mr DAVID SHOEBRIDGE:</b> It is a separate question.<br><br><b>The CHAIR:</b> Maybe if Mr Shoebridge has a slightly different line of questioning for Ms O'Mara.<br><br><b>Ms O'MARA:</b> I am happy to take that on notice and come back to you, Mr Shoebridge. | Refer to answer to Q58.  |
| 60 | <b>SHOEBRIDGE,</b><br>David<br><br>(p.56 of transcript)    | <b>WATER &amp; WILTON PLANNING</b> - Can you take on notice why there is no integrated water management plan for the site?   | Refer to answer to Q58.  |
| 61 | <b>SHOEBRIDGE,</b><br>David<br><br>(p.56 of transcript)    | <b>WATER &amp; WILTON PLANNING</b> - And can you take on notice any investigation or strategy that the department is aware of for increased rural water supply?  | I am advised that according to Sydney Water's integrated water management plan for the Wilton Growth Area, water will be supplied from the Macarthur Water Filtration Plant with new infrastructure built primarily along existing infrastructure routes. Up to two reservoirs may be needed and will be staged with growth.<br><br>Use of recycled water for rural purposes is also current practice, where landowners seek to invest in the infrastructure to support their business' water needs.   |
| 62 | <b>SHOEBRIDGE,</b><br>David<br><br>(p.56 of transcript)    | <b>WATER &amp; WILTON PLANNING</b> - Could that also include what, if any, assessments there are in terms of the water storage for the four Upper Nepean Scheme dams, which, on my advice, have a total storage area of only 260,000 megalitres and are already at full extraction   | This is a question for the Minister for Water.   |

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| 63 | SHOEBRIDGE,<br>David<br>(p.56 of transcript) | <b>WATER &amp; WILTON PLANNING</b> - Can that include any advice you have about the Wilton South East stage DA by Walker Corporation—which was, I think, deferred on 2 September by the Sydney Western City Planning Panel—and whether or not that deferral is going to be for the purpose of sorting out water security?  | I am advised the Sydney Western City Planning Panel, while generally supportive of the proposal, deferred its decision for several matters to be resolved before determination including, implementation of water services.  |
| 64 | SHOEBRIDGE,<br>David<br>(p.57 of transcript) | <b>MAJOR PROJECTS WEBSITE</b> – Will you consider also including just a simple email where people can make an email submission for those who do not want to go through the registration process?   | I am advised the Department encourages everyone to make their submissions online. This allows the Department to advise people of their rights and obligations when making a submission, to better protect people's privacy and personal information, and to provide better customer service by automatically acknowledging the receipt of submissions and keeping people informed of the progress of applications.<br><br>The new Major Project Website was released in February 2019. The new website requires people to set up an account before they make a submission, similar to what is currently required by other government agencies.<br><br>Once they have an account, people can just log in and make submissions on projects anytime during the exhibition period. The Department is currently making a range of changes to the new website in response to user feedback, and is investigating ways to make it easier for people to set up their account with the Department. If people find it difficult to lodge their submissions online, they can still send their submissions to the Department by other means, including the post. |
| 65 | SHOEBRIDGE,<br>David<br>(p.57 of transcript) | <b>LOCAL PLANNING PANEL</b> - Mr Betts, to you, or Mr Ray or whoever, the Government recently decided to impose a local planning panel on the Central Coast council area. What consultation was done with the council before that decision was made?   | I am advised on 15 August 2019, the Minister met with the Mayor of the Central Coast Council and the establishment of the Local Planning Panel (LPP) was one of the matters discussed. The Department also considered the council's written representations on a proposed LPP received in February 2019.   |
| 66 | SHOEBRIDGE,<br>David<br>(p.58 of transcript) | <b>LOCAL PLANNING PANEL</b> - Is it the case that the imposition of a Local Planning Panel was decided upon in order to increase the amount of development approved in the Central Coast council area; it was linked to the need to approve more development in that part of New South Wales?<br><br><i>Mr RAY: I would have to take that on notice, but I am happy to.</i><br><br><b>Mr DAVID SHOEBRIDGE:</b> Is it the case that the imposition of a Local Planning Panel was decided upon in order to increase the amount of development approved in the Central Coast council area; it was linked to the need to approve more development in that part of New South Wales?<br><br><i>Mr RAY: My understanding is that that is not necessarily the case, but I would have to take that on notice.</i><br><br><i>Mr BETTS: It was a recommendation of the Kaldas report. You have read the Kaldas report.</i><br><br><b>Mr DAVID SHOEBRIDGE:</b> I have.<br><br><i>Mr BETTS: So you would understand the rationale for the recommendation, which is not about what you have just described.</i><br><br><b>Mr DAVID SHOEBRIDGE:</b> I am not asking about Mr Kaldas' rationale, I am asking about the decisions and the rationale from the Minister and the department because it has been referenced in the decision, in the public announcements about the decision, that it was associated with the need to obtain increased development yields in the Central Coast region. I am asking whether or not those public comments reflect the reality.<br><br><i>Mr RAY: Mr Shoebridge, I will take that on notice if I may.</i><br><br>[Exchange kept here for clarity and context] | I am advised the Central Coast Local Government Area (LGA) is currently experiencing a high level of growth that is likely to continue. The Central Coast Regional Plan 2036 identifies that the population on the Central Coast is expected to grow by 75,500 by 2036, with an additional 41,500 new homes and 24,500 new jobs.<br><br>The Local Planning Panel was not introduced in order to increase the amount of development approved but rather to ensure good decision-making processes are in place to deal with the current and anticipated volume of proposed development in the region.<br><br>It will also allow the elected councillors to focus on setting the strategic vision for the LGA, including completing their Local Strategic Planning Statement and finalising a consolidated LEP. The LPP has only an advisory role to councillors in setting the planning rules for their local area.  |

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**SHARPE, Penny**  
(p.59 of transcript)

**LANDCOM AFFORDABLE HOUSING TARGETS-** Are you able to provide to the committee a list of those projects that are meeting the affordable housing target of 5 per cent to 10 per cent as outlined in your policy?  
**Mr BROGDEN:** Yes, I am happy to do that on notice. Is that okay?  
**The Hon. PENNY SHARPE:** Yes, I am happy to do that.  
**Mr BROGDEN:** What I will just say is that our commitment was to undertake that for projects from that point forward. Our capacity to retrofit affordable housing into existing projects is much harder.  
**The Hon. PENNY SHARPE:** My understanding is that you are only going to deliver around 3 per cent in relation to affordable housing, is that correct?  
**Mr BROGDEN:** No. If you took it over our entire portfolio, which includes the backlog, the back-book if you like, then that may be accurate, but moving forward our commitment will be a minimum of 5 per cent— between 5 per cent and 10 per cent—and on individual sites where we have the capacity we will do more.  
**Mr BETTS:** I assume the question relates to projects that have been undertaken since the adoption by Landcom of the policy to which you refer.  
**Mr BROGDEN:** Yes.  
**The Hon. PENNY SHARPE:** And when you provide that information to the committee you will be able to split those two different things so we can see the difference.  
**Mr BROGDEN:** Yes, we will.

I am advised by Landcom:

The following Landcom projects commenced before the policy was adopted are achieving Affordable Housing as follows:

| Projects Pre-Adoption of Landcom's Affordable Housing Policy (FY17-29) | Affordable Housing* delivered or projected as of Q4 FY19 |
|--|--|
| Construction Projects (FY18-20)  | 0%<br>(15% Social Housing)                               |
| Edmondson Park (FY18-23)   | 0%   |
| Green Square (FY18-28)   | 3%   |
| Hillcroft (FY18-25)  | 0%<br>(18% Social Housing)                               |
| Macarthur Heights (FY18-21)  | 0%   |
| Menangle Park (FY20-24)  | 0%   |
| Minto (FY19)   | 0%   |
| Newbrook Airs (FY18-25)  | 0%<br>(19% Social Housing)                               |
| Newleaf Bonnyrigg (FY18-20)  | 0%<br>(32% Social Housing)                               |
| Oran Park (FY18-19)  | 0%   |
| Renwick (FY18-21)  | 0%   |
| Riverstone (FY20)  | 0%   |
| Rouse Hill Town Centre (FY18-21)                                       | 0%   |
| Spring Farm (FY18)   | 0%   |
| Thornton (FY18-20)   | 2%   |
| Wentworth Point (FY17)   | 0%   |

\*Affordable Housing as defined in the Environmental Planning and Assessment Act 1979 (EP&A Act) is Affordable Housing rented at a maximum of 30% of gross income of households on very low, low or moderate income, managed and/or owned by a Registered Community Housing Provider. This definition excludes First Home Buyer Product or housing affordability generally.

Records prior to Landcom's policy adoption in 2017 had different targets and did not track the EP&A Act definition of Affordable Housing. However, examples of completed projects Affordable Housing include:

| Projects Pre-Adoption of Landcom's Affordable Housing Policy and EP&A Act Definition | Affordable Housing Delivered (dwellings) | Estimated completion date |
|--|--|---------------------------|
| Hart's Landing, Thornton   | 128                                      | 2018                      |
| White Hart, Rouse Hill   | 28                                       | 2016                      |
| The Ponds, Bungaribee  | 65                                       | 2016                      |
| The Platform Apartments, North Eveleigh  | 88                                       | 2015                      |
| Pott's Hill  | 32                                       | 2015                      |

The following Landcom projects commenced post adoption of Landcom's Affordable Housing Policy are on track to meet the Affordable Housing Target of 5-10 per cent of total dwellings:

|   |   |
|---|---|
| Projects Post-Adoption of Landcom's Affordable Housing Policy (FY17-29) | Affordable Housing* projected as of Q4 FY19 |
| Lachlan's Line (FY20-21)  | 10%   |
| Macarthur Gardens North (FY22-29)                                       | 5%  |
| Schofields (FY21-22)  | 5%  |
| Sydney Metro North West Tallawong (FY20-28)                             | 5%  |
| Sydney Metro North West Epping (FY22)                                   | 5%  |
| Sydney Metro North West Kellyville (FY21-29)                            | 5%  |
| Sydney Metro North West Bella Vista (FY21-29)                           | 5%  |
| Sydney Metro North West Showground (FY20-28)                            | 5%  |
| Sydney Metro North West Castle Hill (FY26)                              | 5%  |
| Sydney Metro North West Cherrybrook (FY22)                              | 5%  |
| Tuncurry (FY21)   | 5%  |

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| 68 | <p><b>SHARPE, Penny</b><br/>(p.59-60 of transcript)</p> | <p><b>WASTE</b> - I wanted to ask briefly about planning for waste facilities in Sydney. What planning—and I think this is probably one for Mr Ray, I suspect—is currently being undertaken in relation to the need for waste facilities in the Sydney Basin into the future?</p> <p><b>Mr RAY:</b> <i>There is a—our colleagues at environment and energy and science—</i></p> <p><b>The Hon. PENNY SHARPE:</b> EPA.</p> <p><b>Mr RAY:</b> <i>—and the EPA are looking at a broad waste strategy and as part of that the planning, part of the department is also engaged in those matters. We are also obviously engaged more broadly with the response to China's National Sword policy and the implications for that. And on a practical level we are working with the EPA and other relevant agencies including Fire and Rescue NSW to deal with some of the issues that regularly come up with individual applications.</i></p> <p><b>The Hon. PENNY SHARPE:</b> Because it does take a long time to get waste facilities approved.</p> <p><b>Mr RAY:</b> <i>One of the issues—the waste industry is, if I could say, a broad church with some very good operators at one level and there is a range of different capabilities</i><br/>[...snipped...]</p> <p><b>Mr RAY:</b> <i>What the department is doing, together with the EPA, is working with proponents at a very early stage to ensure that they consider all the issues with their site selection well before they actually complete an application and bring forward an [EIS].</i></p> <p><b>The Hon. PENNY SHARPE:</b> I am aware that the EPA, this is mainly their responsibility—but I am really trying to understand. We really do not have planning instruments that facilitate waste, and when I say "waste" I mean that most broadly, not just landfill, obviously, recycling and a range of other new technologies within the Sydney Basin. Is there consideration being given to something specific, something like a waste SEPP or other things through this process with the EPA?</p> <p><b>Mr RAY:</b> <i>I do not think that we have necessarily got to a—waste recovery facilities are permitted in a range of different zones and each council has a</i></p> | <p>I am advised two waste management facilities were approved in 2019.</p> <p>A Battery Recycling Facility in Bomen (Wagga Wagga Local government area) was determined, with an assessment time of 70 government days.</p> <p>Kooragang Island Resource Recovery Facility (Newcastle LGA) was determined, with an assessment time of 116 government days.</p> |
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|    |  | <p><i>slightly different approach. But they are permitted in a range of different zones and I can actually say that the department has in fact approved, I think it is three, resource recovery facilities in the past six months including a battery recycling facility. There is also a facility at St Mary's and I am sure there is another one.</i></p> <p><b>The Hon. PENNY SHARPE:</b> I am happy for you to take it on notice. I welcome that, but I am interested in how long it took for those to be approved.</p> <p><b>Mr RAY:</b> Yes, I am happy to provide that on notice.</p> |  |
| 69 | <b>SHARPE, Penny</b><br>(p.60 of transcript)   | <b>WASTE</b> - Are you aware of any plans to open up more landfills within the Sydney Basin to deal with waste?  | I am advised that there are two operational landfills at Eastern Creek and at Orchard Hills for non-putrescible waste. The Department is not aware of any plans to open landfill for putrescible waste within the Sydney Basin.  |
| 70 | <b>FAEHRMANN, Cate</b><br>(p.64 of transcript) | <b>SEA LEVEL RISE</b> - Is there a reason that the State Environmental Planning Policy (Coastal Management) and things like the local planning ministerial direction which I just referred to do not mention sea level rise?   | <p>I am advised that sea level rise falls within the coastal hazard of tidal inundation, which is one of the coastal hazards listed for management under the <i>Coastal Management Act 2016</i> (the Act). The Coastal Management Glossary (OEH, 2018) defines tidal inundation as the inundation of land by tidal action under average meteorological conditions and the incursion of sea water onto low lying land that is not normally inundated, during a high sea level event such as a king tide or due to longer-term sea level rise.</p> <p><i>State Environmental Planning Policy (Coastal Management) 2018</i> (the SEPP) gives land use planning effect to the Act. One of the objects of the Act is to mitigate current and future risks from coastal hazards, taking into account the effects of climate change. The planning policy imposes development controls on areas vulnerable to coastal hazards, to ensure they will be properly sited and built to withstand future hazards. These controls will be activated as coastal vulnerability mapping, including for tidal inundation, is adopted by councils and certified by the Government.</p> <p>Local Planning Direction 2.2: Coastal Management directs councils and other planning authorities on how to make planning proposals that are consistent with the aims of the Act and SEPP, including by restricting the intensification of land use in areas vulnerable to coastal hazards.</p> |
| 71 | <b>FAEHRMANN, Cate</b><br>(p.64 of transcript) | <b>SEA LEVEL RISE</b> - Was the department instructed to remove everything relating to and referencing sea-level rise?   | <p>I am advised the Department's coastal management reforms <i>include State Environmental Planning Policy (Coastal Management) 2018</i>. This planning policy imposes development controls on areas vulnerable to coastal hazards, to ensure they will be properly sited and built to withstand future hazards. These controls will be activated as coastal hazard (vulnerability) mapping, including for tidal inundation, is adopted.</p> <p>The Government is working closely with local councils to develop coastal management programs, including fine scale local mapping to inform future development in areas that will be subject to tidal inundation. Councils may also still reference the Department's NSW Coastal Planning Guideline: Adapting to Sea Level Rise (2010).</p>   |
| 72 | <b>FAEHRMANN, Cate</b><br>(p.66 of transcript) | <b>SEA LEVEL RISE</b> - Does the department have a sea level rise projection that it has adopted in relation to 2050 and 2100 that it is advising the council to prepare for? ( <i>JB referred to E&amp;E but also took on notice</i> )  | <p>Answer given during hearing on p.68 of transcript:</p> <p><b>Professor DURRANT-WHYTE:</b> <i>On the sea level one, I have just been advised the former chief scientist did a report on sea level benchmarks in 2012.</i></p>  |
| 73 | <b>FAEHRMANN, Cate</b><br>(p.67 of transcript) | <b>MT GILEAD</b> - Are you aware of the dewatering and filling in of dams that has been taking place on Mount Gilead?  | <p>The Department is aware of a development application approved by the Campbelltown Local Planning Panel at a meeting on 24 July 2019 for proposed tree removal, dewatering of dams, site remediation works and bulk earthworks at Appin Road, Gilead.</p> <p>The application was assessed by Campbelltown City Council.</p>  |
| 74 | <b>SEARLE, Adam</b><br>(p.68 of transcript)    | <b>LANDCOM 8 AUGUST EMAIL</b> - That email suggests that the selection committee had met and had decided on one of the four candidates. Is that correct?   | <p>I am advised by Landcom:</p> <p>Yes.</p>  |

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| 75 | SEARLE, Adam<br>(p.69 of transcript)    | <b>LANDCOM 8 AUGUST EMAIL</b> - That email suggests that the selection panel, including you, shows one of the four interviewed candidates as your preferred candidate subject to some other further steps being taken. What happened that led you to not progress that candidate to the full board?   | I am advised by Landcom:<br>The candidate participated in an executive assessment which indicated their unsuitability for the role.   |
| 76 | SEARLE, Adam<br>(p.71 of transcript)    | <b>LANDCOM BOARD DECISION</b> - Was that discussion of the panel documented or minuted or was it just informal?   | I am advised by Landcom:<br>Landcom does not have documentation or minutes of the panel's discussions.  |
| 77 | SEARLE, Adam<br>(p.76-77 of transcript) | <b>LANDCOM CEO AND RESTRUCTURE -</b><br><b>The Hon. ADAM SEARLE:</b> If you take the period since you became the acting CEO—and I am happy for you to take this on notice because there will be some detail—how many people have resigned from Landcom's employment, how many people lost their positions due to the restructures, whether it is by payout or redundancy? I think there is a difference. I think some of the contracts provide for payouts, others are styled as a redundancy.<br><b>Mr BROGDEN:</b> Award employees versus senior executives<br><b>The Hon. ADAM SEARLE:</b> Yes. Mr BROGDEN: —under the Act, correct, our Act. <b>The Hon. ADAM SEARLE:</b> How many people have left the organisation and to get a proportion of churn, the turnover.<br><b>Mr BROGDEN:</b> Sure. Happy to give you those on notice. | I am advised by Landcom:<br>Resigned – 44.<br><br>Redundancy – 35.<br><br>FY18:<br>Voluntary staff turnover 7%<br>Total staff turnover 16%<br><br>FY19<br>Voluntary staff turnover 12%<br>Total staff turnover 28%  |
| 78 | SEARLE, Adam<br>(p.78 of transcript)    | <b>LANDCOM DEMONSTRATION PROJECTS</b> – What was the budget allocated to each of the demonstration projects? And also how much has been spent to date on each project?<br><br><i>Context:</i> Landcom announced in May 2018 demonstration projects, one of the four being in a regional setting – North Coast of NSW.   | I am advised by Landcom:<br>The Budget allocations for a proposed Northern Beaches project, and the Schofields project were \$21,672,420 and \$38,546,995 respectively. The Budget allocation for the demonstration element of the Tallawong project was a nominal amount as the requirement to deliver Affordable Housing is embedded in the sale process.<br><br>The expenditure to date for a proposed Northern Beaches project, and the Schofields project has been \$229,388 and \$2,555,458 (includes 10% of sale price paid at exchange for Schofields) respectively. The expenditure to date for the demonstration element of Tallawong project has been nominal. |
| 79 | SEARLE, Adam<br>(p.79 of transcript)    | <b>LANDCOM DEMONSTRATION PROJECTS</b> – How much money has Landcom spent on consultancies associated with the demonstration projects?   | I am advised by Landcom:<br>The Consultancy costs spent to date for a proposed Northern Beaches project, and the Schofields project have been \$163,274 and \$489,344 respectively. The consultancy costs spent to date on the demonstration element of the Tallawong project has been nominal.   |