



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2019-2020 Supplementary Questions

Portfolio Committee No. 7 – Planning and Environment

PLANNING AND PUBLIC SPACES

Hearing: Wednesday 11 September 2019

Answers due by: 9.00 am Tuesday 8 October 2019

RESPONSES TO SUPPLEMENTARY QUESTIONS

Budget Estimates secretariat

Phone 9230 3067

BudgetEstimates@parliament.nsw.gov.au

PLANNING AND PUBLIC SPACES

Questions from Ms Cate Faehrmann MLC

SEPP 70 Affordable Housing

1. How many councils in NSW have adopted the SEPP 70 Affordable Housing provisions?
 - (a) How many councils currently have affordable housing contribution schemes?
 - (b) How many are currently being prepared?
 - (c) What research or analysis was conducted by the Department of Planning to project the uptake of the expanded SEPP 70?
 - (d) How many affordable housing units (AHUs) have been constructed as a result of affordable housing contribution schemes in NSW?
2. Who is responsible for monitoring the adoption and the impact of the SEPP 70 provisions?
3. What support or engagement has been provided to local governments on the expanded operation of SEPP 70?
4. How many properties in NSW which were originally approved as affordable housing have now reverted to general rental stock after the expiry of the 10-year requirement?

ANSWER:

1. I am advised:

(a) Two.

(b) As of 18 September 2019, one council has lodged a planning proposal which includes a proposed affordable housing contribution scheme.

(c) The Department engaged a consultant to analyse the need for affordable housing in all local government areas in NSW. The report concluded there was a need for affordable housing in every LGA (at varying levels).

(d) This is a matter for individual councils that have an active affordable housing contributions scheme.

2. I am advised that once an affordable housing contribution scheme (AHCS) is in place, it is included in a Council's Local Environmental Plan. Councils are required to monitor and report on the contributions collected under an AHCS. The Department of Planning, Industry and Environment is also developing a monitoring framework.

3. I am advised the Department of Planning, Industry and Environment (the Department) has prepared a guideline and released the SEPP 70 viability tool to assist councils. Additionally, the Department is undertaking ongoing education and engagement to support and assist councils with their enquiries on the operation of SEPP 70.
 4. I am advised the provision of affordable housing dwellings for a period of ten years is under the National Rental Affordability Scheme, and provisions for infill housing under *State Environmental Planning Policy (Affordable Rental Housing) 2009*, not affordable housing under SEPP 70.
-

Draft Environmental SEPP

5. What is the timeline of the release of the proposed new Environmental SEPP?

ANSWER:

5. I am advised the Department of Planning, Industry and Environment has reviewed all submissions to the Environment SEPP and is working through outstanding issues with key Government Agencies.
-

Waterloo Redevelopment

6. Can you provide an updated timeline for the commencement and completion of the Waterloo redevelopment?
7. How many social, affordable and public housing units existed on the site prior to the proposed redevelopment?
8. How many social, affordable and public housing will be built on the site?
 - (a) What percentage is this of the overall housing units on the site?
 - (b) What percentage will be affordable housing units?
 - (c) What percentage will be public/social housing units?
9. How many social, affordable or public housing bedrooms are provided in the current plan?
 - (a) How does this compare to the current number of affordable, social or public housing bedrooms on the site?
10. What response did the Department provide to the City of Sydney with regard to their alternative plan for the site?

ANSWER:

6. I am advised that the Waterloo Metro Quarter was rezoned on 13th September 2019, under *State Environmental Planning Policy Amendment (Waterloo Metro Quarter) 2019*.

In relation to Waterloo Estate, NSW Land and Housing Corporation (LAHC) proposes to change the site's development controls to allow redevelopment of the Waterloo social housing estate under the Communities Plus Scheme. LAHC's rezoning proposal is yet to be lodged with the Department of Planning, Industry and Environment and would be subject to community consultation and detailed assessment prior to any rezoning determination.

7. I am advised that information regarding whether the previous building included any social, affordable and public housing units should be requested from Sydney Metro. Demolition of the existing buildings on the Waterloo Metro Quarter site (excluding the Waterloo Congregational Church) was approved under CSSI Application Number SSI-7400. The documentation submitted with this application identified that the site contained 17 commercial buildings and 1 residential building. The use of the residential building was not stated in the application, however noting the age and type of buildings, it is unlikely that the singular residential building was used for social or affordable housing.

There are currently 2012 existing social housing dwellings on the Waterloo Estate.

Prior to the commencement of the State Significant Precinct rezoning process for the Waterloo Metro Quarter site, buildings were approved for demolition under the Critical State Significant Infrastructure (CSSI) Application SSI 15_7400 for Sydney Metro City & Southwest: Chatswood to Sydenham. It is unknown whether there were any social, affordable and public housing units on the site prior to their demolition.

8. I am advised that for the Waterloo Metro Quarter, the *State Environmental Planning Policy Amendment (Waterloo Metro Quarter) 2019* includes a requirement for 5% of the residential gross floor area to be provided as affordable housing in perpetuity. The overall number of affordable housing dwellings to be provided will be established as part of Sydney Metro's State Significant Development applications to carry out development at the site.

In addition, in accordance with the vision of the NSW Government's "*Future Directions for Social Housing in NSW*" to increase social housing provision, Infrastructure NSW and Sydney Metro have also committed to delivering 10% of all dwellings on the Waterloo Metro Quarter site as social housing dwellings, which will provide approximately 70 new social housing dwellings.

In relation to Waterloo Estate, NSW Land and Housing Corporation (LAHC) proposes to change the site's development controls to allow redevelopment of the Waterloo social housing estate under the Communities Plus Scheme. LAHC's rezoning proposal is yet to be lodged with the Department of Planning, Industry and Environment.

LAHC has identified it is important to seek an allocation of housing on the Estate based around 30% social housing, 65% private housing and 5% affordable housing, consistent with "*Future Directions for Social Housing in NSW*" which aims to enable more integrated communities. The number of social, private and affordable housing will be confirmed when LAHC's rezoning proposal is lodged with the Department.

9. Refer to the answer of Supplementary Question 8.

10. I am advised the City of Sydney (the City) has released an alternative proposal for the Waterloo Precinct, including the Waterloo Estate.

A series of ongoing workshops and meetings are being held between the Department of Planning, Industry and Environment (the Department), the NSW Government Architect, the City of Sydney and NSW Land and Housing Corporation (LAHC) to explore potential changes to LAHC's scheme, having regard to the City's suggestions and to ensure good design is a key feature of any proposal for the Estate.

The City has been involved in the assessment of the Waterloo Metro Quarter proposal through a joint Project Review Panel with the Department and the Government Architect.

Redfern Station Accessibility and ATP

11. Were funds from the sale of Australian Technology Park made available for the Redfern station accessibility upgrade?
12. Was there a decision to not use these funds for infrastructure improvements in Redfern?
13. How have the proceeds from the sale of the ATP been spent?
14. Have the developer contributions for the development of the ATP site contributed to the accessibility upgrade at Redfern station?

ANSWER:

11-14. I am advised the allocation of funds from the sale of the Australian Technology Park is Cabinet-in-Confidence.

Questions from Mr David Shoebridge MLC

Climate Change

15. What steps are being taken to ensure that climate change is a primary consideration in every major planning decision in NSW?
16. What percentage of NSW climate targets will be achieved through improvements in the planning system?

ANSWER:

15. I am advised the Department of Planning, Industry and Environment (the Department) is developing natural hazards guidelines so that natural hazards, including those arising from climate change, are considered in strategic land use decisions. The Department is also working with councils to deliver and update regional plans and local strategic planning statements that address local and regional scale climate change planning issues. A number of local planning directions already give direction on how planning proposals for land rezonings are to consider and mitigate the impacts of hazards, including for bushfire, flooding and coastal hazards.
16. I am advised the NSW Government has released the *NSW Climate Change Policy Framework* which focuses NSW towards net-zero emissions by 2050. The Department of Planning, Industry and Environment supports this policy through local strategic planning statements, in the design and construction of buildings through the BASIX system, and through a range of other projects and programs such as the 5 Million Trees for Greater Sydney program.

Wilpinjong Extension Project

17. 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 of Planning in September 2018?
18. Which officers in the Department of Planning are responsible for signing off Social Impact Management Plans?
19. What expertise do they have in the assessment of social impacts of State Significant Development?
20. How does the Department assess cumulative social impacts of proposals like this?
21. What is the status of the development of cumulative impact assessment guidelines as proposed under the Environmental Impact Assessment Project?

ANSWER:

17. I am advised this question was answered in the Planning and Public Spaces Budget Estimates Hearing and the answer can be found on p. 67 of the transcript.
18. I am advised that Directors and Executive Directors in the Planning & Assessment Division have delegation to approve management plans, including Social Impact Management Plans.
19. I am advised that Directors and Executive Directors in the Planning & Assessment Division have a broad range of qualifications and experience relevant to the assessment of State significant developments and the management of their impacts. Where applicable, Directors and Executive Directors will seek advice from relevant government and/or independent experts.
- In the case of Social Impact Management Plans for major projects such as mining, feedback is sought from the Department's internal social impact experts whose qualifications were given in the hearing p.56-57.
20. I am advised the Department of Planning, Industry and Environment's Social Impact Assessment Guideline specifically deals with cumulative social impacts. See Section B4 Cumulative impact.
21. I am advised that the guideline will be exhibited for public comment by early 2020.

Wilton

22. How will water be assured for the Wilton Priority Precinct Development?
23. What advice has the Office of Water given in the strategic planning of this new city?
24. Why were Wilton Developers exempt from providing water recycling infrastructure?
25. What water monitoring measures will be imposed on the development?

ANSWER:

22. I am advised that Sydney Water has prepared an integrated water management plan for the Wilton Growth Area. This plan will guide an integrated approach to sustainable servicing for drinking water, wastewater, stormwater and incorporating water sensitive urban design.

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.

23. I am advised that Water NSW made a submission to the Interim Land Use and Infrastructure Implementation Plan for the Wilton Growth Area, outlining that its interests lie in the potential impacts on the WaterNSW infrastructure, particularly the Upper Canal and the Metropolitan Special Area. WaterNSW raised no objection to the plans and requested the Department of Planning, Industry and Environment to continue to work with it to protect its assets.
24. I am advised that at the time of the rezoning a water recycling scheme was not available. Wilton 2040 requires that an integrated approach to drinking water, waste water and stormwater services be considered at the precinct planning stage to drive more sustainable water management outcomes.
- Sydney Water has prepared an integrated water management strategy for the Wilton Growth Area which includes the provision of recycled water.
25. I am advised that water monitoring measures are generally imposed at development application stage. Once an application is received, water monitoring measures will be considered by the relevant authority.

Koala Corridor – Walker Corporation Wilton South East

26. Why did DPE commission a biodiversity study in 2017 given one was completed in 2015 by DPE?
27. Who initiated this study?
28. Given there is no requirement for biocertification and biobanking – how will the conservation of this land be managed and funded?

ANSWER:

26. I am advised that a preliminary Biodiversity Study was prepared in 2015 to inform the Greater Macarthur Land Release Investigation. This included both Greater Macarthur and Wilton. The study was updated in 2017 to inform the development of the Land Use and Infrastructure Implementation Plan for the Wilton Growth Area.
27. I am advised that the Department of Planning, Industry and Environment initiated the study.
28. I am advised that the Department of Planning, Industry and Environment is developing a landscape scale conservation plan to protect the region’s threatened native plants and animals in the Cumberland Plain Woodland. This work has informed the urban capable land in the rezoning of South East Wilton.

The draft Wilton Special Infrastructure Contribution includes \$65 million for biodiversity and Regional Open Space.

Questions from the Hon Mark Buttigieg MLC (on behalf of the NSW Labor Opposition)

Independent Planning Commission

29. What is the current caseload for the Independent Planning Commission?
30. What is the breakdown in the current caseload of the Independent Planning Commission by:
 - (a) Determination
 - (b) Review
 - (c) Advice
31. What are the number of cases before the Independent Planning Commission by type:
 - (a) Resources
 - (b) Urban development
 - (c) Industrial
 - (d) Infrastructure
 - (e) Others
32. What is the average number of days that cases were before the Independent Planning Commission for consideration last year? Is this an increase over the year before? If so, by how many days?
33. Does the Independent Planning Commission have a target number of days to complete a case before it? If so, what is it? If not, why not?
34. Does the Department provide the Independent Planning Commission with its own budget to manage? If so, how much was that for 2018-19 and how much is it for 2019-20? How is the level of the annual departmental allocation determined?
35. When the Government requests that the Independent Planning Commission undertake a specific task does it provide an additional allocation of funds for these reviews?
36. How many staff form the secretariat to support the Independent Planning Commission? Are these staff independently appointed or seconded from within the Department?

ANSWER:

29. I am advised as at 24 September 2019, there are 14 cases with the Independent Planning Commission.

30. I am advised:

(a) 14 – Determination

(b) Nil – Review

(c) Nil – Advice

31. I am advised as at 24 September 2019, the Independent Planning Commission have the following cases by type:

(a) 3 - Resources

(b) 7 - Urban development

(c) 2 - Industrial

(d) 2 -Infrastructure

(e) 0 - Others

32. I am advised the average number of days for determination or advice by the Independent Planning Commission in 2018-19 was 70 days. Please note changes to the *Environmental, Planning and Assessment Act 1979* on 1 March 2018 resulted in the creation of the Independent Planning Commission so there is not a full financial year with which to compare timeframes.

33. I am advised the Independent Planning Commission (the Commission) does not have specific timeframes to complete a case. The Commission is committed to the timely assessment of applications. When requesting a public hearing, as Minister for Planning and Public Spaces, I can provide a specific time (typically 12 weeks to publish a report following a public hearing).

34. I am advised according to section 2.11 (3) of the EP&A Act:

“the Independent Planning Commission may:

(a) arrange for the use of the services of any staff or facilities of the Department of Planning and Environment or other public authority, and

(b) engage such consultants as it requires to exercise its functions.”

The support for the Commission is currently being provided by the Department of Planning, Industry and Environment. That support is to cover Commission and Commissioner activities, and Secretariat costs.

The budget for FY2018-2019 was \$4.8 million.

The budget for FY2019-20 is \$4.7 million.

The budget is currently determined with historical adjustments and efficiency dividends factored in.

35. I am advised that the NSW Government does not provide an additional allocation of funds. However there is a mechanism for the Government to recoup funds for the holding of a public hearing, see Clause 256N of the *Environment Planning and Assessment Regulations*.
36. I am advised that as at 24 September 2019, there are 11.6 staff in the Secretariat which supports the Independent Planning Commission (the Commission). Eleven of the staff are employed by the Department of Planning, Industry and Environment (the Department), 0.6 staff is a secondment from Crown Solicitor's Office. The staff are appointed via the Department's appointment processes in consultation with the Commission.

Inner Sydney Regional Bike Network

37. Is the Minister aware that the cost of congestion in Sydney is set to cost us about \$15 billion by 2031?
38. Is the Minister aware that Infrastructure Australia predicts traffic delays are set to increase by 2031, even with its infrastructure projects coming online?
39. Is the Minister aware that 1 million daily short-trips in Sydney are taken by private cars within a radius of less than 5km?
40. Does the Minister accept Infrastructure Australia's assertion that a 2-5% shift of short—distance car trips would reduce cars on our roads by 20,000-50,000 vehicles a day?
41. Does the Government support the City of Sydney's Inner City Regional Bike Network, as listed on Infrastructure Australia's Infrastructure Priority List?
42. What funding has the NSW Government committed to realising this project?
43. What conversations with Infrastructure Australia have occurred in relation to this project?
44. Has the Minister met with Lord Mayor Clover Moore (the proponent of the project?)
45. Is the project likely to be implemented in the next 0-5 years, the timeframe indicated by Infrastructure Australia?
46. Has the Government provided any assistance to the City of Sydney to develop a complete business case?

ANSWER:

37-43. These questions should be referred to the Minister for Transport and Roads.

44. I have met with Lord Mayor Clover Moore since coming to the Planning and Public Spaces portfolio.

45-46. These questions should be referred to the Minister for Transport and Roads.

Major infrastructure projects

47. What requirements are there for active transport infrastructure to be included as part of major infrastructure projects including road, rail and freight projects?
48. What are the active transport commitments associated with:
- (a) WestConnex M4 East?
 - (b) WestConnex M5?
 - (c) WestConnex M4-M5?
 - (d) The Sydney gateway Project?
 - (e) Northconnex?
 - (f) Sydney Metro?
 - (g) Sydney Metro Southwest?
 - (h) CBD and Eastern Suburbs light Rail?
 - (i) Parramatta Light Rail?
49. Are there any safety performance measures, incentives, awards or bonus structures that recognise good performance of NSW infrastructure, Councils or regions when it comes to walking and cycling?
50. What is the cost-benefit analysis formula applied to active transport projects?
51. How does the inclusion of active transport in a major project impact the cost-benefit analysis of major infrastructure projects?
52. What would the cost-benefit analysis for WestConnex be now given the cycling path has been deferred?

ANSWER:

47. I am advised the Department of Planning, Industry and Environment requires transport infrastructure proponents to consider active transport in their projects. The standard Secretary's Environmental Assessment Requirements for Critical State Significant Infrastructure projects includes a requirement to assess a project's "opportunities to integrate cycling and pedestrian elements with surrounding networks and in the project."

48-52. This question should be referred to the Minister for Transport and Roads.

Street trees

53. Considering that one of the key factors that encourage people to walk is the provision of footpaths and the planting of street-trees, how is the Government going to ensure that a significant proportion of the 6 million trees it has promised to plant will be planted adjacent to footpaths to provide shade?

ANSWER:

53. I am advised the NSW Government has not promised to plant six (6) million trees. The NSW Government has set a target of planting five (5) million trees by 2030. Within that target, the Premier has made it a priority to plant one million trees by 2022. The Government encourages appropriate roadside planting measures to provide shade for footpaths and roads.

Sydney Harbour Bridge Cycleway

54. How is the Department of Planning involved in the process of assessing the proposed Sydney Harbour Cycleway?

55. Has the Minister of Department met with cycling groups in relation to this project?

56. Is the Minister and Department supportive of the proposed project?

ANSWER:

54. This question should be referred to the Minister for Transport and Roads.

55. My diary disclosures are made public in accordance with the Ministerial Code of Conduct via the Department of Premier and Cabinet website.

56. I am advised the Department of Planning, Industry and Environment supports cycling infrastructure by requiring transport infrastructure proponents to consider active transport in their projects. The standard Secretary's Environmental Assessment Requirements for Critical

State Significant Infrastructure projects includes a requirement to assess a project's "opportunities to integrate cycling and pedestrian elements with surrounding networks and in the project."

Walking

57. How does the Government measure walking rates in NSW?
58. How does the NSW Government record pedestrian safety in NSW?
59. Has the NSW Government considered using pedestrian sensors as is the case in Chicago, Melbourne and other cities?
60. Has this technology been discussed with any local councils in NSW, including the City of Sydney?
61. What technology do we use when we are measuring the number of cars that use a road?
62. Do you accept that the lack of technological advancement in the way we count pedestrians mean that pedestrians are under-represented in planning and infrastructure?

ANSWER:

57-62. These questions should be referred to the Minister for Transport and Roads.

Western Sydney Airport

63. What plans does the Government have to ensure cycling and pedestrian links are included in plans for the Western Sydney Aerotropolis?

ANSWER:

63. I am advised the NSW Government's plans for cycling and pedestrian links are contained in the Stage 1 Western Sydney Aerotropolis Land Use Infrastructure and Implementation Plan. These links will be further set out as the detailed precinct planning is developed.
-

Ritz Carlton – Star – Pyrmont

In August 2018, the Star Casino lodged an ambitious proposal for a 220 room, 237 metre high hotel tower and 204 residences as part of the \$500 million proposal.

In July 2019, the Department of Planning lodged a submission opposing this plan with the Independent Planning Commission (the decision maker).

The Star, the Urban Taskforce, Alan Jones and Treasurer Perrottet have all come out opposing the

actions of the department and calling for approval of the Ritz Carlton proposal, even though the IPC has not assessed it.

Planning Minister Rob Stokes has defended the process and the professionalism of his departmental officers.

On or about 18 August 2019, the Premier ordered a *'snap review'* of the planning controls at Pyrmont to ensure they were *'consistent with the government's vision'* for the area.

64. What is the government's *'vision for Pyrmont'*?
65. You have said that the departmental submission was a "thorough and rigorous assessment" of the proposal, one which "reflects the consistent and widespread opposition to the scale of the proposal". Do you stand by that statement?
66. You agree that the departmental officers who prepared the submission were diligent and competent in the way they undertook their duties?
67. You have no criticism of them or their work?
68. Why then did you agree to write to the Greater Sydney Commission seeking a review of the relevant planning controls in Pyrmont?
69. The Greater Sydney Commission only finalised its district plan for the Pyrmont area in 2018. Why would that not be *"fit for purpose"* so soon?

Just 5 days before the Premier announced the review of planning instruments by the GSC, senior officials of your department told the Independent Planning Commission that nothing was being planned for the area. Ms Anthea Sargent, the department's executive director for compliance, industry and key sites, said, "As far as we are aware there is no plan to do any state significant precincts within the Pyrmont area both within government and nor by council."¹ She also stated that there was no view from the Department *"as to what the future of Pyrmont might look like"* and that at *"this point in time .. there is nothing planned for that part of Pyrmont."*²

70. Did your department mislead the IPC?

¹ https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/general/transcripts/2019/star-casino/star-casino-redevelopment-20190814_dpie-transcript.pdf?la=en&hash=34D254847475E96F74043C3F80DD142D p3 from line 35

² https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/general/transcripts/2019/star-casino/star-casino-redevelopment-20190814_dpie-transcript.pdf?la=en&hash=34D254847475E96F74043C3F80DD142D p8, from line 5

71. Did your department not know about the Premier's plans to launch a review of planning controls in Pymont?
72. When did you learn of the Premier's plan for the review?
73. How did the review of planning instruments for the Western Harbour precinct, including the Pymont peninsula, come about?
74. Was it on the basis of your advice?
75. What detailed, professional advice was provided by you, or your agency, to the Premier before she made the planning review announcement?
76. The Greater Sydney Commission is supposed to be independent. But its Chief Executive, Sarah Hill, is a deputy secretary of your own department, DPIE. That means the head of the body charged with giving advice about the suitability of existing planning controls is now a deputy secretary of the body that produced the old advice, which caused the need for the review. That is just ridiculous, isn't it?
77. In your referral letter to the GSC, you ask it to *"conduct an independent review of the planning framework for the Western Harbour precinct, including the Pymont peninsula"* and to prepare a report assessing the appropriateness or the *"efficacy of current planning controls and any recommendations the Commission might make to ensure good planning outcomes"* for the area. Key areas on which you ask the GSC to advise include the *Eastern City District Plan* and the *Greater Sydney Region Plan – A metropolis of Three Cities* – both of which are creations of the GSC. You are asking the GSC to mark its own homework, aren't you?
78. In your referral to the GSC, you set a timeframe of 30 September for their report to be finalised and with government. That is not an adequate period of time to conduct a proper review of existing planning controls and advise on any changes, is it?
79. Like the *'assurance review'* conducted for Ryde before the State election, you and the government are just using the GSC as a political fix, aren't you?
80. On radio 2GB you said,

"When you go outside the planning controls, you're taking a big risk. And the general message out of this is developers who stick within the rules, they're likely to get a quick process and much more likely to get approved. Developers who want to change the rules are going to have a much longer time and it's more unlikely they can expect approval."

You also said (in the SMH 26 July) that the proponent has *"made a big gamble and put everything on the table"* and that the Star *"made a decision to risk everything on a very big proposal."*

Can you elaborate on these comments?

81. In what way does the Star proposal *'go outside the rules'*? You have said the proposal was several times higher than current development controls allow. Is that correct?
82. Is it the case that the local environmental plan for Pymont sets a maximum height of 28m? Star would have been aware of this?
83. Star was told by the planning department in the past that the government would not tolerate the historic suburb being taken over by the Casino?
84. So how did they think a 237 m tower would be approved?
85. Alan Jones has said that the government of which you are a part gave the project "the green light for four years". The proponent, the Star has said they got *great support from the government* over the previous four years during the planning process to this point. Is this correct, or are they just making this up?
86. The criticisms made of the proposal in your department's submission included that it was reliant on a possible future metro station that may not be built? Is that correct?
87. The DPIE assessment also said it did not fit in with the low-to-medium scale character of the existing density in Pymont. Is that correct: does Pymont have *low-to-medium scale* density?
88. You department assessed that the tower was inappropriate for its location, would create "*unacceptable visual impacts due to its scale*", be "*unduly prominent*", have adverse impacts on views from residential properties, cause overshadowing in winter, and fails "*to promote good design and amenity of the built environment.*" How will the review of relevant planning controls by the Greater Sydney Commission change these drawbacks in the proposal?
89. When you get the report from the GSC, what is the process?
90. Will any changes to planning controls made after you receive the GSC report apply to the current IPC consideration of the Ritz Carlton, or will they apply only to future proposals?
91. The Coalition Government and its Planning Ministers have said it would not use Part 3A or mechanisms like it to determine applications. Why are you permitting Star proposal is to be determined under the provisions of the old Part 3A?

ANSWER:

64. This question should be referred to the Premier.

65. Yes.

66. Yes.
67. No.
68. The Greater Sydney Commission (GSC) was asked to conduct an independent review of the planning framework for the Western Harbour Precinct including the Pyrmont Peninsula following a discussion with the Premier. As Sydney's population continues to grow, there will be a need for more development in this region. The Government asked the GSC to provide guidance on how to support a greater diversity of development in the precinct and to review whether the planning rules in they are still relevant given the major projects in the area.
69. The review is no way suggests the District Plan is not "fit for purpose".
70. No.
71. The Greater Sydney Commission (GSC) is an independent statutory body that reports to the Premier. The GSC was asked to conduct an independent review of the planning framework for the Western Harbour Precinct including the Pyrmont Peninsula. The Department of Planning, Industry and Environment was made aware of the review following acceptance by the GSC to undertake the review.
- 72-73. Please refer to the answer of Supplementary Question 68.
- 74 & 75 The Premier and I discussed the review and the existing planning framework for the Western Harbour Precinct including the Pyrmont Peninsula prior to asking the Greater Sydney Commission to consider a review.
76. Please refer to the answer of Supplementary Question 112.
77. Please refer to the answer of Supplementary Question 69.
78. The Greater Sydney Commission's furnished its report to the NSW Government on the 30 September 2019.
79. This question should be referred to the Premier.
80. Both comments are self-explanatory.
81. The phrase in quotation marks are not my words.
82. It is not the role of the Minister for Planning to speculate on what information an applicant is or isn't aware of.
83. I am advised that the Department of Planning, Industry and Environment is not aware of this comment.

84. It is not the role of the Minister for Planning and Public Spaces to speculate on the thought processes of an applicant.
85. I am advised that this is a question for the proponent.
86. Please refer to page 12 of the transcript from the Independent Planning Commission's public meeting on the Star Casino Redevelopment MOD 13.
87. Please refer to page 12 of the transcript from the Independent Planning Commission's public meeting on the Star Casino Redevelopment MOD 13.
- 88-90. The Greater Sydney Commission's review provides independent advice to the NSW Government on the planning framework for the Western Harbour Precinct and the Pyrmont Peninsula. The NSW Government has accepted all of the recommendations made in the review.
91. The applicant made a request for a Part 3A modification before 1 March 2018 after which applications under this Part could no longer legally be accepted.

Compliance

92. How many staff does the Department of Planning and Environment employ to investigate alleged breaches to project approval conditions?
93. How many of these related to Aboriginal heritage?
94. How many reports related to alleged unauthorized harm to Aboriginal heritage were reported to the NSW Government in 2018/19?
- (a) How many of these were investigated?
- (b) If suspected harm to Aboriginal heritage was not investigated, why not?
95. How many compliance actions did the Department of Planning undertake in 2018/19 relating to breaches to Aboriginal heritage conditions for State Significant projects?
96. What is the Department of Planning and Environment's budget for specifically enforcing conditions of consent for State Significant Developments (SSD)?

ANSWER:

92. I am advised that as at 24 September 2019, the Department of Planning, Industry and Environment employs 30 permanent, temporary and contract compliance staff in the Planning and Assessments Division.

93. I am advised that Department of Planning, Industry and Environment compliance staff conduct monitoring and enforcement of all project approval conditions including Aboriginal heritage requirements.
94. I am advised that the Department of Planning, Industry and Environment (the Department) compliance team received three self-reports from proponents relating to Aboriginal heritage matters in addition to one complaint. All reports and complaints were investigated, and enforcement action taken in accordance with the Department's Compliance Policy. One matter is currently under investigation.
95. I am advised that the Department of Planning, Industry and Environment (the Department) compliance team issued one Penalty Infringement Notice (\$15,000) and two Official Cautions in relation to Aboriginal heritage matters in 2018/19.
96. I am advised the total budget for the compliance team was \$3,240,321 for the 2018-19 financial year.

Spot re-zonings

97. The *Planning Amendment Bill 2019* passed the Legislative Assembly on 31 July, and was introduced into the Legislative Council on 6 August. There have been 3 sitting days when the House could have considered this legislation (leaving aside the time in which the reproductive health legislation was considered), but your government did not put it forward. Why is that? Will your government progress this legislation the Legislative Council? If not, why not?
98. You agree with ending spot re-zonings, don't you Minister?
99. In late May or early June this year, you told the Property Council you wanted to remove the 'element of surprise' from the planning system. You were referring to so-called 'spot' re-zonings weren't you?
100. Do you agree that the use of this mechanism undermines community confidence in the planning system?
101. Do you agree that this mechanism is being used as an alternative to proper, thoughtful strategic planning?
102. Is it your proposal that Local Environment Plans (planning instruments made by Council, with the community consultation, with the State Government) should be re-made by Councils more frequently, as an alternative way of dealing with matters? How often should this take place?

103. You have publicly suggested that legislative change is not required to end spot re-zonings or rezoning reviews. How will you bring them to an end? What would stop them being used again?
104. How many applications are lodged each year for spot re-zonings?
105. Who lodges them?
106. How many are approved each year?
107. What is the usual length of time for the approval (average and median times)?

ANSWER:

97. I am advised that business of the Legislative Council is a matter for the Leader of the Government in the Legislative Council in consultation with other relevant Ministerial offices.
98. Spot rezonings often result in communities being caught by surprise by ad hoc decisions on new developments. Councils are currently setting the strategic direction of their areas through creating Local Strategic Planning Statements and updating their Local Environmental Plans. Through this process the need for spot rezonings will naturally diminish in an orderly way.
99. I was referring to removing the element of surprise from the planning system.
- 100-101. Please refer to the answer to Supplementary Question 98.
102. Division 3.1 of the *Environmental Planning and Assessment Act 1979* stipulates the timeframes for Local Environmental Plans to be regularly reviewed.
103. Please refer to the answer to Supplementary Question 98.
104. I am advised there were 130 applications lodged in 2018-19 and 187 applications were lodged in 2017-18.
105. I am advised that there are various proponents.
106. I am advised there were 117 applications approved in 2018-19 and 170 applications approved in 2017-18.
107. I am advised the average length of time in the last three financial years was 341 days while the median number of days in the last three financial years was 257 days.

Planning Ministerial Corporation

Budget Paper No. 43 pp4-8, 4-55 indicated the Planning Ministerial Corporation spent \$38.3 million last financial year, but is proposed to spend \$110.3 million in 2019-2020.

108. What was the money spent on last financial year?
109. What is the proposed spending to be on in the current financial year?
110. What is the remit or scope of the Planning Ministerial Corporation's activities?
111. How is it governed?

ANSWER:

108. I am advised that the Planning Ministerial Corporation's financial statements are published in the Department of Planning, Industry and Environment's Annual Report.
109. I am advised that as provided in the referenced Budget Paper, the \$110.3 million amount referred to is the operating expenses budget, excluding losses, for 2019/2020. As an annual program, this amount includes the 2019/2020 allocation for the Land Transfer program, the Metropolitan Grant program and Voluntary Planning Agreement grant for the Carter Street Precinct.
- 110-111. Please refer to page 33 of the Department of Planning and Environment's Annual Report 2017-18 for information on the Planning Ministerial Corporation's activities and governance.

Sarah Hill

112. Dr Sarah Hill is both a Deputy Secretary of your department, and the Chief Executive of the Greater Sydney Commission. Is that not a conflict, given the very different roles of each of the Department and the GSC?
113. Was the position in which Dr Hill is now employed as a Deputy Secretary of your department advertised?
114. Was Dr Hill employed in that role after a competitive, merit selection process? If not, why not?
115. Could the Minister outline what process was used in the recruitment of Ms Hill to her post as Deputy Secretary?
116. What checks were conducted about the various claims she makes about her past work record?

I refer to the statements in the name of the Chief Executive of the Greater Sydney Commission, who is also a Deputy Secretary in your Department, in each of the three most recent annual reports of the GSC for 2015-2016, 2016-17, 2018-19 where she said, "*Sarah created a new planning authority known as the London Olympic and Paralympic Joint Planning Authority ...*"

I refer also to a statement issued by her lawyer to the Sydney Morning Herald and published which said, “*Dr Hill had never claimed she was solely responsible for the development of the London Olympic and Paralympic Authority ...*”

117. Do you agree that the contents of annual reports should be factually correct?
118. How do you reconcile the contents of the three GSC annual reports cited above with the reported statement by Dr Hill’s lawyer?
119. Isn’t the clear and plain meaning to be taken from that part of the annual reports cited above that Dr Hill was claiming sole responsibility for creating the London Olympic and Paralympic Joint Planning Authority?
120. If you do not agree, what other meaning do you derive from it?
121. Would the Minister agree that the normal interpretation of a claim to have ‘*created a new planning authority*’ is not that the person claiming this was a junior member of a team but the person responsible?
122. Does the Minister agree that the reference in the Hill resume in the GSC Annual Report to Ms Hill having been ‘the recipient of two international planning awards including the Mayor of London Planning Award for Excellence and the Royal Town Planning Institute Award for Planning’ is inaccurate?
123. Is the Minister aware that neither of the two awards was ‘international’ and were awards only for London or UK initiatives and recipients?
124. Is the Minister aware that the named recipients of one of the awards does not include Sarah Hill and that both awards for were teams rather than an individual?
125. Can the Minister confirm when he learned that the CEO of the GSC had not ‘*created a new planning authority known as the London Olympic and Paralympic Joint Planning Authority responsible for the master-planning and approvals for the London 2012 Olympic Games and its Legacy*’?
126. Can the Minister now confirm that Deputy Secretary Hill worked for a short period for a body established by 4 London Councils called the Joint Planning Authorities Team in 2004; that that body’s director was called Janet Thomas and that Janet and her team reported to 4 heads of planning/senior planners of the 4 participating Councils?
127. Is the Minister aware that Ms Janet Thomas and the 4 senior council planners ‘created’ and ran JPAT?

128. Has the Minister ever been presented with documentary evidence of the claims that Deputy Secretary Hill ‘created a new planning authority’?
129. Is there any JPAT document signed by Deputy Secretary Sarah Hill or citing her as the creator or leader of JPAT?
130. Did Deputy Secretary Hill meet with or contact Janet Thomas, director of JPAT or Sue Foster, former head of planning at Hackney Council between being informed of the story by the SMH and the statement quoting them in the SMH on 3/7/2019?

ANSWER:

112. I am advised that recognising and managing conflicts of interest or conflicts of duty are an integral part of all public service roles. The CEO of the Greater Sydney Commission continues to be employed by and report to the Secretary, Department of Premier and Cabinet.

The Commission’s CEO is responsible for the day to day management of the affairs of the Commission in accordance with Section 7 of the Greater Sydney Commission Act 2015. The importance of the Commission sharing its learnings and collaborating closely with the Department of Planning, Industry and Environment (DPIE) to ensure good planning outcomes for the people of Greater Sydney and NSW was a recommendation of the recent NSW Parliamentary Inquiry into Land Release and Housing Supply.

In order to achieve this, Dr Hill was assigned to the dual role to drive alignment and co-operation, improve place-based planning outcomes and the alignment of infrastructure and land use planning. The Deputy Secretary, Strategic Relations and Integration, provides advice as a member of the DPIE Leadership team.

113. I am advised that the role was not advertised.

114. I am advised that the role was assigned under the provisions of the Government Sector Employment Act 2013. Dr Hill's employment conditions have not changed. Dr Hill continues to be employed by and report to the Secretary, Department of Premier and Cabinet.

115. Please refer to the answer to Supplementary Question 114.

116. I refer you the public comments already made on this matter.

117. Yes.

118-125. Questions relating to the Greater Sydney Commission should be referred to the Premier.

126-130. I am not aware of particulars of the Joint Planning Authorities Team, Janet nor Dr Hill's meeting schedule.

Question to John Brogden, CEO of Landcom

On p34 of the transcript of the Budget Estimates hearing, the CEO of Landcom, Mr Brogden, indicates that he has not seen the reports from Mr Werman and does not know its contents. However, there is a copy of each of the March and May reports of Mr Werman in the Landcom return to order. Mr Brogden confirms this in his letter to DPC of 24 May 2019, which accompanied the return to order.

131. Mr Brogden, at p34 of the transcript of the Planning Budget Estimates hearing, you stated that:

“When Mr Pratt indicated clearance of Ms Jones and Ms Jones returned to work, the secretary also made it clear that he would not provide me or Ms Jones or any other parties with a copy of the report. So I have not seen the report.”

At p36 of the transcript there was also this exchange:

The Hon. ADAM SEARLE: Just going back to Mr Werman's report, you did not see a copy?

Mr BROGDEN: No.

The Hon. ADAM SEARLE: To your knowledge, has anyone on the board seen a copy?

Mr BROGDEN: No. The better way to answer that is Mr Pratt made it clear that he would not be producing a copy of the report to any other party.

If Mr Pratt would not provide you with a copy of the report, how does Landcom possess a copy of each of Mr Werman's March and May reports on the matter?

132. You misled the committee when you made those statements, didn't you?

133. Why did you mislead the committee?

134. When did Landcom receive a copy of the reports?

135. Who at Landcom received the reports?

136. From whom were the reports received?

137. When did you become aware that Landcom had received the reports?

138. When did your office receive the reports?

139. When did you see the reports?

140. Given the importance you have placed on being an ambassador for good mental health, and stopping workplace bullying, it is not believable that you did not read the Werman reports, or learn what its contents are, is it?
141. Given your legal and moral responsibilities you have as CEO towards the workforce at Landcom, why did you not make yourself aware of the contents of the Werman reports?
142. You have read the reports, haven't you?
143. At p36 of the transcript of the Planning Budget Estimates hearing, you stated, or agreed with the proposition, that you and Landcom relied upon the assessment made by Treasury Secretary, Michael Pratt, of the allegations made against Ms Jones. That is not correct, it is?
144. Why did you rely on Mr Pratt's assessment when you had a copy of the reports and could read them yourself?
145. It would have been negligent of you as CEO to not read them, given they were in the possession of Landcom?
146. When you were interviewed for the role of Landcom CEO, were you subject to psychological and psychometric evaluation and assessment?
147. If yes, what form did that take, who conducted the testing and when?

ANSWER:

131. I am advised by Landcom:

The Wentworth Advantage Report and Addendum were commissioned by Landcom's Executive General Manager, Legal & Compliance (then General Counsel), Ms Sandra Lee, in December 2018.

As Ms Lee commissioned the reports, Mr Werman sent the Report and Addendum to Ms Lee. Consistent with the maintenance of legal professional privilege over the Report and Addendum, and the fact that the Board and Mr Brogden were recused from the process and decision and Mr Pratt was the decision-maker in relation to the complaints, Ms Lee maintained the legal professional privilege and kept the Report and Addendum strictly confidential. They were not disclosed to any other person in Landcom.

132. I am advised by Landcom:

No.

133. I am advised by Landcom:

Please refer to the answers to Supplementary Questions 131 and 132.

134. I am advised by Landcom:

Landcom's Executive General Manager, Legal & Compliance (then General Counsel), Ms Sandra Lee received a copy of the March Report on 1 April 2019, and a copy of the May Addendum Report on 9 May 2019.

135. I am advised by Landcom:

Please refer to the answer to Supplementary Question 134.

136. I am advised by Landcom:

Wentworth Advantage.

137. I am advised by Landcom

Ms Lee would have informed Mr Brogden on or around the dates referred to in the answer to Supplementary Question 134.

138. I am advised by Landcom:

At the time of the Planning and Public Spaces Budget Estimates Hearing on 11 September 2019, Mr Brogden's office had not received the Report or Addendum. Following the Legislative Council resolution on 19 September 2019 to have the Report and Addendum be made public, Mr Brogden was provided with and viewed the documents.

139-142. I am advised by Landcom:

Please refer to the answer to Supplementary Question 138.

143. I am advised by Landcom:

Landcom relied upon the assessment made by the Secretary of Treasury, Michael Pratt, of the allegations made against Ms Jones.

144. I am advised by Landcom:

Please refer to the answer to Supplementary Question 131.

145. I am advised by Landcom:

Please refer to the answer to Supplementary Question 138.

146. I am advised by Landcom:

No.

147. I am advised by Landcom:

Please refer to the answer to Supplementary Question 146.

Hunter Central Coast Development Corporation

148. How many FTE staff were employed at the HCCDC for each of the following years:

- (a) 2011;
- (b) 2012;
- (c) 2013;
- (d) 2014;
- (e) 2015;
- (f) 2016;
- (g) 2017;
- (h) 2018; and
- (i) 2019?

149. What is the cost of salaries and superannuation and all other entitlements for the HCCDC for each of the following years:

- (a) 2011;
- (b) 2012;
- (c) 2013;
- (d) 2014;
- (e) 2015;
- (f) 2016;
- (g) 2017;
- (h) 2018; and
- (i) 2019?

150. How much has HCCDC spent on advertising for each of the following years:

- (a) 2011;

- (b) 2012;
- (c) 2013;
- (d) 2014;
- (e) 2015;
- (f) 2016;
- (g) 2017;
- (h) 2018; and
- (i) 2019?

151. What is the cost of consultants engaged by HCCDC for each of the following years:

- (a) 2011;
- (b) 2012;
- (c) 2013;
- (d) 2014;
- (e) 2015;
- (f) 2016;
- (g) 2017;
- (h) 2018; and
- (i) 2019?

152. How many iPhone/smart phones are assigned to staff?

- (a) For each phone, how much was each bill in 2018-19?
- (b) How many phones have been lost or replaced due to damage?
- (c) What is the cost of replacing those phones?

153. How many iPads or tablets has HCCDC assigned to staff?

- (a) What was the cost of providing iPads or tablets?
- (b) How many iPads or tablets have been replaced due to loss or damage in 2018-19?
- (c) What was the cost of replacing these devices?

154. Has any artwork been purchased or leased for display in HCCDC offices in 2018-19?

- (a) What is the cost of this?
155. Have any floral displays or indoor plants or pot plants been hired or leased for display in HCCDC offices in 2018-19?
- (a) If so, what was the cost of these items?
156. What was the total cost of all subscriptions by you and your staff to news services, newspapers, magazines, journals and periodicals (including online services) in 2018-19?
- (a) What are these services/newspapers/magazines/journals/periodicals?
- (b) Who is the subscriber for each of these?
157. What was the total value of all gifts purchased for use by you and your office in 2018-19?
- (a) What were the gifts purchased?
- (b) Who were they gifted to?
158. Do you purchase bottled water or provide water coolers?
- (a) What is the monthly cost of this?
159. How much did HCCDC spend on hospitality, including catering and beverages, in 2018-19?
160. How many fleet vehicles does HCCDC have?
- (a) What is the cost of these vehicles?
- (b) Who uses these vehicles?
161. What was the total bill for your office in 2018-19 for:
- (a) Taxi hire
- (b) Limousine hire
- (c) Private hire care
- (d) Hire car rental
- (e) Ridesharing services?
162. Were any planes or helicopters chartered by HCCDC in 2018-19?
- (a) If yes, will you please detail each trip, the method of transport and the cost?
163. How many credit cards are currently on issue to HCCDC staff?
- (a) Please provide a break-down of this information by grade.

164. What was the value of the largest reported purchase on a credit card for the following financial years:
- (a) 2015-16
 - (b) 2016-17
 - (c) 2017-18
 - (d) 2018-2019
 - (e) 2019-present
- i. What was each largest reported purchase for?
165. How much interest was paid on amounts outstanding from credit cards for the following financial years:
- (a) 2015-16
 - (b) 2016-17
 - (c) 2017-18
 - (d) 2018-2019
 - (e) 2019-present
166. How much did HCCDC spend on Facebook advertising or sponsored posts in 2018-19?
167. Were any of your overseas trips in the last financial year paid for in part or in full by using public money?
- (a) If so, did any of your relatives or friends accompany you on these trips?
 - (b) Have you undertaken any official overseas travel that was privately funded?
 - (c) If so, what was the nature of these trips?
 - (d) Who paid for these trips?
168. How many redundancies were processed by HCCDC during 2018-19?
- (a) Of these redundancies, how many were:
 - i. Voluntary?
 - ii. Involuntary?
 - (b) What was the total cost of all redundancies?

169. Have any staff who received a redundancy in the last two years undertaken any paid work or provided any paid services for the department, statutory agency and/or other body with which they were formerly employed?
170. Has HCCDC engaged in any corporate sponsorships?
- (a) Who were these sponsorships with?
 - (b) What was the purpose of these sponsorships?
 - (c) What was the value of these sponsorships, by case and year?
 - (d) What was the value of these sponsorships in the following financial years:
 - i. 2015-16
 - ii. 2016-17
 - iii. 2017-18
 - iv. 2018-19?

ANSWER:

148. I am advised:

- (a) 2011 = 19
- (b) 2012 = 18
- (c) 2013 = 17
- (d) 2014 = 16
- (e) 2015 = 15
- (f) 2016 = 16
- (g) 2017 = 13
- (h) 2018 = 23 (incorporated former UrbanGrowth NSW employees)
- (i) 2019 = 29 (incorporated former CCRDC employees)

149. I am advised:

- (a) 2011 = \$2.6m
- (b) 2012 = \$2.5m
- (c) 2013 = \$2.1m
- (d) 2014 = \$2.2m
- (e) 2015 = \$2.2

(f) 2016 = \$2.1m (Note, Long Service Leave was assumed by the Crown and no longer included in cost of Salaries and Wages from and including FY2016)

(g) 2017 = \$2.5m

(h) 2018 = \$4.2m (incorporated former UrbanGrowth NSW employees)

(i) HCCDC 2019: \$5.3m (note, can only provide for HCCDC and incorporates former CCRDC employees)

150. I am advised the Financial Statements, including advertising, are available in agency annual reports.

The NSW Government may use advertising to inform the public of their rights, obligations and entitlements as well as to explain government policies, programs, services and initiatives.

Government advertising is conducted within guidelines outlined in the NSW Government Advertising Handbook. Any sponsorship arrangements are conducted within ICAC principles.

151. I am advised the Financial Statements, including expenditure on consultants, are available in agency annual reports.

152. I am advised that IT costs are managed within each agency's budget and in accordance with NSW Government's ICT and procurement policies and frameworks.

153. Please refer to the answer of Supplementary Question 152.

154. I am advised that artwork has not been purchased.

155. I am advised the Financial Statements, including expenditure on any general costs, are available in agency annual reports. Plant and related purchases by Planning, Industry and Environment Cluster agencies are made in accordance with the applicable policies and procedures on procurement.

156. I am advised:

(a) Newcastle Herald = \$678.53; Sydney Morning Herald = \$26.00

(b) HCCDC is the subscriber and staff have access.

157. I am advised that the provision and acceptance of gifts, benefits and hospitality is subject to specific policies and agency Codes of Conduct and is strictly monitored.

158. I am advised the monthly average cost of water is \$53.00.

159. I am advised that expenditure on hospitality is limited to official work related purposes with any related staff benefits subject to Fringe Benefits Tax provisions.

160. I am advised HCCDC has three fleet vehicles.

(a) I am advised the vehicles are leased through the Government lease provider and total costs for 2018-20 (including lease costs, fuel, registration and maintenance) were \$19,418.

(b) I am advised one (1) vehicle is for the Central Coast site and two (2) vehicles are in Newcastle. Vehicles are available to all employees to use for site visits and travel between the Central Coast and Newcastle offices and Newcastle and Sydney

161. I am advised that agency travel was conducted in accordance with relevant NSW Government policies and guidelines including Treasury Circular TC18-15 and ATO determinations.

162. I am advised there were nil.

163-165. NSW Government has implemented a PCard program to realise a number of benefits including savings from the use of cards over traditional high cost procure-to-pay processes and the enhanced capability to track and monitor expenditure.

Cards are issued to staff according to business need and are managed in accordance with Treasury Policy TPP 17-09 Use and Management of NSW Government Purchasing Cards.

Staff are prohibited from using official PCards for personal or other unofficial purposes and cards are not connected to reward schemes or any other program that would provide a personal benefit to the cardholder.

All NSW Government card balances are paid within bank payments terms and therefore no late fees or interest charges are incurred.

166. I am advised that the Financial Statements, including advertising and sponsorship, are available in agency annual reports. The NSW Government may use advertising to inform the public of their rights, obligations and entitlements as well as to explain government policies, programs, services and initiatives. Government advertising is conducted within guidelines outlined in the NSW Government Advertising Handbook. Any sponsorship arrangements are conducted within ICAC principles.

167. I am advised there have been no trips.

168 & 169. I am advised that voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures can be found in the Annual Report. The Labour Expense Cap introduced in the 2012-13 Budget also continues to give Secretaries as much flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies. Frontline staff such as, nurses, police officers and school teachers and regional employees have been quarantined from this measure.

170. I am advised that this information is commercial-in-confidence.

Affordable Housing

171. How many affordable housing properties has the government delivered for each of the following years:

- (a) 2011;
- (b) 2012;
- (c) 2013;
- (d) 2014;
- (e) 2015;
- (f) 2016;
- (g) 2017;
- (h) 2018; and
- (i) 2019?

172. How many affordable housing properties has the government delivered in the Newcastle electorate for each of the following years:

- (a) 2011;
- (b) 2012;
- (c) 2013;
- (d) 2014;
- (e) 2015;
- (f) 2016;
- (g) 2017;
- (h) 2018; and
- (i) 2019?

173. How many dwellings will be delivered through the Housing Acceleration Fund in the Newcastle?

174. Of the land sold by HCCDC in the Honeysuckle precinct, how much has been allocated to social housing and affordable housing?

ANSWER:

171. I am advised that affordable housing under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP) is primarily delivered by private developers, community housing providers, social housing providers and Land and Housing Corporation.

The figures provided below are the number of development applications and complying developments determined under the ARHSEPP in NSW.

Year	Total
2011-12	1115
2012-13	1369
2013-14	2452
2014-15	2940
2015-16	4167
2016-17	3722
2017-18	5386

These figures are for the following housing types: affordable rental housing, boarding houses, group homes and secondary dwellings.

Figures from 2018/19 are not available yet.

172. I am advised that affordable housing under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP) is primarily delivered by private developers, community housing providers, social housing providers and Land and Housing Corporation.

The figures provided below are the number of development applications and complying developments determined under the ARHSEPP in the Newcastle LGA.

Year	Total
2011-12	44
2012-13	46
2013-14	72
2014-15	62
2015-16	80
2016-17	94
2017-18	109

These figures are for the following housing types: affordable rental housing, boarding houses, group homes and secondary dwellings.

Figures from 2018/19 are not available yet.

173. I am advised there is no project funded by the Housing Acceleration Fund in Newcastle local government area.

174. I am advised there is no allocation.

Newcastle Port Community Contribution Fund

175. Please provide a list of all projects funded through the Newcastle Port Community Contribution Fund including the applicant name, the amount received and the status of the project.

ANSWER:

175. I am advised this information is commercial-in-confidence.

Hunter Central Coast Development Corporation Land Sales

176. Please provide a list of all former rail corridor land sales including DP/Lot Number, total sales price and the purchaser's name.

177. Please provide a list of all land sales since 2011 by HCCDC including DP/Lot Number, total sales price, date of sale and the purchaser's name.

ANSWER:

176. I am advised this information is commercial-in-confidence.

177. I am advised this information is commercial-in-confidence.

Newcastle Station

178. How much has HCCDC spent activating the Newcastle Station Precinct since it open?

(a) Please provide a monthly breakdown.

179. How much has HCCDC provided to event managers to activate the Newcastle Station Precinct since it open?

(a) Please provide a monthly breakdown.

ANSWER:

178. I am advised that HCCDC has activated The Station platform with a kids scooter track (\$11,450) and community urban farm (\$10,990). Since HCCDC took over the activation in March 2019, it has spent \$7,500 per month to identify and book events and liaise with event managers.

179. I am advised that HCCDC requires hire fees from event managers to book and host their events at The Station. HCCDC does not engage or pay for event managers to activate The Station.

HIIF for Newcastle Basketball at Broadmeadow

180. Considering Newcastle Basketball is relocating to Lake Macquarie, what will the \$5 million allocated to the Basketball Association of Newcastle towards the Multi-Purpose Complex in Broadmeadow be spent on?

ANSWER:

180. I am advised this is a matter for Venues NSW and this matter should be referred to the Minister for Sport.

Newcastle Mines Grouting Fund

181. How much in total has the NSW government allocated to mine subsidence grouting in the Newcastle LGA since 2014?

182. What expenditure has there been by the NSW government on mine subsidence grouting in the Newcastle LGA in 2014/15, 2015/16, 2016/17, 2018/2019 financial years and in the current financial year to date?

183. What are the projects and locations that have received government expenditure on mine subsidence grouting in the Newcastle LGA during 2014/15, 2015/16, 2016/17, 2018/2019 and in the current financial year to date?

184. How much government expenditure has there been on each of the projects and locations that have received mine subsidence grouting in the Newcastle LGA during 2014/15, 2015/16, 2016/17, 2018/2019 and in the current financial year to date?

185. Please provide breakdown of all projects that have been funded through the Newcastle Mines Grouting Fund, including the total amount received from the fund, applicants name, project name and address of the project.

ANSWER:

181. I am advised that \$17 million has been allocated since 2014 for mine subsidence grouting.

182. I am advised:

2014-15	Nil
2015-16	Nil
2016-17	\$298,906
2017-18	\$845,000
2018-19	\$53,568

183. I am advised:

2014-15	Nil
2015-16	Nil
2016-17	Nil
2017-18	116 Parry Street Newcastle; 122-124 Parry Street Newcastle
2018-19	Nil

184. I am advised:

2014-15	Nil
2015-16	Nil
2016-17	Nil
2017-18	116 Parry Street (\$544,000), 122-124 Parry Street (\$301,000)
2018-19	Nil

185. I am advised:

Applicants Name	Address of the Project	Total Amount (GST excl)
Basebuild Pty Ltd	116 Parry St, Newcastle West	\$543,687.28
Parry St Developments	122-124 Parry St, Newcastle West	\$301,312.27

WestConnex

186. In relation to the condition which you placed on Westconnex for two dedicated lanes of public transport during your first term as Planning Minister, when does that condition have to be complied with?

187. Are you considered waiving, removing or substituting that condition? If yes, please provide details.

ANSWER:

186. I am advised the planning approval requires Transport for NSW (TfNSW) (RMS) to provide public transport lanes along Parramatta Road in each direction from Burwood to Haberfield in consultation with TfNSW, or to seek approval from the Department of Planning, Industry and Environment for a suitable alternative.

The condition permits an alternative solution that is equivalent or superior.

There is no time frame for the public transport solution, as the predicted reduction in traffic for this section of Parramatta Road is anticipated after all stages of WestConnex are open.

187. I am advised that any modification to the condition would need to be requested by Transport for NSW. The Department of Planning, Industry and Environment has not received any such modification request.

Future Development in Canterbury

188. What are the development plans being proposed for the Canterbury electorate?
- (a) Do these plans include spot rezoning for high rise apartments?
189. The government has launched a review of planning controls along Canterbury road. Can the government provide an exact date on when the review will be completed?
- (a) Has the government worked with Council on this review?
190. What is the timeline for developments in Canterbury road?
191. What planning is being done with the Department of education for additional places in schools? Are there plans for new schools to be constructed?
192. What coordination has been done with the Department of Transport for additional transport services such as busses, and other transport options?
193. Are there plans for commuter car parks?
194. What planning is being done with the Department of Health with respects to how plan on how Canterbury hospital can accommodate for an increase in the local residential population?
195. Is the government working with local council on planning? What timeline has the government provided council in regards to design and implementation?
- (a) What has the community raised as concerns?
196. What is the current limit of rooms per boarding house?
- (a) Has the government consulted Council on this cap? Has the government consulted with the community on this cap?
197. What systems does the government have in place to ensure that rent is affordable for residents in boarding houses?

198. As part of the Governments proposed Sydenham to Bankstown Urban Renewal Corridor, the Government plans to add new developments that will be built on the proposed conversion of the heavy rail to a metro. What discussions has the Department of Planning had with the Department of Transport?
199. Canterbury, Campsie, and Belmore have been identified in this strategy as planned precincts. Has master planning for these precincts begun? The community resoundingly dismissed the Governments proposed priority precincts. Is this Urban Renewal Corridor proposal another way for the Government to increase development in our community?
- (a) The Government website states that master planning will include more detailed studies and community consultation. Will this involve cooperation and input from Council?
 - (b) The Government website concedes that the master planning will result in rezoning of these precincts. Will this include spot rezoning? What type of zoning?
 - (c) Will these precincts planned the council or by the Government?
200. What is the proposed number of dwellings for Canterbury, Campsie, and Belmore?
201. Does the Government understand that there has been significant increase in residential dwellings over the last five years without adequate health, education, transport, or social infrastructure? Will the government continue this overdevelopment without adequate and essential infrastructure?

ANSWER:

188. I am advised there are four (4) active planning proposals in the Canterbury electorate. One of these planning proposals in the Canterbury electorate is to rezone land to R4 High Density Residential.

Canterbury-Bankstown Council is finalising the Canterbury Road Review and preparing both a Local Strategic Planning Statement and Local Housing Strategy which will inform future development.

189. I am advised that an inter-agency steering committee involving the Department of Planning, Industry and Environment, Canterbury-Bankstown Council (Council), Roads and Maritime Services and Transport for NSW was established to oversee the preparation of the Canterbury Road Review Study.

The Review Study was adopted in principle by Council on 22 May 2018 subject to further work being undertaken prior to finalisation. The review will inform Council's planning strategy for this area. The Department of Planning, Industry and Environment is not aware of the date for

finalisation of the review as it has now been handed over to Council for finalisation and subsequent delivery.

190. I am advised that Canterbury-Bankstown Council (Council) adopted in principle the Canterbury Road Review on 22 May 2018 subject to further work being undertaken prior to finalisation. The review will inform Council's planning strategy for this area. The timeline for developments is subject to the finalisation of the review and other strategic planning documents including the Council's Local Strategic Planning Statement and Housing Strategies.

The Department of Planning, Industry and Environment will continue to work with Council on a future vision for Canterbury Road as part of Council's strategic work including the Local Strategic Planning Statement and Housing Strategies.

191. I am advised that the Department of Education was consulted during the preparation of the previous draft Sydenham to Bankstown Corridor Strategies, including on potential increases in school places.

All agencies including Department of Education are being invited to comment on Canterbury-Bankstown Council's (Council) Local Strategic Planning Statements which will set out a 20-year vision for land use in the area.

Agencies across Government work together and with Council to plan for the community's infrastructure needs, including transport, education, roads and health.

192. I am advised that Transport for NSW (TfNSW) was consulted during the preparation of the previous draft Sydenham to Bankstown Corridor Strategies, including on potential upgrades to public transport services. TfNSW was also a member of the Project Control Group for the Canterbury Road Review.

All agencies including TfNSW are being invited to comment on Council's Local Strategic Planning Statements (LSPS) which will set out a 20-year vision for land use in the area. The LSPS will assist TfNSW to plan for future transport services to serve areas of proposed growth.

Agencies across Government work together and with Council to plan for the community's infrastructure needs, including transport, education, roads and health.

193. This question should be referred to the Minister for Transport and Roads.

194. I am advised that all agencies including NSW Health are being invited to comment on Canterbury-Bankstown Council's (Council) Local Strategic Planning Statements which will set out a 20-year vision for land use in the area.

Agencies across Government work together and with Council to plan for the community's infrastructure needs, including transport, education, roads and health.

195. I am advised the NSW Government has provided \$2.5m funding to Canterbury-Bankstown Council to undertake review of its LEP to give effect to the South District Plan.

The \$2.5m funding from the Department of Planning, Industry and Environment also assists Canterbury-Bankstown Council to deliver its Local Strategic Planning Statement (LSPS) which will guide future planning proposals and planning controls for their area. The final LSPS must be made by 31 March 2020.

Public exhibition of the draft LSPS 'Connective City 2036' for Canterbury-Bankstown commenced on Wednesday, 25 September 2019 and will be open for comment until Friday, 15 November 2019. Community feedback will be gathered as part of the consultation process.

196. I am advised that boarding house developments are restricted to a maximum of 12 boarding rooms in the R2 Low Density Residential Zone. There are no restrictions in other zones where boarding houses are permissible. An explanation of intended effect that led to restrictions on the number of boarding house rooms in Low Density zones was exhibited between 28 November 2018 and 19 December 2018. A large number of submissions were received from councils, the community and industry.

197. Boarding house rooms generally have lower rents than similar dwellings principally due to their smaller size and shared facilities.

198. I am advised that the Department of Planning, Industry and Environment (the Department) worked with Transport for NSW (TfNSW) during the preparation of the draft Sydenham to Bankstown Corridor Strategies. TfNSW advised on the required infrastructure upgrades and study scopes for transport related studies. The Department continues to engage TfNSW on planning proposals in the area.

199. I am advised that detailed master planning for the Canterbury, Campsie and Belmore precincts has not commenced.

The NSW Government has provided \$2.5m funding to Canterbury-Bankstown Council (Council) to undertake review of its LEP to give effect to the relevant District Plan.

(a) I am advised in July 2018, the former Planning Minister wrote to both Inner West and Canterbury Bankstown Councils to propose a new collaborative approach to planning of the Sydenham to Bankstown Corridor. Both Councils have agreed to the approach and the Department of Planning, Industry and Environment (The Department) continues to work with

teams on the principles for the corridors. The Department will support Council to undertake detailed planning for precincts within the corridor.

(b) I am advised Council is currently developing a Local Strategic Planning Statement for the LGA in conjunction with a Local Housing Strategy and other technical studies. The LSPS will identify opportunities for growth and inform amendments to the LEP.

(c) Please refer to the answer of Supplementary Question 199 (a).

200. I am advised that Council is developing a Local Strategic Planning Statement (LSPS) for the area in conjunction with a Local Housing Strategy and other supporting technical studies. The LSPS will identify opportunities for housing growth in appropriate areas. The Department of Planning, Industry and Environment will continue to support Council to develop their LSPS and Housing Strategies.

201. I am advised the Department of Planning, Industry and Environment will continue to work with relevant State agencies to ensure infrastructure will be funded and delivered to support and align with growth.

Ministerial Travel/Meal Allowance

202. How many nights travel were claimed by the Minister during the 2018-19 period?

203. How many nights travel were claimed by the Minister's spouse during the 2018-19 period?

204. What was the total amount of travel allowances claimed by the Minister and their spouse (if applicable) during 2018-19?

205. What is the total amount of meal allowances claimed by the Minister and their spouse (if applicable) during 2018-19?

ANSWER:

202-205. I am advised that in 2018-19, total expenditure by the Ministry on domestic travel was \$1,093,735.

Efficiency dividends

206. What was the forecast efficiency dividend saving for each department, statutory agency and/or other body within your portfolio in 2018-19?

207. What is the forecast efficiency dividend saving for each department, statutory agency and/or other body within your portfolio in

- (a) 2019-20?
- (b) 2020-21?
- (c) 2021-22?

208. What was the total efficiency dividend that was achieved for each department, statutory agency and/or other body within your portfolio between 2011-12 and 2018-19 inclusively?

ANSWER:

206-208. I am advised that savings from the NSW Government's efficiency dividend are outlined in the Budget Papers.

Ministerial Office Administration

209. How many staff are in your ministerial office?

- (a) What was the average salary for staff members in your office during 2018-19?
- (b) What is the estimated average salary for a ministerial staffer in your office in 2019-20 based on current appointments?

210. How many iPhone/smart phones are assigned to your staff?

- (a) For each phone, how much was each bill in 2018-19?
- (b) How many phones have been lost or replaced due to damage in your office?
- (c) What is the cost of replacing those phones?

211. How many iPads or tablets has DPC assigned to your Ministerial office and to whom have they been issued?

- (a) What was the cost of providing iPads or tablets to your Ministerial Office in 2018-19?
- (b) How many iPads or tablets have been replaced due to lost or damage in 2018-19?
- (c) What was the cost of replacing these devices?

212. Has any artwork been purchased or leased for display in your ministerial office in 2018-19?

- (a) What is the cost of this?

213. Have any floral displays or indoor plants or pot plants been hired or leased for display in your ministerial office in 2018-19?
- (a) If so, what was the cost of these items?
214. Have any floral displays or indoor plants or pot plants been purchased for display in your ministerial office in 2018-19?
- (a) If so, what was the cost of these items?
215. What was the total cost of all subscriptions by you and your staff to news services, newspapers, magazines, journals and periodicals (including online services) in 2018-19?
- (a) What are these services/newspapers/magazines/journals/periodicals?
- (b) Who is the subscriber for each of these?
216. What was the total value of all gifts purchased for use by you and your office in 2018-19?
- (a) What were the gifts purchased?
- (b) Who were they gifted to?
217. Do you purchase bottled water or provide water coolers for your office?
- (a) What is the monthly cost of this?
218. How much did your ministerial office spend on hospitality, including catering and beverages, in 2018-19?
219. What non-standard features are fitted to your ministerial vehicle?
- (a) What is the cost of each non-standard feature?
220. What was the total bill for your office in 2018-19 for:
- (a) Taxi hire
- (b) Limousine hire
- (c) Private hire care
- (d) Hire car rental
- (e) Ridesharing services?
221. Were any planes or helicopters chartered by you or your office and paid for with public money in 2018-19?
- (a) If yes, will you please detail each trip, the method of transport and the cost?

222. Have you had media training or speech training?
- (a) If yes, who paid for it?
 - (b) If paid by taxpayers, what was the amount paid in 2018-19?

ANSWER:

209. I am advised that Ministers' Office staff numbers and salary bands are available on the DPC website. Refer to: <https://www.dpc.nsw.gov.au/publications/premiers-and-ministers-staff-numbers/>
210. I am advised there were 261 smartphones and other mobile devices allocated across the Ministers' IT Network in 2018-2019. The total usage cost of these smart phones and other mobile devices (including iPads) was \$334,630, compared to 2009-10 expenditure of \$434,854 under Labor. There were 6 devices lost/stolen across the Ministerial Offices during 2018-2019. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Corporate and Ministerial Services.
211. I am advised there were 111 iPads allocated across the Ministers' IT Network in 2018-2019. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Corporate and Ministerial Services.
212. I am advised that artwork in Ministers' Offices includes art donated at no cost.
213. I am advised that floral arrangements purchased by the Ministry are managed within Ministerial office budgets.
214. Please refer to the answer of question of Supplementary Question 213.
215. I am advised that Ministers' offices subscribe to a modest number of publications, which are managed within Ministerial office budgets.
216. I am advised that gifts are presented to dignitaries during overseas missions and to dignitaries visiting NSW in accordance with established protocol.
217. I am advised the Ministry spent \$466 on filtered water for their offices in 2018-19.
218. I am advised that expenditure on hospitality across the Ministry totalled \$27,782 in 2018-19, which includes catering for stakeholder meetings and courtesy calls with visiting dignitaries.
219. I am advised that Ministers, the Leader of the Opposition, other nominated public office holders and certain former office holders are provided with official cars and drivers. During 2018-19, all costs associated with these vehicles were paid from the relevant Ministerial office budget.

220. I am advised that expenditure on taxis, hire cars and ride share services in 2018-19 across the Ministry was \$119,179, compared to 2009-10 expenditure of \$175,776 under Labor.

221. I am advised that expenditure on charter flights for the Ministry totalled \$83,845 in 2018-19, compared to 2009-10 expenditure of \$281,567 under Labor.

222. No.

Agile Workspaces/Activity Based Working/Hot-desking

223. Have any of your departments, statutory agencies and/or other bodies adopted agile working environment/activity based working practices e.g. hot-desking?

(a) If not, are there plans to introduce activity based working practices in 2019-20?

224. How much have your departments, statutory agencies and/or other bodies spent in the roll-out of the agile working environment including laptops, furniture, lockers and other equipment in 2018-19?

ANSWER:

223-224. I am advised that accommodation planning for a number of the Planning, Industry and Environment Cluster agencies is undertaken in accordance with the Government's accommodation strategy and design guidelines. Agile working environments are being rolled out as appropriate.

Hospitality

225. For each department, statutory agency and/or other body in the Minister's portfolio please report:

(a) How much was spent on hospitality, including catering and beverages, in 2018-19?

(b) Whether the department, statutory agency and/or other body has coffee machines? And if so:

i. How many?

ii. What was their purchase cost?

iii. What is their maintenance cost?

iv. Who has access to them?

- v. Which staff have access to the machines?

ANSWER:

225. I am advised that expenditure on hospitality is limited to official work related purposes with any related staff benefits subject to Fringe Benefits Tax provisions.

The provision and acceptance of gifts, benefits and hospitality is subject to specific policies and agency Codes of Conduct and is strictly monitored.

Labour Hire Firms

226. Do any departments, statutory agency and/or other bodies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form for 2018-19:

- (a) The names of the firms utilised
- (b) The total amount paid to each firm engaged
- (c) The average tenure period for an employee provided by a labour hire company
- (d) The longest tenure for an employee provided by a labour hire company
- (e) The duties conducted by employees engaged through a labour hire company
- (f) The office locations of employees engaged through a labour hire company
- (g) The highest hourly or daily rate paid to an employee provided by a labour hire company
- (h) Who authorised the use of labour hire companies?
- (i) Do staff under these labour hire arrangements receive as much training and security clearance as permanent staff?

ANSWER:

226. I am advised that the Planning, Industry and Environment Cluster uses Labour Hire firms, in accordance with NSW Public Service policies to cover temporary vacancies as required.

Stationery

227. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) What was the cost of stationery for the following financial years:

- i. 2015-16
 - ii. 2016-17
 - iii. 2017-18
 - iv. 2018-2019
 - v. 2019-present
- (b) What brand of paper is used?
- i. Is this paper Australian made?

ANSWER:

227. I am advised that stationery purchases by Planning, Industry and Environment Cluster agencies are made in accordance with applicable policies and procedures on procurement.

Credit Cards

228. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) How many credit cards are currently on issue for staff?
 - i. Please provide a break-down of this information by grade.
- (b) What was the value of the largest reported purchase on a credit card for the following financial years:
 - i. 2015-16
 - ii. 2016-17
 - iii. 2017-18
 - iv. 2018-2019
 - v. 2019-present
- (c) What was each largest reported purchase for?
- (d) How much interest was paid on amounts outstanding from credit cards for the following financial years:
 - i. 2015-16

- ii. 2016-17
 - iii. 2017-18
 - iv. 2018-2019
 - v. 2019-present
- (e) How much was paid in late fees on amounts outstanding from credit cards for the following financial years
- i. 2015-16
 - ii. 2016-17
 - iii. 2017-18
 - iv. 2018-2019
 - v. 2019-present
- (f) What was the largest amount outstanding on a single card at the end of a payment period and what was the card holder's employment grade?
- (g) How many credit cards have been reported lost or stolen?
- i. What was the cost to replace them?
- (h) How many credit card purchases were deemed to be illegitimate or contrary to agency policy?
- i. What was the total value of those purchases?
 - ii. How many purchases were asked to be repaid on the basis that they were illegitimate or contrary to agency policy and what was the total value thereof?
 - iii. Were all those amounts actually repaid?
 - iv. If no, how many were not repaid, and what was the total value thereof?
- (i) What was the largest purchase that was deemed illegitimate or contrary to agency policy and asked to be repaid, and what was the cardholder's employment grade?
- i. What that amount actually repaid, in full?
 - ii. What amount was left unpaid?
- (j) Are any credit cards currently on issue connected to rewards schemes?
- i. Do staff receive any personal benefit as a result of those reward schemes?

(k) Can a copy of the staff credit card policy please be provided?

ANSWER:

228. I am advised the NSW Government has implemented a PCard program to realise a number of benefits including savings from the use of cards over traditional high cost procure-to-pay processes and the enhanced capability to track and monitor expenditure.

Cards are issued to staff according to business need and are managed in accordance with Treasury Policy TPP 17-09 *Use and Management of NSW Government Purchasing Cards*.

Staff are prohibited from using official PCards for personal and other unofficial purposes and cards are not connected to reward schemes or any other program that would provide a personal benefit to the cardholder.

I am advised one corporate card is held at Landcom.

All NSW Government card balances are paid within bank payment terms and therefore no late fees or interest charges are incurred.

Media and Public Relations

229. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) How many media/communications/public relations advisers are employed?
 - i. What is the total salary cost for media/communications/public relations advisers in 2018-19?
- (b) What is the forecast for the current financial year for the number of media/communications/public relations advisers to be employed and their total cost?
- (c) What is the total cost of media monitoring services?
 - i. Please provide a breakdown by department, statutory agency and/or other body.
- (d) Are any media or public relations advisers currently engaged as contractors?
 - i. Who are these contracts with?
 - ii. What is the value of these contracts?
- (e) How much was spent on media or public relations advisors in financial year:
 - i. 2015-16

- ii. 2016-17
- iii. 2017-18
- iv. 2018-2019
- v. 2019-present?

ANSWER:

229. I am advised:

(a) & (b) Department of Planning, Industry and Environment (the Department) and agency staff numbers are included in the respective annual reports. The Department staff numbers undertaking media or public relations activities are commensurate with need and can go down or up as required.

(c)-(e) The Financial Statements, including legal, consulting and any other general costs from third party service providers, are available in agency annual reports. These are available in accordance with NSW Government Procurement Policy.

Facebook

230. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2018-19?

231. How much did your department, statutory agency and/or other body in the Minister's portfolio spend on Facebook advertising or sponsored posts in 2018-19?

ANSWER:

230. I am advised that no taxpayer money has been spent on Facebook advertising or sponsored posts.

231. I am advised where appropriate, social media is used by agencies alongside other forms of advertising as a cost effective medium of communication.

Overseas Trips

232. Were any of your overseas trips in the last financial year paid for in part or in full by using public money?

- (a) If so, did any of your relatives or friends accompany you on these trips?
- (b) Have you undertaken any official overseas travel that was privately funded?
- (c) If so, what was the nature of these trips?

- (d) Who paid for these trips?

ANSWER:

232. I am advised that details of overseas travel including costs are published on agency websites.

Department/Agency Travel

233. What was the total expenditure in 2018-19 by departments, statutory agencies and/or other bodies within your portfolio on:

- (a) Taxi hire
- (b) Limousine
- (c) Private car hire
- (d) Hire car rental
- (e) Ridesharing services
- (f) Chartered flights?

ANSWER:

233. I am advised that agency travel was conducted in accordance with relevant NSW Government policies and guidelines including Treasury Circular TC18-15 and ATO determinations.

Drivers

234. Are any of the senior executives in the relevant department, statutory agency and/or other body provided drivers?

- (a) If so, can you please specify which positions are provided drivers?
- (b) In total, how many drivers are used by senior executives in the department, statutory agency and/or other body?
- (c) What is the total cost of drivers for senior executives in the department, statutory agency and/or other body?

ANSWER:

234. I am advised that no senior executives in the Department of Planning, Industry and Environment are provided drivers.

Consulting

235. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) How much was spent in legal costs in 2018-19?
 - i. For what specific purposes or matters was legal advice sought?
- (b) Have departments, statutory agencies and/or other bodies under your portfolio engaged any consultants to provide the following services or advice in 2018-19:
 - i. Social media
 - ii. Photography
 - iii. Acting training
 - iv. Ergonomics
- (c) What was the cost of these services?
 - i. Social media
 - ii. Photography
 - iii. Acting training
 - iv. Ergonomics

ANSWER:

235. I am advised that the Financial Statements, including legal, consulting and any other general costs from third party service providers, are available in agency annual reports.

Web Content

236. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) What were the top 20 most utilised (by data sent and received) unique domain names accessed this year?
- (b) What were the top 20 most accessed (by number of times accessed) unique domain names accessed this year?

ANSWER:

236. I am advised:

- (a) Data sent and received is not tracked as a website metric as this does not provide customer benefit.
- (b) Nationalparks.nsw.gov.au
Planningportal.nsw.gov.au
Environment.nsw.gov.au
Planning.nsw.gov.au
Dpi.nsw.gov.au
Epa.nsw.gov.au
Industry.nsw.gov.au
Rbgsyd.nsw.gov.au
Foodauthority.nsw.gov.au
Darlingharbour.com
Sydneyolympicpark.com.au
Energysaver.nsw.gov.au
Therocks.com
Olg.nsw.gov.au
Petregistry.nsw.gov.au
Liquorandgaming.nsw.gov.au
Centennialparklands.com.au
Forestrycorporation.com.au
Acquaticcentre.com.au
Wildaboutwhales.com.au

Note:

- Data is reported as Total Sessions from 1 September 2018 to 31 August 2019
- As DPIE is a new cluster, data has been retrieved from several agencies/departments.
- Data tagging and reporting standards vary and has not been normalized across the cluster. This may impact the overall data quality.
- Some Agencies are in the process of transitioning in and out of the DPIE infrastructure. This may impact full data sets.
- DPIE does not currently have data for the following websites: asset.gov.com.au, basix.nsw.gov.au, ipcn.nsw.gov.au, mhl.nsw.gov.au, zoo.nsw.gov.au, landcare.nsw.gov.au, landcom.nsw.gov.au, landmanagement.nsw.gov.au, leadsmart.nsw.gov.au, lhib.nsw.gov.au, mpgp.nsw.gov.au, nrc.nsw.gov.au, nvp.nsw.gov.au, peopleandplaces.nsw.gov.au. This may impact the rankings.

Department/Agency Staffing

237. How many redundancies were processed by departments, statutory agencies and/or other bodies within your portfolio responsibilities during 2018-19?

- (a) Of these redundancies, how many were:
- i. Voluntary?
 - ii. Involuntary?

238. What was the total cost of all redundancies?
239. Have any staff who received a redundancy in the last two years undertaken any paid work or provided any paid services for the department, statutory agency and/or other body with which they were formerly employed?
- (a) What was the nature of these works/services?
 - (b) What was the total cost of these works or services?
240. Are any staff formerly employed by your ministerial office now employed by departments, statutory agencies and/or other bodies under your portfolio responsibility?
241. How many staff were dismissed from departments, statutory agencies and/or other bodies under your portfolio responsibilities in 2018-19?
- (a) What were the reason/s for each dismissal?
242. How much was spent advertising for recruitment for the following financial years:
- (a) 2015-16
 - (b) 2016-17
 - (c) 2017-18
 - (d) 2018-2019
 - (e) 2019-present?

ANSWER:

237-241. I am advised that voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures can be found in the Department of Planning, Industry and Environment's Annual Report. The Labour Expense Cap introduced in the 2012-13 Budget also continues to give Secretaries as much flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies. Frontline staff such as nurses, police officers, school teachers and regional employees have been quarantined from this measure.

242. I am advised that the Financial Statements, including advertising, are available in agency annual reports.

Smart Phone

243. How many mobile phones are given to staff or board members?
- (a) How many new mobile phones were purchased in the last year?
244. What is the total cost of these phones for the following financial years:
- (a) 2015-16
 - (b) 2016-17
 - (c) 2017-18
 - (d) 2018-2019
 - (e) 2019-present?
245. How many had to be replaced due to damage?
246. How many were reported as lost?
247. How many tablets are given to staff or board members?
- (a) How many new tablets in the last year?
248. What is the total cost of these tablets for the following financial years?
- (a) 2015-16
 - (b) 2016-17
 - (c) 2017-18
 - (d) 2018-2019?
249. How many phones and tablets had to be replaced due to damage?
250. How many were reported as lost?
251. How many people have both a smart phone and a tablet?
- (a) What is the lowest ranked official who has both a work smart phone and tablet?
252. How many staff or board members overspent on their phone or tablet data bill?
- (a) By how much?
 - (b) What was the average cost of data bills for tablets and mobile phones?
 - (c) What was the highest monthly cost?
253. Do the departments, statutory agencies and/or other bodies within your portfolio have an iTunes account?

(a) What was the total expenditure in 2018-19 on iTunes?

(b) What applications/subscriptions/services were purchased through iTunes?

254. Do the departments, statutory agencies and/or other bodies within your portfolio have a Google Play Store account?

(a) What was the total expenditure in 2018-19 on through the Google Play Store?

(b) What applications/subscriptions/services were purchased through the Google Play Store?

ANSWER:

243-254. I am advised that IT costs are managed within each agency's budget and in accordance with NSW Government's ICT and procurement policies and frameworks.

Merchant fees

255. Please provide a list of all transactions where customers need to pay a merchant fee on credit and/or debit card payments to a department, statutory agency and/or other body within your portfolio.

256. Please provide the percentage and/or amount of the merchant fees applied to all credit and/or debit card payments/transactions to a department, statutory agency and/or other body within your portfolio.

257. What was the total amount paid in merchant fees on credit and/or debit card payments to departments, statutory agencies and/or other bodies within your portfolio in 2018-19?

ANSWER:

255-257. I am advised that all NSW Government agencies are required to impose surcharges to recoup their merchant interchange fees, pursuant to Treasury Circular TC12/13.

The Department staff only use their Pcards for purchase of goods and services for official business purposes. If particular vendors elect to impose a merchant fee on card transactions, that is an unavoidable cost of doing business. It would not be possible to determine fees charges to Departmental cards, as these would either be embedded in the individual transaction cost, or if separately disclosed would require each monthly card statement for each user to be reviewed.

Advertising and Sponsorships

258. For each department, statutory agency and/or other body in the Minister's portfolio please report:

(a) How much was spent on advertising in the following financial years:

i. 2015-16

ii. 2016-17

iii. 2017-18

iv. 2018-2019?

259. Has your department, statutory agency and/or other body within your portfolio engaged in any corporate sponsorships?

(a) Who were these sponsorships with?

(b) What was the purpose of these sponsorships?

(c) What was the value of these sponsorships, by case and year?

(d) What was the value of these sponsorships in the following financial years:

i. 2015-16

ii. 2016-17

iii. 2017-18

iv. 2018-19?

ANSWER:

258-259. I am advised that the Financial Statements, including advertising and sponsorship, are available in agency annual reports. The NSW Government may use advertising to inform the public of their rights, obligations and entitlements as well as to explain government policies, programs, services and initiatives. Government advertising is conducted within guidelines outlined in the NSW Government Advertising Handbook. Any sponsorship arrangements are conducted within ICAC principles.

Probity Auditor

260. Has your office or department, statutory agency and/or other body within your portfolio used a Probity Auditor or Probity Advisors, or similar, in the past five years? If so please list the

company and/or individual, the project, the engagement dates, and their total remuneration in tabular format.

ANSWER:

260. I am advised that in accordance with the NSW Procurement Board's Direction (PBD-2013-05), the Department of Planning, Industry and Environment (the Department) and a number of agencies have internal mechanisms in place to ensure that probity considerations are routinely taken into account in procurement decisions, and the use of external probity advisers and auditors is the exception rather than the rule. The Department's Annual Report includes all consultancies including those involving probity advisers valued more than \$50,000.

Energy

261. For each department, statutory agency and/or other body within your portfolio by name, how much electricity did it consume for each of:

- (a) 2014-15?
- (b) 2015-16?
- (c) 2016-17?
- (d) 2017-18?
- (e) 2018/19?

262. What proportion of the electricity consumed by each department, statutory agency and/or other body within your portfolio by name for those years came from renewable sources? Please name each source of energy (coal, solar, wind, etc.) and the proportion of the total electricity used.

263. How much money was spent on electricity for each department, statutory agency and/or other body within your portfolio by name in each of the above financial years?

264. What was the name of the energy supplier to each department, statutory agency and/or other body within your portfolio by name for those financial years?

265. How much electricity is it estimated that each department, statutory agency and/or other body within your portfolio will consume in:

- (a) 2019-20?
- (b) 2020-21?

(c) 2021-22?

266. What proportion of that electricity is it estimated will come from renewable sources, for each year?

267. For each department, statutory agency and/or other body within your portfolio by name, please provide the estimated proportion of energy to be used from each kind of energy (coal, gas, solar, wind etc.)?

268. What is the name of the energy supplier to each department, statutory agency and/or other body within your portfolio for each of:

(a) 2019-20?

(b) 2020-21?

(c) 2021-22?

ANSWER:

261-268. I am advised that energy purchases by Planning, Industry and Environment Cluster agencies are made in accordance with the applicable policies and procedures on procurement under whole of government Contracts 776 (small sites under 100,000 kwh per annum) and 777.

Under these contracts the following suppliers are mandated:

- 776 – Origin Energy Electricity Limited
- 777 – ERM Power Retail Pty Ltd

The NSW Government Resource Efficiency Policy was introduced in 2014 to reduce the NSW Government’s operating costs and lead by example in increasing the efficiency of the resources it uses.

NSW Government agencies are required to report on energy use under the Government Resource Efficiency Policy. The Department of Planning, Industry and Environment publishes progress reports on compliance with the policy.

General Costs

269. For each department, statutory agency and/or other body in the Minister’s portfolio please report:

(a) Any gardening services used for indoor or outdoor pot plants/flowers maintenance?

- i. Who are the contracts with?
- ii. How much does each contract cost?
- iii. How often do they visit?
- iv. How much was spent on this service in financial year:
 - 2015-16
 - 2016-17
 - 2017-18
 - 2018-19?

(b) Any floral displays or indoor plants or pot plants hired or leased for display in any offices?

- i. Who were the contracts with?
- ii. How much was each contract cost?
- iii. How much was spent on this service in financial year:
 - 2015-16
 - 2016-17
 - 2017-18
 - 2018-19?

ANSWER:

269. I am advised the Financial Statements, including expenditure on General Costs, are available in an agency's annual report. Plant and related purchases by the Planning, Industry and Environment Cluster agencies are made in accordance with applicable policies and procedures on procurement.

Domestic Violence Leave Policies, Awareness and Usage

270. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) A copy of the entity's policy or web link to the entity's domestic violence leave policy;
- (b) Date of introduction of domestic violence leave into enterprise agreements/contracts of employment, awards as applicable;

- (c) Whether or not all employees and/or contractors are eligible for domestic violence leave;
- (d) Number of days of domestic violence leave that have been taken in each financial year since the introduction of such leave;
- (e) Number of days available for eligible staff to access domestic violence leave in each financial year;
- (f) Number of other personal days of leave that have been taken in each financial year since the introduction of domestic violence leave;
- (g) Number of sick days available for eligible staff to access domestic violence leave in each financial year;
- (h) Whether or not all staff and/or contractors have access to Employee Assistance Programs?
- (i) What training has been undertaken with management and administration for those involved in approving and/or processing domestic violence leave on issues such as?
 - i. Privacy and confidentiality of information about domestic violence
 - ii. Access to emotional, psychological, financial and medical support which may be required

271. Who has provided training on domestic violence in the workplace?

272. What percentage of staff in each agency has undertaken domestic violence training?

273. What efforts have been made to ensure that perpetrators (or their accomplices) within the staffing profile are not able to access personal information of victims in order to identify their location, or other information which may assist in committing domestic violence against them, including changing or accessing records in such a way as to disadvantage them financially or legally?

ANSWER:

270. I am advised:

(a) Section 6.18 of the Public Service Industrial Relations Guide provides guidance to staff and management on appropriate strategies for supporting a staff member experiencing domestic violence. This guidance further references Section 84A of the Award (leave for matters arising from domestic violence) and Treasury Circular 19-08 Domestic and Family Violence Workplace Support Policy – Guiding Principles for Agencies.

- (b)** 2009 and amended in 2012 with a new clause - Section 84A and Clause 54 of the Landcom Award.
- (c)** All staff members employed under the Award in a cluster agency are entitled to be absent from the workplace due to an incident of domestic violence if required. Similar clauses apply to agencies covered by their own negotiated agreements.
- (d)** From 1 January 2019, a separate leave type of Domestic and Family Violence Leave was made available as separate leave type. In 2018-19, there were no reported leave days of this type.
- (e)-(g)** In accordance with the Award, NSW Government Sector employees are entitled to ten days paid domestic and family violence leave per calendar year. This leave is non-cumulative and can be taken in part-days, single days or consecutive days. Staff may also utilise all available Family and Community Service Leave, Sick Leave and Carer's Leave to assist with managing domestic violence circumstances. If this leave is unavailable, special leave may be granted up to five days per calendar year.
- (h)** All staff, their families and contractors have access to the Employee Assistance Program.
- (i)** The Department of Planning, Industry and Environment is currently considering a variety of options with regard to supporting people affected by or managing people affected by domestic violence. An e-learning module is available to staff. Landcom has provided an online course to all staff to build awareness of and identifying signs of domestic violence and how to provide support.
- 271.** I am advised that the Department of Planning, Industry and Environment is currently considering a variety of options with regard to supporting people affected by or managing people affected by domestic violence. An e-learning module is available to staff. Landcom has provided an online course to all staff to build awareness of and identifying signs of domestic violence and how to provide support.
- 272.** I am advised that an e-learning module is made available at the Department of Planning, Industry and Environment and a number of agencies. However, the system does not hold nor provide data or statistics on attendance.
- 273.** I am advised that the Department of Planning, Industry and Environment complies with the highest levels of document and privacy management consistent with the *Privacy and Personal Information Act 1998* (NSW).
-

Sexual harassment and Anti-bullying training and awareness programs

274. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) Date of introduction of sexual harassment and anti-bullying training and awareness programs and a copy of such documentation.
 - i. Whether or not all employees and/or contractors have received such training?
 - ii. Is this course mandatory for all employees/ contractors?
 - iii. How long for each session, how many sessions?
 - iv. Who delivers it?
 - v. Is the program tailored to take into consideration specific needs of LGBTQIA, ATSI and CALD or other at risk groups?
 - How?
- (b) What percentage of staff in each department, statutory agency and/or other body within your portfolio have undertaken sexual harassment and anti-bullying training and awareness programs?
- (c) How many complaints have been initiated in relation to:
 - i. Sexual harassment
 - ii. Bullying
 - iii. Workplace violence

ANSWER:

275. I am advised:

(a) & (b) The Department of Planning, Industry and Environment and a number of agencies include anti-bullying and harassment training as part of the induction process for new staff. The training is interactive, comprising of videos and knowledge quizzes that must be passed with 100 per cent accuracy and takes 30 minutes to complete.

I am advised that Landcom updated its policies and procedures on 25 June 2018. Training was provided as part of an education campaign that commenced in July 2018 through to March 2019. New employees beyond March 2019 are provided with online education and awareness training. All staff and contingent contract workers receive this training and it is mandatory.

(c) Complaints of this nature are addressed through the Department of Planning, Industry and

Environment and each agency's complaints policy. Not all complaints are raised as a formal complaint and may be addressed informally and directly between the complainant and the individual being complained of.

Landcom has received five (5) complaints relating to bullying.

Participation of women in Government

276. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) What number and percentage of women are employed within the department, statutory agency and/or other body within your portfolio?
- (b) What number and percentage of women are employed within the management levels of the department, statutory agency and/or other body within your portfolio?
- (c) What number and percentage of women are employed in the top ten leadership positions of the department, statutory agency and/or other body within your portfolio?
- (d) What strategies does the department, statutory agency and/or other body within your portfolio use to encourage women in to management and leadership positions?
- (e) What is the gender pay gap within your department, statutory agency and/or other body within your portfolio?
- (f) Does the department, statutory agency and/or other body within your portfolio report participation of women figures to Women NSW on a regular basis?

ANSWER:

275. I am advised:

(a)-(c) This information is available in each agency's Annual Report.

(d) All agencies use gender balance on interview panels as well as offering flexible working arrangements to allow better management of work and home commitments. Agencies continue to promote diversity and inclusion strategies which promote a workplace free from social biases of any kind.

(e) All equivalent positions determined by an objective assessment of their work value are paid the same salary within all agencies. The relevant distribution of women in each classification of

work across the sector is reported by the Public Service Commission (PSC) but is also available in the agency's Annual Report.

(f) The workforce profile data collected by the PSC is made available to Women NSW.

Professional Photography

277. How much has been spent on professional photography for the following financial years:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

ANSWER:

276. I am advised that the Financial Statements, including expenditure on professional photography, are available in agency annual reports.

Unmanned Aerial Services

278. How much has been spent on Unmanned Aerial Services for the following financial years:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

ANSWER:

277. I am advised that the Financial Statements, including expenditure on unmanned aerial services, are available in agency annual reports.

Seconded Staff

279. How many staff from your department, statutory agency and/or other body within your portfolio have been seconded to your Ministerial Office, for the following financial years:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

280. Please provide their names, their substantive work title, and their seconded work title.

ANSWER:

278-279. I am advised that NSW Government sector employees may be seconded from agencies to Ministers' offices in accordance with Clause 35 of the *Government Sector Employment Regulation 2014*.

Consultant Costs

281. For each department, statutory agency and/or other body in the Minister's portfolio please report, the total expenditure on consultants by financial year:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

282. What are names and values of the five most expensive reports produced by consultancies for each department, statutory agency and/or other body in the Minister's portfolio by financial year:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

ANSWER:

280-281. I am advised that the Financial Statements, including expenditure on consultants, are available in agency annual reports.

GIPA Questions to the CEOs/ Department Secretaries

283. Since March 30, how many formal GIPAs have your cluster/ department received?

284. Out of the received formal GIPAs, how many have you determined to:

- (a) Grant full access to the information?
- (b) Grant partial access to the information?
- (c) Not grant access to the information?

285. Out of the GIPA where partial information or no information was granted, how many have decided to appeal?

- (a) Out of those who have decided to appeal, how many have decided to use:
 - i. The agency's internal appeals' mechanism?
 - ii. Review by the Information Commissioner?
 - iii. Review by NCAT?
- (b) How many of those GIPAs have been overturned on appeal?
 - i. Internal appeals' mechanism?
 - ii. Review of the Information Commissioner?
 - iii. Review by NCAT?

286. GIPAs that have been granted full or partial access, how many appear on the agency's disclosure log?

- (a) What is the rationale for not putting GIPAs on the agency's disclosure log (excluding GIPAs asking for personal information)?

287. Has any GIPAs that appeared on the agency's disclosure log been taken down?

- (a) For what reason/s?

ANSWER:

282. I am advised:

Note: The current Department of Planning, Industry and Environment (DPIE) did not exist until 1 July 2019. Prior to this, the primary agencies which now make up DPIE were:

- The Department of Planning and Environment (DPE)
- The Office of Environment and Heritage (OEH)
- The Department of Industry (DOI)
- The Office of Local Government (OLG).

Some other business units which now make up DPIE were part of other clusters prior to 1 July, and some parts of the previous agencies no longer form part of DPIE. For example:

- Heritage is now part of the Department of Premier and Cabinet
- The State Archives and Records Authority is now part of Premier and Cabinet
- Property NSW was previously part of the Department of Finance, Services and Innovation
- The Land and Housing Corporation was previously part of Family and Community Services.

DPIE's response is therefore split into two categories:

1. 30 March to 30 June 2019, and
2. 1 July to 11 September 2019.

The first category will include figures for DPE, OEH, DOI and OLG only, and separately. The second category will provide a single figure for the current DPIE cluster.

Since March 30, how many formal GIPAs have your cluster/department received?

30 March to 30 June 2019	
DPE	40
OEH	23
DOI	43
OLG	2
1 July to 11 September 2019	
DPIE	103

283. I am advised:

a. Grant full access to the information?

30 March to 30 June 2019	
DPE	8
OEH	4
DOI	11
OLG	2
1 July to 11 September 2019	
DPIE	9

b. Grant partial access to the information?

30 March to 30 June 2019	
DPE	17
OEH	7

DOI	13
OLG	0
1 July to 11 September 2019	
DPIE	22

c. Not grant access to the information?

30 March to 30 June 2019	
DPE	3
OEH	2
DOI	1
OLG	0
1 July to 11 September 2019	
DPIE	5

Note: Where there are discrepancies between the number received and the number of outcomes, it will be because of one of the following:

- Transferred to another agency
- Withdrawn by the applicant
- Not yet finalised
- Information not held
- Refuse to deal (see section 60 of the GIPA Act for the reasons an agency can refuse to deal with an application)

284. I am advised there were 15 appeals between 30 March 2019 and 11 September 2019.

Note 1: Whilst there is no formal ‘appeal’ function under GIPA, applicants and third parties consulted during the processing of an application can request a decision be reviewed by the NSW CAT.

Requests for review by third parties are because that party has objected to release but the agency has decided to release despite their objections. A third-party application for review is therefore usually because they want information to be withheld.

The figures are therefore given for reviews requested by the original applicant, as these are more likely in the nature of an ‘appeal’ against access to information being declined.

Note 2: The figures are given as consolidated figures for the full period of 30 March 2019 to 11 September 2019.

(a) Decision to appeal

i. The agency’s internal appeal mechanism	8
ii. Review by the Information Commissioner	5
iii. Review by the NCAT	2

(b) Overturned on appeal.

i. Internal appeals mechanism	4
ii. Review by the Information Commissioner	1
iii. Review by the NCAT	1

Decisions are not 'overturned' by internal review the original decision is varied.

The Information Commissioner cannot vary a decision, only make recommendations to the agency to review a decision.

285. I am advised that the Department of Planning, Industry and Environment (the Department) is in the process of consolidating disclosure logs for the agencies that now form the Department, creating a single disclosure log. The consolidated Department did not exist prior to 1 July 2019, and decisions in relation to applications to the Department will not be posted to the disclosure log until the review period has expired (40 working days after decision). The disclosure logs with decisions of agencies made between 1 April to 30 June 2019, where information maybe of interest to members of the public, are being updated as the review period for those decisions expires.

Websites are currently being updated and decisions made, which are appropriate for the disclosure log, will be posted in due course.

Note: decisions to release information will not be put on the disclosure log while a third party has a right to request review of an agency's decision to release. This would be a minimum of 40 working days from the date of the decision, and longer if review rights are activated.

(a) I am advised the *Government Information (Public Access) Act 2009* does not require all applications to be placed on a disclosure log, only matters which the agency deems is likely to be of interest to other members of the public.

286. I am advised that this has not occurred.