



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

## **BUDGET ESTIMATES 2019-2020 Supplementary Questions**

**Portfolio Committee No. 7 – Planning and Environment**

### **PLANNING AND PUBLIC SPACES**

Hearing: Friday, 13 March 2020

**Answers due by: 5.00 pm Friday 10 April 2020**

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## PLANNING AND PUBLIC SPACES

### Questions from Ms Cate Faehrmann MLC

#### Maules Creek Coal Mine Offsets

1. With reference to the Department's approval of Whitehaven's Maules Creek coal mine offsets for the clearing of the Leard Forest in March 2018 which the Biodiversity Conservation Trust refused to sign off on because of inaccuracies in the mapping, has the Department now found Whitehaven's original mapping to be adequate?
  - (a) If so, how?
2. What was the difference between the Department's view of the quality of the offsets and those of the BCT?
3. Whitehaven coal have repeatedly missed deadlines to secure the offsets and been granted extensions, even now only an unknown portion of the offsets have been secured:
  - (a) Has whitehaven coal been granted extensions on the offsets it has currently failed to secure?
    - i. If so, for what are they and for how long?
  - (b) Will the department take any punitive action in regards to the Maules Creek Coal Mine clearing the leard forest for a period of nearly 7 years on the basis of inadequate offsets?
4. Which Conservation Agreements for biodiversity offsets for Whitehaven Coal's Maules Creek Coal mine have been executed ?
5. Does the department have a policy on the viability of a biodiversity offset for a critically endangered ecological community being mined for coal or in the immediate vicinity or contiguous with open cut coal mining?
6. Is it correct that outstanding obligations on Whitehaven Coal to improve Maules Creek offsets and render them satisfactory have been incorporated into the Management Plans, with a further 12 month extension of time to demonstrate satisfactory progress?
7. Who is responsible for assessing whether progress of the Management Plans is satisfactory?
8. If, 12 months from the signing of the Maules Creek Conservation Agreements, the offsets continue to be unsatisfactory, what options does the Planning Department have to redress the failure?

9. What financial penalties (if any) are available in such a situation where the Conservation Agreement has been approved and registered based on satisfactory outcomes under the Management Plan, and satisfactory outcomes are not achieved?

### **New Koala Sepp**

10. The LLS Act requires that core koala habitat be designated as category 2 -sensitive regulated land (LLS Act s 60I (2) (j)) and LLS Reg cl 108(b) and 111). What is the time frame and the process for updating the Native Vegetation Regulatory Map if and when councils put in place new KPOMs, so that any newly identified core koala habitat is then mapped as category 2 sensitive land under the LLS Act?
11. How many hectares of land does the koala SEPP apply to?
12. How many hectares of land that has koala habitat does the koala SEPP not apply to?

### **Planning and public spaces**

13. What is the government doing to plan for the impacts of climate change within the state's planning and assessment framework?
  - (a) Currently the EP&A Act contains no explicit reference to climate change. Are there any plans to change this?
  - (b) Are there plans to strengthen the Building Sustainability Index (BASIX) to ensure new residential buildings are reducing energy consumption and increasing the levels of renewable energy that can be produced at the neighbourhood level?
14. Are local councils able to determine their own water efficiency and thermal performance targets to suit local conditions? if not, why not?
15. What is the Government doing to explore the potential for all new development of residential and commercial buildings to be able to produce more energy than it consumes?
16. What is the Government doing to ensure that all modification or alterations to existing buildings result in improvements to water consumption, thermal performance and the generation of renewable energy within the building?
17. What opportunities are there for the Government to drive innovation in construction and supply chains, towards the use of low carbon or carbon neutral construction materials in every new development?

18. What opportunities are there for the Government to encourage or require the energy and water efficiency of existing residential and commercial buildings to be measured and, where possible, improved?
19. Is the Government on track to meet its target of 5 million trees planted in Greater Sydney by 2030? How is progress being measured?
  - (a) What information and resourcing is available for local councils and residents who wish to assist?
  - (b) What plans does the Government have to ensure tree planting is targeted to areas with low or diminishing canopy cover, that need it most?
20. What guidance and resourcing does the Government provide to local councils to increase tree canopy targets?

### **Local Strategic Planning Statement**

21. How many local councils have submitted a draft Local Strategic Planning Statement for assessment by the Greater Sydney Commission? How many assessments have been completed?
  - (a) How many drafts have been approved?
  - (b) How many drafts have been not approved?
22. How many local councils are on track to review their Local Environment Plans within 5 years in accordance with the Greater Sydney Commission's regional and district plans?

### **Affordable Rental Housing**

23. What is the number of affordable rental dwellings made available as a result of the ARSEPP(Affordable Housing Rental SEPP)
24. How many of these dwellings will revert to market rentals this year.
25. How many will revert to market rentals in the next 10 years.
26. Has the government investigated options to ensure that affordable rental housing that's been developed via ARSEPP can be extended indefinitely given the chronic shortage of affordable housing in NSW. If not, why not?
27. What current planning law provisions, including exemptions, are in place to support the development of affordable housing including local government provisions?
  - (a) Can you give details of these, including the nature of the exemptions to the provisions which enable Councils to require affordable housing?

- (b) Which of these rely on developers building affordable housing out of their own goodwill, ie: are entirely voluntary once an exemption has been granted?
  - (c) What measures are available to local councils to fast-track amendments to their LEPs so as to be able to use SEPP 70 for the creation of more affordable dwellings in their LGAs?
28. Is there any tracking or reporting on the effectiveness of affordable housing requirements, specifically the 'below market rent' requirements for rentals in new builds, which in fact mean that dwellings are rented at unaffordable levels for most people?
29. How are affordable housing requirements reported or enforced?. If there are powers to enforce, are there any cases of enforcement?
30. What planning provisions have been made in relation to the supply of affordable housing in the following proposed redevelopment areas.
- (a) In relation to the Eveleigh corridor
  - (b) In relation to Parramatta Road revitalisation
  - (c) In relation to WestConnex - any current reclaimed, current construction site proposed for affordable housing or other purposes like green space?
  - (d) In relation to Millers Point.

### **Community Land Trusts**

31. Has the government investigated options to increase inclusionary zoning provisions for not only social rental but also for permanently affordable ownership options such as Community Land Trusts? If not why not?
32. Will the government incorporate zoning provisions to planning legislation to facilitate permanently affordable ownership options such as Community Land Trusts?