

Planning and Public Spaces – Questions taken on Notice

#	Asked By	Subject	Question	Advice / Answer
1	Sharpe, Penny Page 2	managing parklands across Sydney Callan Park	<p>Hon. PENNY SHARPE: I am concerned that within the Greater Sydney Parklands [GSP] exposure bill there is too much reliance on private revenue to actually fund the care of these public spaces. Are you able to tell the Committee what modelling there is in relation to the amount of revenue generated under this bill that parklands would be able to achieve?</p> <p>Mr ROB STOKES: I will take part of that on notice.</p> <p><i>Regarding financial modelling.</i></p> <p>The Hon. PENNY SHARPE: Is it not the case though, Minister, that the Minister can alter the plans of management?</p> <p>Mr ROB STOKES: Only through the appropriate process. There would be full public consultation in those processes. I want to say again that this was not informed - I am happy to the extent to find if there is any such information but I am not aware of any - by financial modelling about how the parks could be commercialised.</p>	<p>I am advised:</p> <p>Revenues for all existing park trusts are reported in their annual financial statements.</p> <p>The Greater Sydney Parklands Trust Exposure Bill did not propose to change provisions within the <i>Western Sydney Parklands Trust Act 2006</i>, <i>Centennial and Moore Park Trust Act 1983</i>, and <i>Parramatta Park Trust Act 2001</i>.</p> <p>Preliminary modelling for proposed amendments to the <i>Callan Park (Special Provisions) Act 2002</i> indicate a potential to double rental returns over a 10-year period, subject to capital grants for building restoration.</p> <p>This would not replace the need for Government funding, however allow buildings within Callan Park to be utilised and activated for the benefit of the community.</p>
2	Sharpe, Penny Pages 3 and 4	Greater Sydney Parklands	<p>The Hon. PENNY SHARPE: Ms O'Mara, the question is how you are going to deal with unsolicited proposals, given I assume there are supposedly going to be areas</p>	<p>I am advised:</p> <p>Any GSP leasing will be in line with approved and published plans of management for each park. The Bill improves transparency by requiring consultation with community trustee boards in relation to business activities, leasing and plans of management. The Bill also</p>

			<p>identified that will be subject to some sort of expression of interest [EOI] process.</p> <p><i>Technical interference</i></p> <p>Mr ROB STOKES: We will take that on notice</p>	<p>requires plans of management to include leasing principles. The leasing process will also follow NSW Government Procurement Guidelines including public tendering. Unsolicited proposals will be assessed under the following frameworks, and will be managed by DPC where required:</p> <ul style="list-style-type: none"> • ICAC NSW's <i>Direct Negotiations: Guidelines for Managing Risk</i> (2018) • Department of Premier and Cabinet's <i>Unsolicited Proposals: Guide for Submission and Assessment</i> (2017)
3	Sharpe, Penny Page 5	Parramatta Park	<p>The Hon. PENNY SHARPE: When CommBank Stadium was being built, there was an agreement to transfer Wistaria Gardens to Parramatta Park. My understanding is that has not occurred yet. Can you tell me where that is up to, please?</p> <p>Ms O'MARA: It is owned by Health and we are working with Health to arrange for that to be transferred. Those arrangements are being finalised.</p> <p>The Hon. PENNY SHARPE: Do you now have a time frame for that, Ms O'Mara?</p> <p>Ms O'MARA: I do not. I will have to take that on notice.</p>	<p>I am advised:</p> <p>NSW Health have been managing the transfer of Wistaria Gardens to Parramatta Park Trust. Health has targeted transfer for April 2022.</p> <p>The Greater Sydney Parklands Bill before Parliament also includes the transfer.</p>
4	Sharpe, Penny Page 6	Kirkbride at Callan Park	<p>The Hon. PENNY SHARPE: I understand that there has been a successful tender to take over the lease of Kirkbride. Can you tell me where that is up to?</p> <p>Ms FISHBURN: Yes, that is correct. DPIE's development and transaction divisions and NSW Health are currently assessing responses to the public expression of interest for uses that are consistent with that—</p>	<p>I am advised:</p> <p>The tender is currently under review by the Minister for Health and Medical Research.</p>

			<p>The Hon. PENNY SHARPE: Sorry, I might be incorrect, but I thought there was a successful tender. Have you re-tendered it?</p> <p>Ms FISHBURN: The information I have got here is that they are currently assessing responses. I am happy to take that on notice and get you further information.</p>	
5	Sharpe, Penny Page 6	Greater Sydney Parklands Legislation	<p>The Hon. PENNY SHARPE: Minister, I know you are keen to get this legislation through the Parliament this year, but I also know that there have been requests for a short extension in relation to the exposure draft. Are you willing to contemplate that?</p> <p>Mr ROB STOKES: I can take that on notice. I think we have had a long period of talking about this. My inclination is to put forward the legislation, and by all means we can have conversations as members of Parliament about amendments that people might want to consider. But I do not think the opportunity for consultation is lost just because there is some draft legislation before the House.</p>	<p>I am advised:</p> <p>Submissions on the exposure bill closed at midnight on 29 October 2021.</p> <p>In relation to Callan Park and community support for land uses that are proposed in the Bill, a community was open until 26 November. To date, almost 1000 responses have been received.</p>
6	Cusack, Catherine Page 6	Premier's Priority, Greening our City (Tree Planting)	<p>The Hon. CATHERINE CUSACK: And were any parking fines included in the course of planting the trees?</p> <p>The CHAIR: Have we got the answer, or will we come back to that?</p> <p>Mr ROB STOKES: We will come back to that.</p>	<p>I am advised:</p> <p>The department is not aware of parking fines being issued.</p>

7	Faehrmann, Cate Pages 7 and 8	Hawkins Rumker Strategic Release Advisory Board	<p>Mr ROB STOKES: My understanding is that the advisory board for strategic release will consider the PRIA and then make recommendations to the regional New South Wales Minister as to whether the areas should be released for coal exploration. That is before the Cabinet process, as I understand.</p> <p>The CHAIR: Who is on that advisory board?</p> <p>Mr ROB STOKES: I think that is a matter of public record; I am not sure exactly. I think, from memory, there is representative of the department on it, but we can get you that information.</p>	<p>I am advised:</p> <p>There are government representatives on the Advisory Board for Strategic Release (ABSR) from Treasury, Department of Regional NSW, Department of Premier and Cabinet and the Department of Planning, Industry and Environment. The current independent chair of the ABSR is Mark Darras.</p>
8	Jackson, Rose Page 11	Fast Track Assessments	<p>The Hon. ROSE JACKSON: Of the 14 that did not meet the requirements for fast-track assessment, has the approval that the department of planning gave them been revoked? Obviously, it was a pretty core requirement of the fast-track approval that commencement was to occur quickly, swiftly. If that has not happened, has your approval been revoked?</p> <p>Mr ROB STOKES: The short answer is no, it just is approved in the ordinary process under planning law. As you would anticipate, this was an appropriate response to what was and continues to be a real challenge for our economy, particularly at that time. We were relying on guarantees from those proponents. That is why we had a very careful probative process as part of this—because, obviously, you are picking and choosing. But we were picking and choosing on the basis of three main</p>	<p>Answer provided at Attachment A.</p>

			<p>priorities. The first was number of jobs that could be sustained, then the broader public benefits that could be demonstrated and finally that last bit, about timeliness, that the proponents were prepared to provide guarantees that work would begin in relation of a matter requiring a DA within six months and a planning proposal that DAs would be submitted within six months. In the overwhelming majority of cases, that has transpired and those guarantees have been honoured. Sadly, in those cases, for a variety of reasons—I am happy to particularise those reasons on notice—a minority of them were not able to fulfil the guarantees that they provided.</p>	
9	Jackson, Rose Page 13	Fast Track Assessments	<p>The Hon. ROSE JACKSON: What is the value, both in terms of the job creation and the economic value, of the projects that did not commence?</p> <p>Mr ROB STOKES: As I mentioned, I am more than happy on notice to provide the details of those projects and the reasons as to why they did not proceed and the values attached to those.</p> <p>The Hon. ROSE JACKSON: Yes. Just to confirm, Ms Fishburn, will you include information in relation to the job creation and economic value associated with the projects that did not proceed?</p> <p>Ms FISHBURN: We have been very transparent about capital investment value and jobs attached to each of the programs, so we will provide that information.</p>	Answer provided at Attachment A .

10	Latham, Mark Page 19	Mr Brogden and Lifeline	<p>The Hon. MARK LATHAM: Well, I would expect that, as Peter Brennan went to your fundraising functions and maybe sat on your table, sat at other tables there, as the chair you know who attends and donates.</p> <p>I am asking, are there other land developers—as you would normally expect; it is a great charity—who you also have dealings with at Landcom, and do you declare that as a conflict of interest?</p> <p>Mr BROGDEN: I am not aware at the moment; if you would like me to take it on notice?</p> <p>The Hon. MARK LATHAM: Yes, if you could take it on notice and get back to us. I think it is a legitimate issue that comes out of the Brennan matter that was raised in March.</p>	<p>I am advised: Donations to Lifeline Australia are a matter for Lifeline Australia.</p>
11	Field, Justin Pages 19 and 20	Warragamba Dam EIS	<p>Mr JUSTIN FIELD: Minister, I would like to talk about Warragamba Dam. Obviously the environmental impact statement [EIS] is now in the planning system. In a submission to another parliamentary inquiry that is currently being conducted into the integrity of the Biodiversity Offsets Scheme in New South Wales, Ecological Consultants Association of NSW commented:</p> <p style="text-align: center;"><i>... the accredited assessor who produced the BDAR—</i></p> <p>this was for Warragamba—</p> <p style="text-align: center;"><i>was asked to change their assessment ... by the Government—</i></p>	<p>I am advised: This is a matter for the Treasurer and Minister for Energy and Environment.</p>

		<p>it was unclear whether this was the Government or the company itself, but continuing—</p> <p><i>... to downplay the impacts of the project on biodiversity loss relating to a Critically Endangered Species.</i></p> <p>It goes on:</p> <p><i>The consultant in question raised the issue with the department, and a private inquiry was launched, but there has been no public statement released, and the consultant lost their job.</i></p> <p>I am not entirely clear of the veracity of this, but can you confirm, were any inquiries launched within your department? Are you aware of any inquiries that have been launched by your other departments, and do you know of any outcomes from that process?</p> <p>Mr ROB STOKES: I will refer you to the secretary.</p> <p>Ms FISHBURN: I will have to ask Mr Ray for his advice on this matter.</p> <p>Mr RAY: Mr Field, I am certainly not aware of those circumstances, but I understand from a report in the newspaper yesterday that there was an inquiry commenced by Environment, Energy and Science [EES], but I have only read what was in the report of The Guardian yesterday. That is all I am aware.</p> <p>Mr JUSTIN FIELD: EES launched an investigation into these allegations? Is that</p>	
--	--	--	--

			<p>what you are suggesting, or are you just taking that from the media reporting?</p> <p>Mr RAY: Sorry, Mr Field, just to be clear, I do not have the media report in front of me. All I am saying is, I have read that media report. That is the first I have heard of that, and I understand a spokesperson for EES was quoted in that report. That is the extent of my understanding.</p> <p>Mr JUSTIN FIELD: Minister, as cluster Minister, are you—</p> <p>Mr ROB STOKES: This is really a matter for my colleague the environment Minister, but we are happy to take it on notice and provide any details that might help.</p>	
12	Sharpe, Penny Page 21	Cumberland Plain Conservation Plan (corridor widths)	<p>The Hon. PENNY SHARPE: I might just restate where we got to with that, which is that the Minister has outlined that there has been work done by the chief scientist in relation to the Cumberland plan and the koala sub-plan. He has indicated that the Gilead stage two planning will require wildlife corridors of at least 425 metres. Then he threw to you to give me some more detail about that.</p> <p>Mr WHITWORTH: Thank you, Ms Sharpe. The Minister is quite correct. I do want to clarify, though, that the importance of the chief scientist's report is about functional corridors and I believe that in previous conversations it has been a conversation about whether the corridor is steep or sloping or not. So we are looking for a functional corridor that is flat. The chief scientist has set out at least three corridors</p>	<p>I am advised:</p> <p>The report by the NSW Office of the Chief Scientist and Engineer details recommendations on an average minimum width for wildlife corridors.</p> <p>This report is expected to be released shortly.</p>

			<p>that we can incorporate into the broader land use planning for the Greater Macarthur area, which will cover the Mount Gilead stage two and it will cover the South Campbelltown lands and the West Appin lands. It also provides us with an opportunity to identify those primary corridors along the Nepean and the Georges River as well. We have been working through something called the Technical Assurance Panel with Lendlease and with Walker Corporation as the first two proponents. In discussions with those proponents we have identified the importance of those functional corridors and the importance of ensuring that they meet the widths from the chief scientist. My understanding is that the chief scientist has given us a figure that is an average of 390 metres width and that is something that we will be working to. But we can take on notice the difference between the different widths that people have been given and clear that up because it is something that has created a degree of confusion.</p> <p>The Hon. PENNY SHARPE: Thank you very much. That was actually very helpful. Minister, can I just clarify, then—your colleague the environment Minister suggested that you were getting the advice from the chief scientist. It sounds to me that you have got the advice. Is that actually public?</p> <p>Mr ROB STOKES: I am not sure. I can take that on notice.</p>	
--	--	--	--	--

13	Faehrmann, Cate Page 24	Koala Conservation	<p>The CHAIR: We will go to questions from the crossbench. I wonder whether Mr Ray would be able to answer this question. The biocertification for stage one Mount Gilead—this is the south-west Sydney koalas again—heavily relied on the Office of Environment and Heritage [OEH] report conserving koalas in the Campbelltown and Wollondilly. This is an outlier report to the previous and subsequent reports on koala corridors around Gilead. I was wondering who wrote this report. The report itself is anonymous; it does not have an author attributed to it. Mr Ray, are you aware of who wrote that report?</p> <p>Mr WHITWORTH: I can answer that, as Marcus Ray is having trouble. The author of the koala plan of management is Campbelltown City Council. Campbelltown council would have relied on consultants to prepare that report. We can take that on notice. I do not have the name of the consultant to hand, but I do remember that it is someone that had a lot of experience in the field of koalas. I think it is better to take that on notice.</p> <p>The CHAIR: I was actually referring to an OEH report, Mr Whitworth, which is called Conserving koalas in the Wollondilly and Campbelltown Local Government Areas. That is the title of the report. It was commissioned. The question is who commissioned the report, who wrote the report and who requested the report to be written? That is fine if you want to take that on notice. It is specifically an OEH report.</p>	<p>I am advised:</p> <p>The report was prepared internally by DPIE's Environment, Energy and Science Group (then Office of Environment and Heritage) as part of its business as usual work.</p> <p>The report combines existing data from a range of sources, including the NSW BioNet database, and new data from EES' Wollondilly Koala Conservation Project. The scientific methods, areas recommended for protection and mitigation measures identified were peer reviewed by two recognised koala scientists, Associate Professor Mathew Crowther and Dr Stephen Phillips.</p> <p>The purpose of the report was to inform government and non-government stakeholders of:</p> <ul style="list-style-type: none"> • priority areas for koala conservation. • key actions required to avoid and minimise impacts and threats from these new development in the Wilton and Greater Macarthur Growth Areas. <p>The report presented the best available information and data in one document for reference.</p>
----	----------------------------	--------------------	---	--

			Mr WHITWORTH: It is an OEH—now Environment, Energy and Science— report and it is best that we take that on notice.	
14	Faehrmann, Cate Page 25	Kamay Ferry Wharves	<p>The CHAIR: I also understand that it is a State significant infrastructure project. Is there consideration on your part then, as you are entitled to do of course, to refer this project to an independent planning assessment process?</p> <p>Mr ROB STOKES: Can I take that on notice? Other than being lobbied already by the member for Cronulla, as is his job, I have not turned my mind to this because nothing has crystallised any action on my part as yet. That is a good question, and I will answer it on notice.</p>	<p>I am advised:</p> <p>The Department is progressing its assessment with the expectation that the Minister for Planning and Public Spaces will be the determining authority.</p> <p>Briefing and assessment documentation prepared by the Department will address issues relevant to the exercise of the Minister for Planning and Public Spaces' statutory functions.</p> <p>Any issues which may arise in relation to this matter, as a result of the Minister also being the Minister for Transport and Roads, are being managed consistently with the governance arrangements outlined in the Secretaries' letter to the Minister of 26 October 2021.</p>
15	Faehrmann, Cate Page 25	Scope 1 and 2 Emissions	<p>The CHAIR: I now want to turn to what is a large and growing volume of scope 1 and scope 2 emissions from new coal and gas projects in New South Wales. I am wanting to ask whether there is a government policy in this regard that all scope 1 and scope 2 emissions from particularly new coal and gas projects can be offset if they cannot be avoided or mitigated. Is there such a policy?</p> <p>Mr ROB STOKES: I will take part of that on notice. What I will do though is point you to clause 14 of the mining State environmental planning policy that contains the relevant matters of consideration in relation to scope 1 and downstream emissions. But also I will point you to a piece of work that the department is currently doing, which is effectively creating a consolidated, integrated set of planning principles that will</p>	<p>I am advised:</p> <p>The Mining State Environmental Planning Policy (SEPP) requires consent authorities to ensure that any new projects minimise greenhouse gas emissions to the greatest extent practicable.</p> <p>It is standard practice for the Department to impose conditions on mining consents to ensure that best practice measures are taken to minimise Scope 1 and 2 emissions. The Department regularly reviews the approach of individual mines to ensure that they are implementing best practice, including new technologies as they become available and feasible.</p> <p>The Mining SEPP also requires consent authorities to consider other applicable State and national policies concerning greenhouse gas emissions such as the Climate Change Policy Framework and the Paris Agreement, including long-term objectives to achieve net zero emissions by 2050.</p>

		<p>guide all planning authorities—and, where appropriate, consent authorities—in their decision-making under the Act. This is learned from similar processes being conducted in the United Kingdom and also in Queensland. In the United Kingdom it is called the National Planning Policy Framework, where they have effectively got a comprehensive set of principles that guide how plans are made.</p> <p>I was, as you would expect, concerned when a recent Auditor-General report, as well as recent litigation in the Land and Environment Court—the bushfire survivors and Environment Protection Authority [EPA] case. It indicated that the Government needed to do more in relation to duties around anthropogenic emissions.</p> <p>I have asked for those issues to be addressed in those planning principles so that we can have some clear, principle-led policies around how such matters are to be considered. I have had separate conversations with experts in this area looking, as you are intimating, into the cumulative impact of planning decisions. This is a challenge in a whole range of areas. Whether it is residential density with more traffic going on an existing road, but also in terms of atmospheric emissions as well, there is this issue of atmospheric emissions. The principles will help to address this issue.</p> <p>The CHAIR: Okay.</p> <p>Mr ROB STOKES: But I will also take it on notice to see if there is any other policy.</p>	
--	--	---	--

16	<p>Faehrmann, Cate</p> <p>Page 26</p>	<p>Narrabri Gas</p>	<p>The CHAIR: Thank you. I wanted to turn to the Narrabri Gas Project. I understand that Santos gas is preparing to launch its first modification of consent for the Narrabri Gas Project, just a year after approval. I also understand that Santos gas has not completed the minimum requirements under its 2020 approval. People in the community are telling me this is expected to be a major modification, not minimal, yet it will obviously not at this stage have the scrutiny of the planning commission—just over a year ago. Firstly, I just wanted to check whether you are aware whether a potential modification has been discussed or whether any of your officials are aware that this has been requested.</p> <p>Mr ROB STOKES: The best thing I can do is refer you to the officials in relation to that. I would also note there has been a recent Land and Environment Court decision in relation to modifications, which has significantly tightened rules around modifications—that modifications, particularly to conditions, can only be entertained if they truly relate to the fundamental substance of the approval in the first place. But I will refer you to the officials in relation to their understanding of discussions.</p> <p>Ms FISHBURN: Mr Ray, are you able to provide any further context?</p> <p>The CHAIR: Mr Ray, do you have something on mute?</p> <p>Mr RAY: Can you hear me?</p>	<p>I am advised:</p> <p>The Department has not received any modification applications for Narrabri Gas Project.</p>
----	---	---------------------	---	---

			<p>The CHAIR: Yes, we can, perfect.</p> <p>Mr RAY: It has been an interesting experience, Chair, with the reverb, which I still have on the phone. I will have to take that one on notice. I do not have that information about the discussions in relation to a modification in front of me, so I will have to take the question about whether there have been discussions with officials on notice.</p>	
17	Field, Justin Page 26	Compliance of EIS with SEARs (Biodiversity Impact Assessment)	<p>Mr JUSTIN FIELD: Minister, you will no doubt be familiar—because I wrote to you about it and I am sure you were briefed on the evidence before the parliamentary inquiry that I am chairing—with concerns raised by Commonwealth and State officials in various departments about the adequacy of the EIS and also the degree to which it complied with the requirements of the SEARs. I would note that in particular with regards to offsets, the SEARs make quite clear that the EIS should provide a description of any offsets proposed and details of the offset package to compensate for significant residual impacts. The EIS is largely silent on the requirements of offsets—where the offsets might be delivered, the cost of the offsets—and certainly the package, as suggested by the SEARs, is not defined in the EIS. How is it allowed to go out for public consultation without that information?</p> <p>Mr ROB STOKES: I can take part of that on notice, but certainly part of the answer to your question is in the question.</p>	<p>I am advised:</p> <p>As part of the certification of the EIS prior to submission, the Certifier verifies that the EIS has been prepared to meet the requirements of the SEARs and relevant legislative provisions. There is a current requirement under the <i>Environmental planning & Assessment Regulation 2000</i> for no false or misleading information to be contained in the EIS. There are penalties under the <i>Environmental Planning & Assessment Act 1979</i> for any breach of that requirement.</p> <p>Prior to the exhibition commencing, a review of the EIS was undertaken by the Department to verify that information was provided against each of the SEARs. The Department is currently undertaking a detailed technical review of the EIS and considering the proposal against the SEARs in consultation with experts from the relevant technical agencies.</p> <p>Where additional information is deemed necessary to make an assessment against the SEARs and relevant policies, guidelines and legislation, the proponent will be required to provide this as part of the Response to Submissions document.</p>

18	Jackson, Rose Page 31	STRA Numbers	<p>The Hon. ROSE JACKSON: How many short-term rental accommodations do you estimate there are?</p> <p>Ms FISHBURN: I will have to take that on notice.</p>	<p>I am advised:</p> <p>As of 1 November 2021 there were 26,228 short-term rental accommodations in NSW.</p>
19	Shoebridge, David Page 33	Infrastructure Contributions Reform	<p>Mr DAVID SHOEBRIDGE: Mr Ray, have you released the modelling that shows what the likely positive income effect to the New South Wales Government will be as a result of the infrastructure contributions bill being passed and what the likely negative impact will be on local councils?</p> <p>Mr RAY: The modelling that was done by the Productivity Commissioner and was done through the Centre for International Economics has been released.</p> <p>Mr DAVID SHOEBRIDGE: What is the likely economic cost to councils? How much are they going to lose as a result of the infrastructure contributions bill going through?</p> <p>Mr RAY: The modelling provided by the Productivity Commissioner, I think—let me just find that.</p> <p>Mr DAVID SHOEBRIDGE: I am not interested in unrelated other measures, just as a result of the infrastructure contributions bill.</p> <p>Mr RAY: Let me just find it. As to the whole package—</p> <p>Mr DAVID SHOEBRIDGE: I was not asking about the package, just as a result of the infrastructure contributions bill.</p>	<p>I am advised:</p> <p>The NSW Productivity Commissioner released the economic evaluation of the reforms prepared by the Centre for International Economics. It is available at https://www.productivity.nsw.gov.au/infrastructure-contributions-review</p> <p>This modelling indicated:</p> <ul style="list-style-type: none"> • A net increase in aggregate council revenue of 6.9% over a 20-year period from 2023-24 to 2042-43 (table 6.1 p.2). • This included increased rate revenue of \$925m per year less infrastructure contributions decrease of \$117m per year (as an average annual impact from 2024-2043 in nominal terms). <p>Since the NSW Productivity Commissioner's report was released, the IPART have published their methodology for adjusting the rate peg to include a population growth factor. This report is available at: https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/Reviews/Rate-peg-population-growth/Review-of-the-rate-peg-to-include-population-growth</p> <p>The report includes modelling and a Fact Sheet to explain the modelling available at: https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Fact-Sheet-IPART-modelling-for-the-review-of-the-rate-peg-to-include-population-growth-5-October-2021.PDF</p> <p>The IPART modelling looks back at the past 4 years and assesses how council's revenue would have been impacted had their proposed methodology been applied. A full appendix is provided for individual council results as each council has a different rating structure factoring in special rate variations and supplementary</p>

		<p>Mr RAY: Yes. The Productivity Commissioner had said that he expected that council contributions revenue would reduce by about \$117 million over 20 years.</p> <p>Mr DAVID SHOEBRIDGE: What is State Government revenue likely to increase by, for the bill?</p> <p>Mr RAY: I do not quite have that figure. What I can say is that we have obviously made some changes to the proposals that were before the Productivity Commissioner, as we always said we would, and we listened to stakeholders. So we brought forward proposals to increase the proposed 7.12 rates in certain parts of the city.</p> <p>Mr DAVID SHOEBRIDGE: Mr Ray, given we have limited time, on notice could you provide what you now understand will be the collective financial impact on councils and the benefits?</p> <p>Mr RAY: Yes. On notice, I will.</p> <p>Ms FISHBURN: Thank you, Mr Shoebridge. We will make sure we clarify the difference between the council contributions in 7.12s, 7.11s and the new regional infrastructure contributions scheme, which I think is where you are travelling.</p> <p>Mr DAVID SHOEBRIDGE: Correct.</p> <p>Ms FISHBURN: Let us make sure we get you the correct information for that</p>	<p>valuations. Importantly, no council has a revenue loss as the population growth factor is set to zero when a council's population is in decline.</p> <p>When the NSW Government accepted the recommendations of the NSW Productivity Commissioner the s7.12 rates were accepted subject to testing the charging methodology. The Commissioner recommended flat rates across NSW that were intended to be equivalent to 3% construction cost for residential development and 1% for non-residential (commercial, retail, industrial). The Department engaged Atlas Urban Economics to examine construction costs across NSW and refine the contribution rates settings. The report is available as part of the public exhibition at: https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Review+Charging+Methodology+revised+021121.pdf</p> <p>This work does not model the financial impacts for councils, but does provide the modelling to explain the proposed variation to s7.12 contribution rates. The increase in rates, applying it to all development (rather than 'net additional'), inclusion of additions and alterations are intended to mitigate revenue impacts that may have occurred if implemented as the recommended flat rate. The changes more accurately reflect the intention of the recommendation, which aimed to incentivise use of this type of plan, which is easier for councils to implement and administer.</p> <p>Another reform recommendation related to the 'essential works list' being applied to all s7.11 plans, which would clarify the types of infrastructure that could be included in the plan. We have heard from councils that they are concerned about the funding of community facility buildings. The Minister has committed that the current policy setting of applying the essential works list when rates exceed \$20,000 per lot or dwelling (or \$30,000 for nominated urban release areas) will continue to be applied and reviewed after three years. This will allow time to consider the policy settings and financial impacts. As a result, there is no change for council revenue at this time.</p> <p>The regional infrastructure contributions are intended to replace the current Special Infrastructure Contribution framework. They are</p>
--	--	--	--

				entirely separate from local council contributions and do not limit a councils ability to levy for local infrastructure.
20	Shoebridge, David Pages 33 and 34	Ombudsman Conduct Report	<p>Mr DAVID SHOEBRIDGE: Ms Fishburn, the Ombudsman found that your department misled ICAC and repeatedly broke the law in this engagement. Who has been held to account for that?</p> <p>Ms FISHBURN: Thank you, Mr Shoebridge. Firstly, may I clarify. The Minister has alluded to it. In 2017-2018 DPIE did not exist as a department. The Ombudsman's report refers to the previous iteration of the planning environment. I am not in any way disputing your question. I am just clarifying. We do, of course, thank the Ombudsman for completing the investigation and issuing the findings into the '17-'18 matter. I am looking forward to the NSW Public Service Commissioner's review of it. We have, since that period of time, as DPIE, as the cluster as it now stands, reviewed and rewritten all procurement policies and guidelines, since the time of this procurement in question. You will note, Mr Shoebridge, that that was noted by Paul Miller in his finding, when he said—I will directly quote:</p> <p style="text-align: center;"><i>The Department of Planning, Industry and Environment (DPIE), which has taken over the functions of the former DPE, has agreed to implement all of the recommendations in the report.</i></p> <p>Mr DAVID SHOEBRIDGE: Ms Fishburn, I am asking who has been held to account—on the face of it, repeated, intentional breaking of the law to get around the public</p>	<p>I am advised:</p> <p>The Ombudsman's report dealt with historical matters and the people involved in the relevant procurement are no longer with the Department.</p> <p>The Secretary has requested an independent review of matters relating to the Ombudsman's conclusion that inaccurate information was provided to the Independent Commission Against Corruption. This review is underway.</p> <p>Once the report is finalised the Secretary will consider any findings and take appropriate action, if required.</p>

			<p>service requirements about recruitment, to get around the controls on procurement. Who has been held to account?</p> <p>Ms FISHBURN: This is a historical matter from 2017-18. It is before my time. It is before my predecessor's time. I am happy to take on notice your question and to provide further advice back, but this Ombudsman's report has only just come out recently. As you are aware, I am very new into the chair.</p> <p>...</p> <p>Mr DAVID SHOEBRIDGE: Have you sought a report about whether or not the people who were engaged in misleading ICAC and repeatedly breaching the law are still employed in your department?</p> <p>Ms FISHBURN: My understanding, Mr Shoebridge, is that they are not employed. However, I will take that on notice</p>	
--	--	--	---	--

Attachment A: Delayed Fast-Track Assessments

Project name	Economic value*	Jobs*	Reason for delay
North Sydney LEP 2013 – 575-583 Pacific Highway, St Leonards	\$31,395,600	63	The applicant advised cited that the location of Metro tunnels underneath the site have created concerns initially with building design, the Department have met with the proponent and provided the PDU's details to assist. The Department has followed up with the proponent, however, has not received a response. A DA is not yet lodged with Council.
North Sydney LEP 2013 – 100 Christie Street, St Leonards	\$82,231,800	164	The applicant originally advised that it was reviewing DA design. Since this time the original applicant has advised that the site has been sold to a new owner.
Farfield LEP 2013 Amendment 32 - Fairfield Heights Town Centre	\$173,900,000	348	The applicant's negotiations to purchase the neighbouring property was unsuccessful therefore a DA was not pursued as a suitable design was unable to be achieved. This was a Council-led planning proposal and Council has advised that there are no other interested parties to develop within the site area.
Amendment to The Hills LEP - Cecil Avenue & Roger Avenue Castle Hill	\$140,000,000	280	The applicant has sold the site. A Pre-DA meeting request has been submitted to Council and it is expected a DA will be lodged by the end of Q1 2022.
Parramatta LEP 2011 - 87 Church Street and 6 Great Western Highway	\$178,500,000	357	The applicant advised delays due to COVID restrictions/impacts and a project of this significance will require further time in the design and development phase to deliver a premium mixed-use development worthy of the Parramatta CBD.
ADI Site – St Marys SREP	\$126,000,000	252	The St Marys Central Precinct Plan requires amendment to include the rezoned area before a DA can be submitted. DPIE is reviewing the applicant's submitted amendment proposal.
Penrith Resource Recovery Facility	\$1,758,945	18	The OEMP and subplans were approved on 8 June 2021. The Applicant has been delayed in obtaining a CC and tendering for the works as the site is located within a COVID area of concern. Revised anticipated construction start date of January 2022.
Enirgi Battery Recycling Facility MOD 1	\$7,000,000	62	The applicant is one business in a multinational parent company with operations in other countries which have been greatly impacted by the pandemic. As a result, a number of projects were put on hold to ensure daily operations of all facilities in other countries could be maintained. There are no immediate plans to proceed with MOD 1 in the short-term.
Girraween Waste Recycling Transfer Facility	\$4,557,871	20	The OEMP and subplans were approved on 17 June 2021. The Applicant has been delayed in obtaining a CC and tendering for the works as the site is located within a COVID area of concern. Revised construction start date of January 2022.
UTS Blackfriars Precinct Research Building Stage 2	\$42,400,000	626	Construction has been delayed due to COVID and its impact on student enrolments and revenue.
Yanco Solar	\$99,330,000	123	Received AEMO transmission network approvals. Negotiating with investors. Advised likely timing at this stage in early 2022.
Brandy Hill Expansion Project	\$15,000,000	31	6 management plans under consultation with agencies or submitted to Department for review including Air Quality and Greenhouse Gas Management Plan, Noise MP, Blast MP, Traffic MP, Water MP and EMS and must be approved prior to commencing construction. Project was delayed by two months due to extended Commonwealth approval – NSW approval 16 July 2020, Commonwealth approval 27 October 2020
Light Horse Interchange Business Hub Eastern Cr	\$212,930,000	230	Delays as applicant tendering for a developer to develop site. COVID delayed this process also. Successful tenderer identified in February 2021. Minister signed DMA on 24 May 2021. On 9 November, the Department approved a range of post approval EMPs including a Construction Demolition Waste, Noise and Vibration and Construction Traffic EMP.
Moonee Beach Residential Subdivision	\$50,000,000	130	Awaiting construction of access road by adjoining landowner and connections to water and sewer on adjoining lot before commencing works. Construction of road adjacent to subject site has commenced and will be complete this year. Water and sewer connection expected to be complete by March 2022. Earthworks on the Moonee site are expected to begin in March 2022. DPIE offered PDU's assistance to explore an alternate construction access option but the applicant has declined the assistance.

* These figures represent the anticipated opportunities for economic value and job creation at the time of approval, not delivered value or jobs.