

PLANNING AND PUBLIC SPACES

Questions from the Hon Mark Buttigieg on behalf of the Opposition

Greater Sydney Parklands Trust

1. Is there a limit on the amount of space (measured as a proportion of a park or in hectares) or type of operation or activity that parklands will be leased for?

Answer:

I am advised:

Leasing and land uses in the existing parks are set out in the Plans of Management for each park. In relation to the Greater Sydney Parklands Trust Bill 2021 (the Bill), there is a requirement that new parks have a plan of management that is developed in consultation with the community. Refer to the Bill for more information: <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3917>

2. Should the amount of space available for lease or licence be included in the legislation?

Answer:

Refer to Question 1.

3. What protections are in place to reduce the possibility of long-term leases of Sydney parklands following an unsolicited proposal?

Answer:

I am advised:

Refer to the Bill: <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3917>

Greater Sydney Parklands is required to follow NSW Government Procurement Guidelines and probity requirements, in particular the ICAC Direct Negotiations: Guidelines for Managing Risk (2018) and the Department of Premier and Cabinet's Unsolicited Proposals: Guide for Submission and Assessment (2017) in dealing with unsolicited proposals. DPC has responsibility for management of unsolicited proposals.

Amendments made in the lower house also clarify that all leases over 10 years are subject to an open tender process.

4. Is there an independent check so that taxpayers can be confident that they have gotten the best possible deal in exchange for giving up public land?

(a) If so is this provided by:

- i. the Auditor-General?
- ii. or another individual or government body?
- iii. If so, which individual or organisation?

Answer:

I am advised:

Clause 15(2) of the Bill requires annual reporting of financial performance including from leases.

The NSW Audit Office conducts regular and independent reviews to ensure Greater Sydney Parklands is following NSW Government Procurement Guidelines and probity requirements, in particular the ICAC Direct Negotiations: Guidelines for Managing Risk (2018).

5. The proposed Community Trust Boards don't appear to have any real influence or input into the decision-making process. How will these Board's provide real input into management of parklands?
 - (a) How will the Greater Sydney Parklands Trust provide evidence that they have considered the input of the Community Trust Boards?

Answer:

I am advised:

The Bill requires the Greater Sydney Parklands Trust Board (the Board) to consider the advice from the Community Trust Boards, including on business activities and leasing strategies, which is an additional requirement to the current consultative committee at Centennial Parklands, and is designed to ensure greater community involvement. The Bill also requires the Board to report annually on how they have responded to that advice.

6. Will each of the parklands that will be administered by the Greater Sydney Parklands Trust be subject to the same restrictions on the nature of activities allowable under leases?
 - (a) If not, why not?

Answer:

I am advised:

Each of the parklands will have restrictions on the nature of activities allowable under leases, as set out in their legislation and included in their plans of management.

7. The Exposure Draft of the Bill allows for the allocation of money from separate accounts for each park to be used for another park – how will cross subsidisation that delays or stops investment in parks generating a revenue surplus be prevented?

Answer:

I am advised:

Part 4 of the Bill requires the Greater Sydney Parklands Trust to prioritise funding to the park that has generated the revenue and to ensure the Plan of Management for that park can be implemented.

8. How many submissions have been received on the Draft Greater Sydney Parklands Trust Exposure Bill?

Answer:

I am advised:

184.

9. Why haven't the submissions in (8) been made public?

Answer:

I am advised:

A submissions report will be made public shortly.

10. What community awareness activities and information campaigns, including paid advertising, has been undertaken to encourage feedback on the Bill?

Answer:

I am advised:

Community awareness activities included the following:

- Website content providing information on the Bill, exhibition dates, and instructions on how to provide feedback.
- Centennial Parklands electronic monthly news provided information on the draft Bill.
- An electronic direct message (EDM) was sent to registered stakeholders and those who made submissions on the White Paper. The EDM advised that the Draft Exposure Bill was on exhibition and included instructions on how to make a submission.
- All impacted councils and those who submitted to the White Paper were notified.
- DPIE included the exposure bill exhibition in social media postings.
- Briefing meetings were held with impacted councils, and mayors and key stakeholders.

11. When did the awareness activities in (10) commence

(a) What was the total cost of these activities?

Answer:

I am advised:

October 2021.

a) The Centennial Parklands electronic news cost \$184.63. No other activities incurred a cost.

12. Will members of the Greater Sydney Parklands Trust Board receive a stipend or payment for serving on the Board?

(a) If so, what will that be?

(b) What is the estimated annual cost of the Board?

Answer:

I am advised:

Remuneration ranges for Board members appointed to a B4 level entity, including Greater Sydney Parklands, are determined by the Classification and Remuneration Framework for NSW Government Boards.

NSW population projections

13. Does the NSW Government have a population policy?

Answer:

I am advised:

The NSW Government works with the Commonwealth and other States and Territories to progress the National Population and Planning Framework which can be viewed here:

<https://population.gov.au/docs/framework.pdf>.

14. Following the Minister for Planning and Public Spaces comments on population policy – what discussions has the Minister had with Federal counterparts on this policy area?

Answer:

I regularly meet with my Commonwealth, State and Territory colleagues through the Planning Ministers Meetings to discuss a range of issues, including population projections and policy.

15. What are the population projects that the budget is based on?

Answer:

I am advised:

This question is a matter for the Treasurer and Minister for Energy and Environment.

16. How often are population projections updated?

Answer:

I am advised:

The official NSW population projects are updated twice per census cycle.

17. Has any work been underway to adjust population projections as a result of trends emerging from COVID?

Answer:

I am advised:

The Department of Planning, Industry and Environment (DPIE) is currently updating the official NSW population projections for release in the first half of 2022 and will take into consideration changes to the dynamics of population since the start of 2020.

18. Which other departments and agencies rely on these population projections for their own planning purposes?

Answer:

I am advised:

The NSW Population Projections are part of the Common Planning Assumptions of the NSW Government.

19. How often are population projections updated?

Answer:

Refer to Question 16.

(a) How are the projections across local areas or LGA's determined?

Answer:

I am advised:

Projections are informed by NSW-state level assumptions, but are based on ABS Statistical Area 2 (SA2s) which have populations between around 3,000 - 25,000 people. They reflect regional variations in fertility, mortality, and population mobility and include the latest data from the ABS, and NSW, Victoria, Queensland and ACT Perinatal Data Collections. Local insights and other data sources are also used to assess emerging trends in mobility.

Fast-tracked Assessments

20. Please provide the Committee with a table outlining each project or planning proposal approved through the fast-tracked assessment process, its current status in the planning system, the expected completion date of the project and the number of jobs that have been created so far for each project separated into construction, project administration and ongoing jobs.

Answer:

I am advised:

This information is publicly available at the following websites:

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Planning-System-Acceleration-Program/Fast-tracked-assessments>

<https://www.planningportal.nsw.gov.au/major-projects>

21. Does the fast-tracked assessment process remain in place?

(a) If so, what are the circumstances in which it can be used to provide approvals?

Answer:

I am advised:

No. The fast-tracked assessment process concluded in October 2021.

Climate change and planning

22. The Chief Architect has been tasked with developing a new State Environmental Planning Policy (SEPP) to provide guidelines on low emissions construction.

(a) What will be included in this new SEPP?

(b) When will it be open for stakeholder consultation?

(c) What is the timeline for completion of the SEPP?

Answer:

I am advised:

- a) The proposed Design and Place State Environmental Planning Policy (SEPP) is a principle-based policy that provides the legislative framework and supporting guidance required to deliver integrated and well-designed built environments across NSW and support the transition to net zero for the built environment.

The package will include a revised Apartment Design Guide, a new Urban design Guide and new Local Government Design Review Panel Manual, and an updated BASIX sandbox. An embodied energy and emissions calculator is in development.

- b) Consultation for the Design and Place SEPP has been extensive. An Explanation of Intended Effect was exhibited in early 2020, and a series of Policy Working Groups with council, industry, and peak body stakeholders have been held in the lead up to the exhibition of the draft SEPP in December 2021.
- c) It is proposed that the Design and Place SEPP will be made in mid-2022, with a 6-month transition period so that it comes in effect toward the end of 2022.

23. How many commercial builders are involved in the Government's partnership with industry around low emissions building materials?

A) Please provide a list of the commercial builders involved.

Answer:

I am advised:

This is a matter for the Treasurer and Minister for Energy and Environment.

24. Is the work around low emissions building materials working with the Department of Industry as well to grow local production?

Answer:

I am advised:

This is a matter for the Treasurer and Minister for Energy and Environment.

25. Does the Department of Planning provide advice or assistance on options for more sustainable or low emissions materials through the NSW Government procurement process for infrastructure projects?

- (a) If so, how is this done?
(b) If not, why not?

Answer:

I am advised:

This question is a matter for the Treasurer and Minister for Energy and Environment.

26. How are the NSW Government's NARCLiM climate change projections, which are currently being updated, being considered in the development of the DP SEPP?
- (a) Will revised BASIX standards take future warming projections into account?

Answer:

I am advised:

The Government's NARCLiM climate change projections have been considered in the preparation of the Design and Place SEPP.

The Design and Place SEPP also provides policy and guidance around provision of green infrastructure to reduce urban heat, and will require certain non-residential development types to submit statements to determine how their development will be Net Zero Ready and will meet Net Zero operational emissions.

The revised BASIX standards have been updated to align with the proposed higher increases to the National Construction Code and are consistent with the NSW Government's Net Zero Plan. The standards aim to reduce energy use, improve thermal performance, and reduce emissions from materials.

BASIX uses climate data in NatHERS (National House Energy Rating Scheme), which does not include forecast climate data at this time.

27. Current work commissioned by eastern suburbs councils (with funding from the NSW Government's Increasing Resilience to Climate Change grants), is investigating the performance of BASIX compliant buildings in future climate projections for 2030 and 2070. Its findings show that current BASIX settings are inadequate in future warming scenarios out to 2070. It reports that 'it is possible the dwellings approved for construction now will be unsuitable for occupation by 2070, without extremely high levels of mechanical cooling to maintain comfortable, safe and liveable conditions.' In 2030, cooling loads increased by 70%.
- (a) Is the Minister aware of this research?
- (b) How are these findings being incorporated into the update of BASIX standards through the Design and Place SEPP?

Answer:

I am advised:

By providing a consistent minimum baseline for all housing across NSW, BASIX supports long term sustainability for NSW, consistent with the Trajectory for Low Energy Buildings and the NSW Net Zero Plan: Stage 1. The proposed changes will increase the average thermal performance rating from 6 to 7-star NatHERS and reduce greenhouse gas emissions by 7-11%. Different standards are set to account for the climatic conditions in NSW and energy use from shared services (such as lifts) and common areas (such as lobbies and corridors) in apartment buildings. Developers and homeowners can choose from a range of measures to meet the higher thermal performance and energy standards, including:

- installing more insulation, improving the performance and location of windows, using good air flow, shading and sunlight to cool and heat homes naturally.
- choosing a more efficient heating and cooling system, such as a 3-star reverse cycle air-conditioning system.

- selecting a more energy-efficient hot water system, such as an electric heat pump or solar hot water system.
- installing photovoltaic panels to supplement a 5-star gas hot-water system commonly used to meet the current energy target.

28. Minister Stokes has been cited as saying that the Design and Place SEPP is the planning system's biggest lever for making buildings environmentally sustainable and helping the NSW Government reach its target of net zero emissions by 2050. Research shows the built sector can reach net zero emissions with current technology by 2035. Is the NSW Government willing to go beyond the anticipated 2022 updates to the National Construction Code and commit to a net zero emissions pathway for all buildings, including residential?

Answer:

I am advised:

In relation to the Design and Place SEPP, NSW is bringing BASIX thermal performance and energy standards in line with the proposed changes to the National Construction Code in 2022.

The proposed Design and Place SEPP is also taking active steps to address Net Zero in non-residential buildings, including targeting early compliance of commercial, hotels and shopping centres and state significant developments. The SEPP will leverage the NABERS and Green Building Council rating tools to demonstrate Net Zero readiness and energy performance.

For non-residential development, the SEPP will require all proponents to submit a Net Zero Statement with their development application, and again at Construction Certificate and Occupation Certificate. The Net Zero Statement will explain when a development is targeting full electrification, what on-site renewables and energy reduction measures have been undertaken, and to provide commitments to offset all emissions by 2025 or 2030, depending on the development type. Developments must demonstrate Electric Vehicle readiness and charging provisions at rates higher than the National Construction Code.

The SEPP has also introduced a requirement for all developments to submit an embodied emissions disclosure statement, as the first step towards low-emission building material targets.

29. Adequate deep soil requirements for development are crucial to tree retention and plantings. Will the Design & Place SEPP ensure these are required and not allowed to be offset by less effective measures?

Answer:

I am advised:

The draft Design and Place SEPP and associated draft Apartment Design Guide and draft Urban Design Guide contain design guidance around the provision of deep soil to support high-quality urban tree canopy.

The draft Urban Design Guide provides detailed guidance on how tree planting and deep soil should be integrated into, public and private sites including through street tree planting. Alternative solutions would only be considered if the proponent could demonstrate provision of trees and deep soil has been adequately met within the same development (such as in a park adjacent to the site that may have been developed in an earlier stage of the development).

Grant programs administered by the Minister for Planning and Public Spaces

30. Please provide a table containing all the grant programs administered or overseen by the Minister and include:
- (a) Program name
 - (b) 2021-22 budget allocation
 - (c) 2022-23 budget allocation
 - (d) 2023-24 budget allocation
 - (e) 2024-25 budget allocation
 - (f) Purpose of the program
 - (g) Date when applications or expressions of interest will open
 - (h) Maximum funding allocation to an individual or organisation under the program

Answer:

I am advised:

This information is publicly available available in the NSW Budget Papers.

NSW Regional Plans

31. For each of the NSW Regional Plans please provide:
- (a) the date of commencement of the next review of the plan
 - (b) the date submissions will be sought
 - (c) the expected date of the release of the reviewed plan

Answer:

I am advised:

The Regional Plan Review program commenced with the release of the Illawarra-Shoalhaven Regional Plan 2041 in June 2021. The remaining eight plans are scheduled for review and finalisation by end of 2022.

32. Please outline all steps in the process for the development of each Regional Plan.

Answer:

I am advised:

Regional Plans are prepared in accordance with Section 3.3 of the Environmental Planning and Assessment Act.

NSW Hydrogen Strategy

33. What role will the Department of Planning have in the state-wide strategic hydrogen infrastructure masterplan to be undertaken as part of the NSW Hydrogen Strategy released in October 2021?

Answer:

I am advised:

DPIE will lead the development of the masterplan.

34. What role will the Department of Planning have in the upfront strategic planning and port infrastructure assessments to be undertaken as part of the NSW Hydrogen Strategy released in October 2021?

(a) What is the expected date of completion of this planning and assessments?

Answer:

I am advised:

DPIE will take a leading role in strategic planning assessments including land use suitability and safety studies and will be involved in other assessments that might be required. This work is currently underway.

35. What is the expected date of completion of any reviews of planning legislation to be undertaken as part of the NSW Hydrogen Strategy released in October 2021?

(a) Will these reviews be undertaken by the Department or will they be contracted out?

Answer:

I am advised:

Early 2022. DPIE plans to undertake the reviews.

36. Is consideration being given to the development of Special Activation Precincts to support the development of the hydrogen industry in the Illawarra and Hunter as part of the NSW Hydrogen Strategy?

Answer:

I am advised:

The Hydrogen Strategy identifies Hydrogen Hubs in both the Illawarra and the Hunter. DPIE will consider appropriate planning pathways to support hydrogen development in these areas once detailed land use and safety studies have been completed.

37. Will there be stakeholder and public consultation as part of the integration of hydrogen into the regulatory planning framework, including in interactions with State Environmental Planning Policy No 33?

(a) If so, when will this commence?

Answer:

I am advised:

If any changes to the regulatory framework are required to support the hydrogen strategy, including SEPP 33 and its accompanying guidelines, these will be exhibited for public comment. Timing will be dependent on the initial review of review of planning legislation and policy.

Short-term rental accommodation registration

38. How many short-term rental properties were registered by 1 November 2021?

Answer:

I am advised:

As of 1 November 2021 there were 26,228 registrations.

39. On what date did the Department commence advertising or an awareness campaign in relation to the need to register short-term rental properties?

Answer:

I am advised:

2018.

40. For 2021-22, what was the total budget for advertising or an awareness campaign in relation to the need to register short-term rental properties?

Answer:

I am advised:

Approximately \$80,000 has been spent to date.

41. What is the ongoing annual budget for advertising and raising awareness of the need to register short-term rental accommodation properties?

Answer:

I am advised:

Advertising budgets for future years are not yet set.

42. Was the advertising or awareness campaign in (39) developed by the Department or an external organisation?

(a) If an external agency please provide the organisation and the total value of the contract.

Answer:

I am advised:

Blaze and Wavemaker purchased advertising space on behalf of DPIE. Blaze was paid fees of \$2,400 and Wavemaker was paid fees of \$4,132.

Alfresco Restart Package

43. Is the Alfresco Restart Package funded from the Restart NSW program?

(a) If not, from where is the program funded?

Answer:

I am advised:

This is a matter for the Minister for Customer Service and Digital.

44. On what date will applications for the grant for hospitality businesses to establish new alfresco settings open?

Answer:

I am advised:

This is a matter for the Minister for Customer Service and Digital.

45. How will applications or expressions of interest be registered for hospitality businesses to establish new alfresco settings?

Answer:

I am advised:

This is a matter for the Minister for Customer Service and Digital.

46. The Government has indicated that grants to hospitality businesses to establish new alfresco settings will only be provided to the first 5000 businesses – how will this be determined?

- (a) If this is an online process how will adjustments be made for varying internet access or IT problems that might be encountered when registering for a process that is allocated only to the first 5000 applications?

Answer:

I am advised:

This is a matter for the Minister for Customer Service and Digital.

47. On what dates will applications or expressions of interest be sought from eligible applicants for the following programs:

- (a) Long Summer Nights Program
- (b) Streets as shared spaces program
- (c) Summer Night Fund Program
- (d) Open Streets Program

Answer:

I am advised:

- a) This information is publicly available at www.dpie.nsw.gov.au/premiers-priorities/great-public-spaces/festival-of-place/in-your-streets
- b) This information is publicly available at www.dpie.nsw.gov.au/premiers-priorities/great-public-spaces/streets/streets-as-shared-spaces-program
- c) This information is publicly available at www.dpie.nsw.gov.au/premiers-priorities/great-public-spaces/festival-of-place/summer-night-fund-program

- d) This information is publicly available at www.dpie.nsw.gov.au/_data/assets/pdf_file/0006/473334/The-Festival-of-Place-Open-Streets-FAQs.pdf

Central River City Program Coordination Office

48. What is the annual budget allocation for the Central River City Program Coordination Office for:
- (a) 2021-22,
 - (b) 2022-23,
 - (c) 2023-24 and
 - (d) 2024-25?

Answer:

I am advised:

The Central River City Program Coordination Office is being established to case manage, negotiate and coordinate the delivery of Sydney's Central River City. DPIE is in the process of establishing the Office and will seek contributions from the relevant agencies.

49. What is the staff allocation for the Central River City Program Coordination Office?

Answer:

Refer to Question 48.

50. Please provide a list of the 64 projects that the new group will "spearhead" and the estimated cost of each of these projects.

Answer:

I am advised:

This information is available in the Greater Sydney Commission's report 'A City Supported by Infrastructure Place-based Infrastructure Compact Pilot', which can be viewed here: https://gsc-public-1.s3.amazonaws.com/s3fs-public/gpop_pic_-_a_city_supported_by_infrastructure_web.pdf

The cost estimates of each of the 64 projects are commercial-in-confidence.

"The Place You Live" Survey

51. Were 800 responses received to the "The Place You Live" survey?

Answer:

I am advised:

Over 1500 responses were received.

52. What were the key findings of the survey?

Answer:

I am advised:

Survey findings are being finalised.

53. Will the findings of the survey be made public?

(a) If so, on what date?

(b) If not, why not?

Answer:

I am advised:

Yes.

54. What was the total value of the contract t Fiftyfive5 to conduct the survey?

Answer:

I am advised:

\$25,000 (ex GST).

Zombie Developments along South Coast of NSW

55. Has the Minister or Department of Planning, Industry and Environment (DPIE) been approached by community groups and councils on the South Coast of New South Wales in relation to so-called 'zombie developments'?

(a) If so, which community groups and councils have made approaches to the Minister or DPIE and what have they requested?

Answer:

Further detail as to which development applications/s are being referred to is required in order to respond to this question.

56. What are the:

(a) locations of so-called 'zombie developments' along the South Coast of New South Wales?

(b) the date of the initial approvals for development?

(c) the consent authority?

Answer:

Refer to Question 55.

57. Has DPIE undertaken a review of the so-called 'zombie development' approvals?

(a) If so, what was the outcome of those reviews for each approved development?

Answer:

Refer to Question 55.

58. On what legal basis can these so-called 'zombie developments' be activated after changes to the *Environment and Assessment Act*, where development consent lapses after five years?

Answer:

Refer to Question 55.

59. Has the (a) Member for South Coast and (b) Member for Bega made representations to the Minister or DPIE in relation to the so-called 'zombie developments'?

Answer:

Refer to Question 55.

60. If so, on what date were representations made by the Members and for which locations?

Answer:

Refer to Question 55.

61. How were these representations made to the Minister or DPIE?

Answer:

Refer to Question 55.

62. What was the outcome of the representations made by the Members?

Answer:

Refer to Question 55.

63. Were any disclosures made in relation to any of the so-called 'zombie development' applicants holding:

(a) party political membership?

(b) Or having made any political donations?

Answer:

Refer to Question 55.

64. If so, which political party?

(a) how much was the political donation?

(b) to whom was a donation made?

Answer:

Refer to Question 55.

West Culburra housing development

65. Why have the conditions relating to the NSW Land and Environment Court, Section 34, conciliation conference, for this application, previously refused by the Independent Planning Commission (IPC), not been made public?

Answer:

I am advised:

The Section 34 conciliation conference is a Land and Environment Court process, whereby discussions between the parties are confidential, until the Court makes a decision in relation to any section 34 agreement that is entered into between the Applicant and the IPC.

66. Will the conditions imposed under the Section 34 process be made public?

- (a) If so, when and where can those conditions be found?
(b) If not, what are the reasons for not making the conditions public?

Answer:

I am advised:

Yes, the conditions would be made public if and when the Court approves the Section 34 agreement. They would be placed on the NSW Planning Portal.

Housing SEPP and Design and Place SEPP

67. Has the Minister or DPIE received representations from stakeholders indicating that the Housing SEPP and Design and Place SEPP should be delayed for at least 12 months because of policy problems associated with the changes proposed?

Answer:

I am advised:

Stakeholders have sought an extension on the consultation timeframes.

68. If so, please list the stakeholders who have made representations in (67)

Answer:

I am advised:

Representations have been received from development industry stakeholders, including Urban Taskforce and the UDIA.

69. What are the “policy problems associated with these policy changes” which are cited by stakeholders, such as the Urban Taskforce in a media release dated 7 October 2021, as warranting a delay of at least 12 months?

Answer:

I am advised:

This is a matter for Urban Taskforce.

70. What is the Government doing to address these “policy problems”?

Answer:

I am advised:

DPIE is engaging regularly with stakeholders to ensure their concerns are addressed and reflected in the final SEPPs.

71. Will the Government agree to delay the finalisation of both SEPPs as stakeholders have requested?

(a) If not, why not?

Answer:

I am advised:

Finalisation of the Design and Place SEPP has been extended in response to stakeholder requests. The Housing SEPP was finalised on 26 November 2021.

NSW Better Places Act proposal

72. Please list the date of meetings proponents of the NSW Better Places Act have had with NSW Departments and agencies.

Answer:

I am advised:

DPIE representatives from the Government Architect NSW met with the proponents of the Better Places Act on 6 November 2020.

73. What are the views of the Departments and agencies toward the proposals contained in the NSW Better Places Act?

Answer:

I am advised:

Government Architect NSW representatives did not form a view of the Better Places Act proposal.

Public spaces

74. How many dwellings are within five minutes’ walk of green open space in:

(a) Greater Sydney? and

(b) Regional NSW?

Answer:

I am advised:

The Department of Planning, Industry and Environment currently reports against a measurable indicator of 10 minute-walk, as per the Government Priority, Greener Public Spaces. The Department’s work is limited to addressing this green and open space access within ‘urban areas’ of NSW (as defined under the Government Priority, Greener Public Spaces).

75. Why is the Department of Planning, Industry and Environment (DPIE) unable to provide an estimate of the reduced cost to house prices for homebuyers as a direct result of the Government's reforms to the planning system since March 2011?

Answer:

I am advised:

Information on quarterly house price changes is already publicly available through the Australian Bureau of Statistics website at www.abs.gov.au/statistics/economy/price-indexes-and-inflation/residential-property-price-indexes-eight-capital-cities/latest-release.

76. What plans does DPIE have to rectify this position?

(a) If not, why not?

Answer:

Refer to Question 75.

77. Has DPIE undertaken any research to be satisfied that the significant number of reviews and initiatives underway has the capacity to be absorbed by the building and construction industry, local councils and stakeholders?

(a) If not, why not?

Answer:

I am advised:

The Department of Planning, Industry and Environment regularly seeks and receives feedback from the building and construction industry, local councils and other relevant stakeholders on engagement practices and initiatives.

78. Have any stakeholders raised concerns with DPIE, or the Minister, in relation to the sheer number of inquiries, reviews and consultations underway, at their ability to contribute to, or their members' ability to absorb, the changes, proposals and initiatives commissioned by DPIE?

Answer:

Refer to Question 77.

79. If so, please list the stakeholders in (78) and the nature of their concerns.

Answer:

Refer to Question 77.

Departmental inquiries and reviews

80. How many (a) inquiries and (b) reviews are currently underway and commissioned by the Department of Planning, Industry and Environment (DPIE)?

Answer:

I am advised:

One.

81. Please list each inquiry and review in (80) including:

- (a) its purpose?
- (b) when it commenced?
- (c) who is conducting it?
- (d) whether public consultations have been held?
- (e) when it is due to report?
- (f) has it been made public?
- (g) if so, where is a copy of the report?
- (h) if not, why not?
- (i) what was the cost of it?

Answer:

I am advised:

- (a) The Interjurisdictional Review – to measure the NSW planning system against analogous planning systems in other jurisdictions.
- (b) July 2021
- (c) DPIE
- (d) No
- (e) December 2021
- (f) No
- (g) N/A.
- (h) It will be made public once finalised.
- (i) Work undertaken by DPIE staff as part of regular duties.

82. How many (a) inquiries and (b) reviews have been commissioned by DPIE since 2019?

Answer:

I am advised:

This information is publicly available at: <https://www.planningportal.nsw.gov.au>

83. Please list each inquiry and review in (82) including:

- (a) its purpose?
- (b) when it commenced?
- (c) who is conducting it?
- (d) whether public consultations have been held?
- (e) when it is due to report?
- (f) has it been made public?
- (g) if so, where is a copy of the report?
- (h) if not, why not?
- (i) what was the cost of it?

Answer:

Refer to Question 82.

Questions from Mr David Shoebridge MLC

Infrastructure Contributions

84. Who instigated the proposed changes to the model of infrastructure contributions?

Answer:

The NSW Government.

Funding for strategic planning

85. Are you aware of developers making contributions to council strategic planning reports at Willoughby Council?

Answer:

I am advised:

The Department of Planning, Industry and Environment was advised by Willoughby City Council in late 2019 of its approach to undertake additional technical studies with some proponents for the Chatswood CBD Strategy, as required in the Department's partial endorsement letter of 9 August 2019.

The Department understood that proponents funded three reports:

- A report by ARUP addressed transport issues
- A report by GMU addressed urban design issues
- A report by Weir Phillips Heritage and Planning addressed heritage issues

Council included a peer review process and probity controls.

Council has provided a publicly available response to this issue at <https://www.willoughby.nsw.gov.au/Council/News-and-media/Chatswood-CBD-Planning-and-Urban-Design-Strategy-2036>

86. Is this occurring in other councils?

Answer:

I am advised:

DPIE is not aware of this occurring elsewhere.

87. What are the means provided by law for technical studies for strategic planning purposes and what are the exceptions where funding of technical studies for strategic planning purposes do not need to come from a Council's own finances?

Answer:

I am advised:

Clause 11 of the *Environmental Planning and Assessment Regulation 2000*.

88. Does Willoughby City Council actions in 2019 where it caused developers with planning proposals with the DPIE to directly fund consultants for strategic planning reports for the Council for work on the proposed Chatswood CBD Strategy 2036 fall into any exception outlined by the Minister?

Answer:

I am advised:

Under 3.32(3) of the *Environmental Planning and Assessment Act 1979*, a planning proposal authority that is requested by the owner of any land to exercise its functions under this Division in relation to the land may, as a condition of doing so, require the owner to carry out studies or provide other information concerning the proposal or to pay the costs of the authority in accordance with the regulations.

89. Is the Minister aware this developer payment/funding was to allow the Council to respond to enquiries from your Department about the Strategy resolved by Council in 2017?

Answer:

I am advised:

Willoughby City Council had advised DPIE of its approach to undertake additional work to respond to issues raised by DPIE in relation to the Chatswood CBD Strategy. The preparation of the studies helped Council to respond to DPIE's requirements in its partial endorsement of the Chatswood CBD Strategy in 2019.

90. What steps will be taken by the department in relation to this funding?

Answer:

I am advised:

The Department provided its full endorsement of the Chatswood CBD Strategy, subject to recommendations, on 9 July 2020.

New High School in Bungendore

91. What was the result of the consultation on the plan for the new high school in Bungendore?

Answer:

I am advised:

Details of the community consultation by the proponent are in Appendix 23 'Consultation Outcomes Report' of the Environment Impact Statement (EIS) submitted with the SSD application and is publicly available at <https://www.planningportal.nsw.gov.au/major-projects/project/41186>.

92. Given the strong community concern about the currently proposed site what steps will be taken to investigate alternative options or to require amendments to the proposal?

Answer:

I am advised:

That is a matter for the proponent.

Penrith Lakes SEPP rezoning

93. The publicly available consultants report by Sydney Helicopters, to support the heliport rezoning in this area, had information redacted about the process the NSW Government took to relocate Sydney Helicopters. Why was this redacted?

Answer:

I am advised:

This information was redacted as it is considered commercial in confidence.

94. What government departments were involved in the rezoning and relocation process? What were their roles?

Answer:

I am advised:

- Sydney Metro: relocation of heliport.
- Department of Planning, Industry and Environment: managing the rezoning process through an amendment to *State Environmental Planning Policy (Penrith Lakes Scheme) 1989*.
- Transport for NSW, Department of Infrastructure, Transport, Regional Development and Communications, Civil Aviation Safety Authority and Air Services: provided feedback on exhibition of the proposed rezoning and informed the finalisation of the rezoning proposal.

95. Why was the Penrith site chosen?

Answer:

I am advised:

The Penrith site was one of a number of sites considered. The Penrith site aligned with Sydney Heliports operational requirements, including the land size, favourable flight path access, and compatibility with surrounding land uses.

96. Was there any consultation with the public about the suitability of the Penrith Lakes site for a heliport?

Answer:

I am advised:

Yes, the proposed 2021 amendment to the Penrith Lakes SEPP was publicly exhibited from 14 August to 26 September 2021.

97. Is there legal action being taken by the owner of Sydney Helicopters against the NSW Government over the costs of relocating?

Answer:

I am advised:

Yes.

98. What are the details of that legal action including the likely cost of any compensation?

Answer:

I am advised:

As this is a matter before the Court, it would be inappropriate to comment.

99. Is the NSW Government covering the cost of relocating Sydney Helicopters to the Penrith Lakes site including purchasing the 11 hectares of land?

Answer:

Refer to Question 97.

100. What is the estimated cost of this?

Answer:

Refer to Question 97.

101. Rob Rogers the head of the Rural Fire Service wrote a support letter for Sydney Helicopters to be relocated to Penrith Lakes which was used by them to argue for the rezoning to be approved by DPIE. Given the commercial arrangements the RFS has with Sydney Helicopters what steps were taken to ensure no conflicts of interest occurred in this process?

Answer:

I am advised:

The Department considered a range of advice, including information from the Rural Fire Service, when determining whether to propose rezoning the existing helipad at Penrith Lakes to a heliport. The Department reviews all information provided towards such processes and, in considering that advice, regularly assesses the information's accuracy. The Rural Fire Service information was one of a number of inputs into the decision to prepare the relevant SEPP amendment. It is noted the Rural Fire Service also has its own internal processes to manage actual or perceived conflicts of interest.

Bradcorp Wilton North

102. Why is Landcom buying out Bradcorp's Wilton North development?

Answer:

I am advised:

Landcom is purchasing the North Wilton development in order to supply housing to meet the needs of Sydney's growing population, in particular affordable and sustainable housing.

103. How much social housing do Landcom intend to put at Wilton?

Answer:

I am advised:

The North Wilton development will provide around 5,600 homes including 10% affordable housing. No social housing will be provided.

104. What access will this housing have to public transport and local jobs?

Answer:

I am advised:

Landcom will invest around \$950 million to progress the North Wilton development and fund the delivery of infrastructure to support the development of the wider Wilton Priority Growth Area. This investment will be used to provide infrastructure and services including open spaces, parks, community facilities, roads, public transport links, stormwater drainage and to carry out subdivision work.