



THE CABINET OFFICE  
NEW SOUTH WALES

The Honourable J J Della Bosca MLC  
Special Minister for State, Minister for Commerce  
Minister for Industrial Relations, Minister for Ageing  
Minister for Disability Services, Assistant Treasurer  
and Vice President of the Executive Council

Dear Mr Della Bosca

I refer to the Inquiry into Management of the Sydney Harbour Foreshore Authority in which was undertaken by the Legislative Council's General Purpose Standing Committee No.4 in early 2005. The Committee issued its final report in June 2005.

Enclosed is the NSW Government's response to the recommendations of the Committee's report.

Yours sincerely

Roger Wilkins  
Director-General

cc: Minister Kelly

*Received by me and authorised to be published*  
*John Evans*  
*Clerk of the Parliament*

*10am 23 December 2005*

**GOVERNMENT RESPONSE TO REPORT 13 OF THE LEGISLATIVE COUNCIL'S  
GENERAL PURPOSE STANDING COMMITTEE NO.4  
"MANAGEMENT OF THE SYDNEY HARBOUR FORESHORE AUTHORITY"**

The NSW Government makes the following comment and provides advice on actions underway to address the recommendations in Report 13 of the Legislative Council's General Purpose Standing Committee No.4 "Management of the Sydney Harbour Foreshore Authority".

**Recommendation 1**

*That in order for localised planning strategies to be prepared and implemented, including a comprehensive Sydney Harbour foreshore management plan, the NSW Government finalise and release a Metropolitan Strategy.*

Response: AGREED

The Metropolitan Strategy was released on 4 December 2005.

**Recommendation 2**

*That the relevant legislative and administrative arrangements be amended so that the Sydney Harbour Foreshore Authority's planning and consent functions are removed.*

Response: NOT AGREED

SHFA is not a Consent Authority except under delegation from the Minister for Planning.

These delegations permit determination of minor development applications and modifications up to a value of \$5 million. This includes internal fit-outs, community event management, short-term leases and the erection of temporary structures such as marquees. All other applications are referred to the Minister for consent.

SHFA conducts planning assessments for development proposals on various sites. However, assessment of major development on Authority lands is routinely referred to external assessors to avoid perceptions of a conflict of interest.

**Recommendation 3**

*That the Government adequately fund a program to assist foreshore agencies to acquire or reserve foreshore land for public use.*

Response: NOTED

The Government has an excellent record in protecting and expanding public access to the Sydney Harbour foreshore.

Current projects include:

- the creation of more than 10 hectares of public open space and foreshore parks in Pyrmont;
- an additional 11 hectares of public open space at East Darling Harbour;
- an additional 2.5 hectares of public open space at Ballast Point; and
- delivery of 14km of continuous foreshore access between the Anzac Bridge and Woolloomooloo (in progress).

Taken together, these will represent the largest increase in public foreshore space since the declaration of the Sydney Harbour National Park in 1975.

#### **Recommendation 4**

*That the Sydney Harbour Foreshore Act 1998 be amended so that one of the Authority's principal functions is to undertake community consultation on the management and development of land owned or administered by the Sydney Harbour Foreshore Authority.*

Response: NOT AGREED

SHFA is already required to publicly consult on any proposed development (whether proposed by the Authority itself or by a third party) in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

It is not necessary to amend the *Sydney Harbour Foreshore Act 1998* to duplicate these provisions.

#### **Recommendation 5**

*That the Minister for Infrastructure and Planning commission an independent evaluation of the consultation practices used by the Sydney Harbour Foreshore Authority.*

Response: NOT AGREED

See response to Recommendation 4 above.

Insufficient evidence was presented to the Committee to warrant such an evaluation.