



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

## **BUDGET ESTIMATES 2021-2022 Supplementary Questions**

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

### **PLANNING AND PUBLIC SPACES**

Hearing: 28 October 2021

**Answers due by: 25 November 2021**

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## 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?
2. Should the amount of space available for lease or licence be included in the legislation?
3. What protections are in place to reduce the possibility of long-term leases of Sydney parklands following an unsolicited proposal?
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?
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?
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?
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?
8. How many submissions have been received on the Draft Greater Sydney Parklands Trust Exposure Bill?
9. Why haven't the submissions in (8) been made public?
10. What community awareness activities and information campaigns, including paid advertising, has been undertaken to encourage feedback on the Bill?

11. When did the awareness activities in (10) commence
  - (a) What was the total cost of these activities?
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?

### **NSW population projections**

13. Does the NSW Government have a population policy?
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?
15. What are the population projects that the budget is based on?
16. How often are population projections updated?
17. Has any work been underway to adjust population projections as a result of trends emerging from COVID?
18. Which other departments and agencies rely on these population projections for their own planning purposes?
19. How often are population projections updated?
  - (a) How are the projections across local areas or LGA's determined?

### **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.
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?

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

## **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

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

## **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?
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?
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?

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?
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?

### **Short-term rental accommodation registration**

38. How many short-term rental properties were registered by 1 November 2021?
39. On what date did the Department commence advertising or an awareness campaign in relation to the need to register short-term rental properties?
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?
41. What is the ongoing annual budget for advertising and raising awareness of the need to register short-term rental accommodation properties?
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.

### **Alfresco Restart Package**

43. Is the Alfresco Restart Package funded from the Restart NSW program?
  - (a) If not, from where is the program funded?
44. On what date will applications for the grant for hospitality businesses to establish new alfresco settings open?
45. How will applications or expressions of interest be registered for hospitality businesses to establish new alfresco settings?
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?

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

### **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?
49. What is the staff allocation for the Central River City Program Coordination Office?
50. Please provide a list of the 64 projects that the new group will “spearhead” and the estimated cost of each of these projects.

### **“The Place You Live” Survey**

51. Were 800 responses received to the “The Place You Live” survey?
52. What were the key findings of the survey?
53. Will the findings of the survey be made public?
- (a) If so, on what date?
  - (b) If not, why not?
54. What was the total value of the contract t Fiftyfive5 to conduct the survey?

### **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?

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?
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?
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?
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'?
60. If so, on what date were representations made by the Members and for which locations?
61. How were these representations made to the Minister or DPIE?
62. What was the outcome of the representations made by the Members?
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?
64. If so, which political party?
  - (a) how much was the political donation?
  - (b) to whom was a donation made?

### **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?
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?



## **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?
68. If so, please list the stakeholders who have made representations in (67)
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?
70. What is the Government doing to address these “policy problems”?
71. Will the Government agree to delay the finalisation of both SEPPs as stakeholders have requested?
  - (a) If not, why not?

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

## **Public spaces**

74. How many dwellings are within five minutes’ walk of green open space in:
  - (a) Greater Sydney? and
  - (b) Regional NSW?
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?
76. What plans does DPIE have to rectify this position?
  - (a) If not, why not?
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?

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

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

## Questions from Mr David Shoebridge MLC

### **Infrastructure Contributions**

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

### **Funding for strategic planning**

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

86. Is this occurring in other councils?

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?

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?

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?

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

### **New High School in Bungendore**

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

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?

### **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?

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

95. Why was the Penrith site chosen?

96. Was there any consultation with the public about the suitability of the Penrith Lakes site for a heliport?
97. Is there legal action being taken by the owner of Sydney Helicopters against the NSW Government over the costs of relocating?
98. What are the details of that legal action including the likely cost of any compensation?
99. Is the NSW Government covering the cost of relocating Sydney Helicopters to the Penrith Lakes site including purchasing the 11 hectares of land?
100. What is the estimated cost of this?
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?

#### **Bradcorp Wilton North**

102. Why is Landcom buying out Bradcorp's Wilton North development?
103. How much social housing do Landcom intend to put at Wilton?
104. What access will this housing have to public transport and local jobs?