



NSW GOVERNMENT
Department of Planning

Department of Planning Annual Report 2006 – 2007





Appendices

This section of the annual report contains data which we are required to report by legislation. The material is organised by its reference to the Department's:

- Staff
- Representation
- Communication and information management
- Legislation and judicial decisions
- Risk, financial and asset management
- Corporate environmental impact

Appendix 1

Senior Executive Service Positions

CES/SES Level	Total 2005-06	Total 2006-07
8		
7	1	1
6		
5	3	5
4	3	2
3		
2		
1		
Total	7	8

Executive Remuneration and Senior Executive Performance Statement

CES/SES Officers Level 5 and Above

Name: Sam Haddad

Position and Level: Director General, SES Level 7

Remuneration as at 30 June 2007: \$348,600
plus

Recruitment Allowance of \$35,000

2006/07 performance

- Mr Haddad met the requirements of his performance agreement as Director General of the Department of Planning.
- Mr Haddad continued the development of the Department of Planning as an organisation with a focus on delivering outcomes and solutions, acting with credibility, probity and commitment to service, providing strategic and timely advice to the Minister and improving stakeholder partnerships.
- The contents of the Annual Report provide a comprehensive picture of the performance of the Director General in his leadership of the Department.

Name: Gail Connolly

Position and Level: Executive Director, SES Level 5

Period in position: 14 August 2006 to 30 June 2007

Remuneration as at 30 June 2007: \$247,300
plus

Recruitment Allowance of \$27,000

The Director General has expressed satisfaction with Ms Connolly's performance. Ms Connolly has successfully met the performance criteria in her performance agreement.

Key achievements

- Achieved satisfactory progress on 86 per cent of the 231 actions of the Metropolitan Strategy, including release of a draft Regional Strategy for the Central Coast, three Subregional Strategies and significant progress on seven others
- Gazetted Sydney Regional Growth Centres State Environmental Planning Policy and Senior's Living Planning Policy
- Delivered policies to increase Sydney's housing land supply: almost 34,000 greenfield lots zoned and serviced, 8,000 additional homes to be fast-tracked under the precinct acceleration protocol, and Planning Agreements for \$90 million of developer contributions finalised
- Released Employment of Lands for Sydney Action Plan to secure 7,500 hectares of additional Employment Lands to accommodate 125,000 jobs over the next 25 years
- Acquired properties for the North West and South West Rail Link projects
- Provided direction and policy advice to 19 of 43 metropolitan councils that have begun work on their Principal Local Environmental Plans

Name: Kim Cull

Position and Level: Executive Director, SES Level 5

Period in position: 14 August 2006 to 4 April 2007

Remuneration as at 30 June 2007: \$240,718 plus

Recruitment Allowance of \$25,000

The Director General has expressed satisfaction with Ms Cull's performance. Ms Cull has successfully met the performance criteria in her performance agreement.

Key achievements

- Development of improved governance and management systems, including the Corporate Plan, Business Plans and the Performance Management System
- Effective financial and budgetary management, including the preparation of the Results and Services Plan and the negotiation of the Service Level Agreement for the supply of corporate services

- Establishment of a Building Professionals Board, including administrative support
- Management of human resources, including industrial relations, staff capacity building and accommodation
- Coordination of the provision of legal and legislative services
- Oversight and direction of specialist program areas, including planning and building systems, the Sustainability Unit, and the Council Performance Monitoring System

Name: Richard Pearson

Position and Level: Executive Director, SES Level 5

Period in position: 14 August 2006 to 30 June 2007

Remuneration as at 30 June 2007: \$230,829

The Director General has expressed satisfaction with Mr Pearson's performance. Mr Pearson has successfully met the performance criteria in his performance agreement.

Key achievements

- Completed Regional Strategies for the Far North Coast, Lower Hunter, Illawarra and South Coast to identify areas for future growth in jobs and housing while protecting conservation values
- Prepared and released a draft Regional Strategy for the Mid North Coast and substantial progress in developing a Regional Strategy for the Sydney-Canberra Corridor
- Finalised the Department's consideration of the Queanbeyan Residential and Economic Strategy to provide for housing and jobs growth for this important Regional Centre over the next 25 years
- Initiated the Central West Rural Lands Panel Inquiry, to provide independent advice on rural land use planning and rural subdivision issues in the Central West Region
- Completed the Comprehensive Coastal Assessment, a project which provides improved information and data on coastal attributes to councils and other coastal decision-makers

- Initiated acquisition of the Kiama Walking Track under the Coastal Lands Protection Scheme, a six-kilometre walking track on spectacular coastal landscapes south of Kiama

Name: Jason Perica

Position and Level: Executive Director, SES Level 5

Period in position: 14 August 2006 to 30 June 2007

Remuneration as at 30 June 2007: \$247,300 plus

Recruitment Allowance of \$23,000

The Director General has expressed satisfaction with Mr Perica's performance. Mr Perica has successfully met the performance criteria in his performance agreement.

Key achievements

- Assessed and made recommendations on 133 proposals for major projects worth \$6.5 billion in capital investment and generating 19,662 jobs
- Considered 26 State significant site requests
- Oversaw development approvals of "Special Authority" sites such as Sydney Olympic Park, Honeysuckle in Newcastle, Sydney Harbour Foreshore Authority lands and Redfern Waterloo
- Approved a major project in Huntingwood next to M7/M4 to deliver 860 jobs to Western Sydney
- Oversaw sensitive development of the Alpine Region, including determination of the \$112 million Perisher Blue Development
- Developed and published guidelines for discretionary Part 3A projects and requests for State significant sites

Name: Christopher Wilson

Position and Level: Executive Director, SES Level 5

Period in position: 1 July 2006 to 30 June 2007

Remuneration as at 30 June 2007: \$230,829

The Director General has expressed satisfaction with Mr Wilson's performance. Mr Wilson has successfully met the performance criteria in his performance agreement.

Key achievements

- Assessed and made recommendations on 186 proposals for major infrastructure and industrial developments worth \$8 billion in capital investment and generating 14,926 jobs, for major projects
- Delivered sustainable approvals for the Government's infrastructure program, with determinations for major road, rail, ports, water and electricity generation projects
- Implemented changes to the Major Projects State Environmental Planning Policy and Part 3A legislation to streamline assessment of Major Projects
- Gazetted Mining, Petroleum and Extractive Industries State Environmental Planning Policy to lift environmental standards and address potential conflict with other industries such as farming
- Increased compliance and auditing activity across infrastructure and industrial sectors to ensure conditions of consent are met
- Drafted an Infrastructure State Environmental Planning Policy to combine 18 policies in one and streamline the allocation of assessment between State and local government

Appendix 2

Code of Conduct

Purpose: to provide a summary of the Code of Conduct, and report any changes.

The public has the right to expect that public sector organisations demonstrate the highest integrity and competence, treating all citizens fairly, reasonably and equitably. All staff are expected to promote confidence in the integrity of public administration and always act in the public interest and not in their own private interest. Staff are expected to protect the reputation of the Department and not engage in activities, at work or outside work, which would bring the Department into disrepute.

Appendix 3

Equal Employment Opportunity

Purpose: to report on activity and planning for Equal Employment Opportunity.

For administrative reasons this data covers the staff of the Department, Growth Centres Commission, Honeysuckle Corporation, the Building Professionals Board and the Land Management Branch.

1. Trends in the representation of EEO groups as % of total staff

EEO Group	2005-06	2006-07	Benchmark
Women	50%	52%	50%
Aboriginal People and Torres Strait Islanders	0.4%	0.2%	2%
People whose language first spoken as a child was not English	16%	8%	20%
People with a disability	5%	2%	12%
People with a disability requiring work-related adjustment	0%	0%	7%

2. Trends in the distribution of EEO groups

EEO Group	2005-06	2006-07	Benchmark
Women	87	86	100
Aboriginal People and Torres Strait Islanders	n/a*	n/a*	100
People whose language first spoken as a child was not English	88	87	100
People with a disability	96	95	100
People with a disability requiring work-related adjustment	n/a*	n/a*	100

* Calculations not made where total number is less than 20.

3. Percentage of total staff by level

Level	Total Staff Number	Aboriginal People and Torres Strait Islanders	People from Racial, Ethnic, Ethno-religious Minority Groups	People Whose Language First Spoken as a Child Was Not English	People with a Disability	People with a Disability Requiring Work-related Adjustment
<\$33,910	0					
\$33,910 - \$44,537	7					
\$44,538 - \$49,791	18		17%	28%		
\$49,792 - \$63,006	48		8%	10%	6%	
\$63,007 - \$81,478	119	0.8%	12%	10%	1%	
\$81,479 - \$101,849	131		11%	6%	4%	
>\$101,849 (non SES)	74		9%	5%	1%	
>\$101,849 (SES)	14					
Total	411	0.2%	10%	8%	2%	0%

4. Staff profile

Level	Total Staff Number	Men	Women
<\$33,910	0	0%	0%
\$33,910 - \$44,537	7	43%	57%
\$44,538 - \$49,791	18	0%	100%
\$49,792 - \$63,006	48	25%	75%
\$63,007 - \$81,478	119	42%	58%
\$81,479 - \$101,849	131	55%	45%
>\$101,849 (non SES)	74	68%	32%
>\$101,849 (SES)	14	86%	14%
Total	411	48%	52%

Appendix 4

Occupational Health and Safety

Purpose: to report on progress and strategies for implementing Occupational Health and Safety and performance.

Please refer to page 55 for a statement of policy, activity and future directions.

Health and Safety statistics

Activity	2005-06	2006-07
Accident or incident reports	20	21
Workers compensation claims	09	14
Claims open at end of June	11	11
Working days lost to workers compensation claims	35	109
Average time lost between injury and return to work	3.88	7.8 days
Suitable duties provided within one week of medical certificate	89%	100%
Prosecution for breach of OHS Act	0	0
Total cost of claims	\$60,754	\$81, 211

Appendix 5

Disability Action Plan

Purpose: to report on progress implementing Disability Plan.

The Department is consulting with staff on the development of a three-year Disability Action Plan which will demonstrate how we are meeting our obligations under State and Commonwealth anti-discrimination legislation. The Plan will identify responsibilities, objectives, goals and policies in relation to people with disabilities. It will provide actions and initiatives to progressively address potentially discriminatory circumstances and practices, and adapt management and business procedures to create accessible facilities, flexible services and disability-friendly workplaces for people with disabilities.

In the interim the Department ensures that members of staff with disabilities are assisted with appropriate locations, facilities and workstations and flexible working arrangements to enable them to participate fully as valued contributors to the work of the Department.

Appendix 6

International Travel

Purpose: to report on the number, destination, purpose and funding of international travel.

Name	Title	Destination	Purpose	Funding
Michael Collins	Chair, Heritage Council of NSW	Christchurch, NZ	Attend World Heritage Committee Conference	Department of Planning
Susan Macdonald	Director, Policy and Heritage Management, Heritage Office	Christchurch, NZ	Attend World Heritage Committee Conference	Department of Planning
Bruce Baskerville	Senior Heritage Officer, Heritage Office	Norfolk Island	World Heritage Nomination – Convict sites	Department of Planning
Susan Macdonald	Director, Policy and Heritage Management, Heritage Office	Seoul, South Korea	Present paper at International Council on Monuments and Sites Conference (ICOMOS)	ICOMOS
Kate Veech	Coordinator, Seniors Living Policy, Department of Planning	Malta	Present a paper at International Association of Homes and Services for the Ageing Conference	Jointly funded by Department of Planning and Ms Veech
Kim Cull	Executive Director, Corporate Governance & Support Services	Auckland, NZ	Attend Local Government and Planning Ministers' Council	Department of Planning

Appendix 7

Significant Committees

Purpose: to list the Department's significant committees and participation on significant committees.

Significant Committees of the Department of Planning

Metropolitan Chief Executive Officers Group	
The Metropolitan Chief Executive Officers Group meets regularly to drive implementation of the Metropolitan Strategy, resolve issues and report progress.	
Representative	Organisation
Sam Haddad (Chair)	Department of Planning
Brendan O'Reilly	Department of Ageing, Disability & Home Care
Helen Lochhead	Department of Commerce
Alan Marsh	Department of Commerce
Michael Coutts-Trotter	Department of Education and Training
Mark Duffy	Department of Water and Energy
Mike Allen	Department of Housing
Warwick Watkins	Department of Lands
Ross Woodward	Department of Local Government
Alan Coutts	Department of Primary Industries
Darryl Clout	Department of the Arts, Sport and Recreation
Sean O'Toole	Landcom
Jim Glasson	Ministry of Transport
Lisa Corbyn	NSW Department of Environment and Climate Change
Loftus Harris	NSW Department of State and Regional Development
Robert McGregor	NSW Health
David Gates	NSW Health
Chris Oxenbould	NSW Maritime
Robyn Kruk	NSW Department of Premier and Cabinet
David Richmond	Office of Co-Ordinator General
John Pierce	NSW Treasury
Vince Graham	Rail Corporation
Les Wielinga	Roads and Traffic Authority
Robert Lang	Sydney Harbour Foreshore Authority

Greg Martin	Sydney Ports
Kerry Schott	Sydney Water Corporation
Stephen Lees	Catchment Management Authority
Angus Dawson	Growth Centres Commission
Ross Woodward	Department of Local Government

Employment Lands Task Force	
The Employment Lands Task Force, led and managed by the Department, brought together State Government and local government, business, academia and the development industry to plan for half a million new jobs in Sydney by 2031.	
Representative	Organisation
Sam Haddad (Chair)	Department of Planning
Loftus Harris	Department of State and Regional Development
Ken Morrison	Property Council of Australia
Ross Blancato	Urban Development Institute of Australia
Louise Southall and Paul Orton	Australian Business Ltd
Mark Goodsell	Australian Industry Group
Sue Robinson and Terry Barnes	NSW Urban Task Force
Bob Germaine	Greater Western Sydney Economic Development Board
Adam Kerslake	Unions NSW
Kerry Robinson and Graham Dickie	Landcom
Sylvia Hrovatin	Walker Corporation
Bill McCrae	Industrial Real Estate Overmyer
Narelle Kennedy	Australian Business Foundation
Colin Rockliff	Macquarie Goodman
Shaun McBride	NSW Local Government and Shires Association

Land Supply Chief Executive Officers Group

The Land Supply Chief Executive Officers Group, chaired by the Director General of Planning, ensures agencies work effectively together to deliver land supply and meet the E6 Housing affordability targets of the State Plan.

Representative	Organisation
Sam Haddad (Chair)	Department of Planning
Gail Connolly (Alternate Chair)	Department of Planning
Robyn Kruk	Department of Premier and Cabinet
David Richmond	Department of Premier and Cabinet
John Pierce	NSW Treasury
Lisa Corbyn	Department of Environment and Climate Change
Mark Duffy	Department of Water and Energy
Sean O'Toole	Landcom
Angus Dawson	Growth Centres Commission
Dr Kerry Schott	Sydney Water Corporation
Richard Powis	Integral Energy
Les Wielinga	Roads and Traffic Authority

Planning Professionals Working Group

Established March 2006, the Planning Professionals Working Group reviews the output of the Planning Professionals Forum and identifies the most important issues facing the planning profession.

Representative	Organisation
Kim Cull (Chair)	Department of Planning
Janet Dore	Newcastle City Council
John Kuhn	Macquarie Goodman
Bob Meyer	Cox Richardson Architects and Planners
Ken Morrison	Property Council of Australia
Peter Murphy	University of NSW
Sonya Phillips	Baulkham Hills Shire Council
Sue Robinson	NSW Urban Task Force
Monique Roser	Planning Institute of Australia

Dr Glenn Searle	University of Technology Sydney
Marie Sheehan	TAFE NSW
David Tierney	Multiplex Developments Australia
Ross Woodward	Department of Local Government

South and Ropes Creek Leaders Forum

The South and Ropes Creek Leaders Forum is composed of State Government and local government land holders and pursues a coordinated approach to the management of the riparian corridors.

Representative	Organisation
Suellen Fitzgerald (Chair)	Department of Planning
Belinda Rollason	Department of Planning
Ken Taylor	Department of Planning
Mark Taylor	Department of Planning
Katie Littlejohn	Department of Environment and Climate Change
Liz Jeremy	Blacktown City Council
Alan Cunningham	Department of Premier and Cabinet
Wayne Mitchell	Penrith City Council
Bill Dixon	The Hawkesbury Nepean Catchment Management Authority
Kerry Brew	The Hawkesbury Nepean Catchment Management Authority
Jonathan Sanders	National Parks and Wildlife Services
Katie Littlejohn	National Parks and Wildlife Services
Tim Beshara	Greening Australia
Daniel Keary	Delfin Lend Lease

Rouse Hill Regional Centre Joint Management Committee

Department of Planning is the owner of the Rouse Hill Regional Centre and sits on the Joint Management Committee which manages the Project Development Agreement between the private sector partner and Government for the delivery of a new town centre.

Representative	Organisation
Jon Isaacs	Independent Chairman
Gail Connolly	Department of Planning
Peter J Lee	Department of Planning
Simon Pagett	Joint Venture Developer Lend Lease
Michael O'Brien	General Property Trust
Sean O'Toole	Landcom

NSW Coastline Cycleway Steering Committee

The Steering Committee's primary function is to provide advice and promote coordination in the planning, implementation and promotion of the NSW Coastline Cycleway. An important function of the committee is to assess and provide recommendations to the Minister on local government applications for funding

Representative	Organisation
Julie Conlon (Convenor)	Department of Planning
Brad Donaldson	Roads and Traffic Authority
Alex Unwin	Bicycle NSW
Alan McGuigan	Department of Tourism, Sport and Recreation
John Scott	Department of Premier and Cabinet
Christine Pedders	Department of Premier and Cabinet
Richard Connors, Senior Policy Officer, Road and Transport	Local Government and Shire's Association

Building Code of Australia Alternative Solutions Working Party

The Working Party reviews the NSW development control system to ensure the adequacy and ongoing integrity of alternative solutions under the Building Code of Australia.

Representative	Organisation
Stephen Durnford (Chair)	Department of Planning
Alan Host	Department of Planning

Steve Natilli	Association of Accredited Certifiers
Ross Smith	Australian Institute of Building
Russell Grove	Australian Institute of Building Surveyors
Trevor Taylor	Blacktown City Council
Neil Cocks	Building Professionals Board
John Riley	City of Sydney
Alan Obrar	Engineers Australia
Dennis Dinse	Fire Protection Association of Australia
Andrew Webb	Insurance Council of Australia
Nick Katris	Local Government and Shires Association
Chris Jurgeit	NSW Fire Brigades
David Boverman	NSW Fire Brigades
Paul Burgess	Office of Fair Trading
Eric Bailey	Property Council of Australia
Michael Wynn-Jones	University of Western Sydney

Significant committees on which the Department is represented

Name of Committee or Board	Planning Representative
Australian Bureau of Statistics Transport Statistics User Group	Tim Raimond
Aquaculture Steering Committee	Yolande Stone
Australian Transport Council Congestion Management Committee	Tim Raimond
Building and Construction Council NSW Inc	Neil Cocks
Building Industry Coordinating Committee	Neil Cocks
Central Parramatta Planning Committee	Sam Haddad, Andrew Watson (Delegate)
Central Sydney Planning Committee	Sam Haddad, Petula Samios (Alternate)
Chief Executives Committee	Sam Haddad
Chief Executive Officers Forum on Economic Development	Chris Wilson
Development Assessment Forum	Catherine Donnellan
Environmental Protection & Heritage Council Standing Committee	Reece McDougall, Susan Macdonald (Alternate)

Fire Protection Systems Working Party (of Building Industry Coordinating Committee)	Neil Cocks
Foreshores and Waterways Planning and Development Advisory Committee	Una Williamson
Government Asset Management Committee	Sam Haddad, Gail Connolly (Alternate)
Greater Western Sydney Natural Resource and Environment Senior Officers Group	Andrew Watson
Greenhouse Chief Executive Officers Meeting	Yolande Stone
Growth Centres Commission	Sam Haddad, Gail Connolly (Alternate)
Intergovernmental Coastal Advisory Group	Paula A Douglas
Land Release in Metropolitan Sydney Task Force	Sam Haddad, Gail Connolly
Local Government and Planning Joint Committee	Chris Johnson
Local Government Project Review Committee	Sam Haddad, Gail Connolly (Alternate), John Brockhoff (Delegate)
Major Development Chief Executive Officers Forum	Chris Wilson
Metropolis 2008 Congress Interim Organising Committee	Chris Johnson
Metropolitan Rail Expansion Program	Sam Haddad, Gail Connolly
Metropolitan Water Chief Executive Officers Committee	Sam Haddad
Monitoring, Evaluation and Reporting: Estuaries Committee	Peter Nelson
Monitoring, Evaluation and Reporting: Wetlands Committee	Peter Nelson
Natural Resources and Environment Chief Executive Officers Cluster	Richard Pearson
Natural Resources Advisory Council	Richard Pearson
Natural Resources Advisory Council Standing Committee on Planning and Coastal	Paula A Douglas
NSW Statistical Coordination User Forum	Tim Raimond

Planning for Bushfire Protection Review Panel	Richard Pearson, Norma Shankie Williams, Mark Grayson (Alternates)
Planning Officials Group	Kim Cull/Chris Johnson
Port Botany Logistics Task Force	Sam Haddad, Yolande Stone
Reference Group of the Western Sydney Urban Planning and Health Projects	Chris Johnson
Regional Organisation of Councils Presidents Forum	Sam Haddad, Gail Connolly
Road and Traffic Advisory Council	Petula Samios
Southern Coalfields Development Application and Rezoning Liaison Committee	Laurel Cheetham, Michael Druce (Alternate)
St Marys Australian Defence Industries Employment Development Strategy Committee	Peter Goth
Sydney Olympic Park Authority Design Review Panel	Petula Samios
Sydney Water Pressure Management Program – Interagency Group	Stephen Durnford
Transport Chief Executive Officers Committee	Sam Haddad, Gail Connolly
Heritage Council of NSW	Sam Haddad, Reece McDougall (Delegate)
Heritage Council's Approvals Committee	Susan Macdonald (Delegate)
National Cultural Heritage Forum	Susan Macdonald, Reece McDougall (Deputy)
Australian Convict Sites World Heritage Nomination, National Steering Committee	Susan Macdonald, Bruce Baskerville
History Council of NSW	Bruce Baskerville (Member)
Engineers Australia (NSW Division) Heritage Committee	Cameron White (Member)
Heritage Council's Religious Property Advisory Panel	Cameron White (Member)
Aboriginal History Project Consultative Committee (Willoughby Council)	Cameron White (Member)

Hornsby Shire Heritage Advisory Committee	Brad Vale (Member)
Parramatta City Reference Panel – City Centre Plans	Rajeev Maini (Member)
Newcastle City Reference Panel – City Centre Plans	Rajeev Maini (Member)
Liverpool City Reference Panel – City Centre Plans	Rajeev Maini (Member)
Goat Island Reference Group	Susan Macdonald
NSW Karst management Advisory Committee	Susan Macdonald
NSW Division Committee, Urban Design Chapter, Planning Institute of Australia	Susan Macdonald (Chair)
Australian Delegation to the 31st World Heritage Committee, New Zealand 2007	Susan Macdonald
Sydney City Council Town Hall Committee	Susan Macdonald, Brad Vale (Deputy)
Premier's Council for Active Living	Peter Hamilton

International committees on which the Department is represented

Name of Committee or Board	Planning Representative/s
ICOMOS International Cultural Tourism Committee	Murray Brown (Membership Secretary)
ICOMOS International Scientific Committee for Interpretation and Presentation	Bill Nethery
DOCOMOMO International Scientific Specialist Committee for technology	Susan Macdonald
Editorial Board for the Journal of Architectural Conservation (UK)	Susan Macdonald
ICOMOS International Scientific Committee for Underwater Cultural Heritage	David Nutley (Secretary)

List of significant committees established/abolished and their function

Name of Committee or Board	Planning Representative/s
Bays Precinct Committee – strategic land use options for Bays Precinct, including Glebe Island	Established Chris Wilson
Moorebank Intermodal Terminal Working Group – the role of the intermodal terminal at Moorebank in a broader strategy for handling increased east-west and north-south freight flows in Sydney	Established Chris Wilson
Sydney Opera House Committee – development around the Sydney Opera House	Established Jason Perica
Sydney Opera House World Heritage Listing Steering Committee	Abolished (formerly represented by Susan Macdonald, Bronwyn Hanna, Patricia Hale)
NSW Sydney Opera House World Heritage Nomination Task Force	Abolished (formerly represented by Susan Macdonald, Bronwyn Hanna, Patricia Hale Marcus Ray, Una Williamson)
Two Ways Together Culture and Heritage Cluster	Abolished (formerly represented by Norma Shankie Williams, Cameron White and Rick Shapter)

Appendix 8

Ethnic Affairs Priority Statement

Purpose: to report on progress and strategies for implementing Ethnic Affairs Priority Statement.

The Ethnic Affairs Priority Statement outlines how the Department applies the NSW Principles of Multiculturalism and adapts services and products to the needs of the State's culturally and linguistically diverse population. The Department most commonly works with other State agencies, local government, the development industry and peak lobby groups to establish strategy and policy and complete development assessments.

Ethnic Affairs Priority Statement initiatives are aimed at ensuring that all people, regardless of linguistic, racial, cultural or religious background, are considered in the policy process and have full access to appropriate information and services.

Achievements

Heritage

Heritage is one area of the Department's service delivery where specific support is provided to the culturally diverse communities of NSW. The Heritage Council has funded thematic histories of a number of communities, provided funding for community projects, and listed items of significance to migrant communities. In January 2007 the Council listed as State significant the Hermits Cave complex in Griffith, of importance to the Italian community and a rare example in Australia of the European tradition of hermitism.

The Building Sustainability Index

The Building Sustainability Index (BASIX) is a policy that impacts all new residential buildings in NSW. A comprehensive communication strategy is a significant component of BASIX, including a website, fact sheets in 14 languages, as well as state-wide briefing sessions (www.basix.nsw.gov.au).

Community language skills

The Department employs a number of staff with language skills in addition to English who have agreed to use this skill to assist culturally and linguistically diverse clients. Languages covered include Hindi and Cantonese. Under the Community Language Allowance Scheme eligible and active staff receive an allowance for this skill. The Department promotes the benefits of the Community Language Allowance Scheme throughout the organisation.

Interpreter services

The Information Centre, which handles most enquiries from the general public, offers interpreter services when required.

Future strategies

- Continue to ensure communities are invited to participate in major policy development projects such as the Metropolitan and Regional Strategies
- Continue to provide community-level policy and advice in appropriate community languages

Appendix 9

Publications

Purpose: to report on publishing activity.

Corporate

BASIX ongoing monitoring program: 2004-05 outcomes

BASIX 2005-06 snapshot

Department of Planning Annual Report 2005-06

Department of Planning Corporate Plan 2006-07

E-news@planning, issues 1 to 7

Planning executive: fact sheet

New South Wales major development monitor: 2006-07

NSW Planning Profession: Looking Forward. A report of the Planning Professionals Working Group to the Minister

Planning people, issues 1-3

Metropolitan planning

Employment Lands for Sydney: action plan

Metropolitan Development Program: 2005 residential forecasts 2005-06 to 2014-15 (summary and atlas)

Metropolitan Development Program: 2007 update

Supporting Greater Metropolitan Sydney's Land Supply

Sydney Metropolitan Strategy: update report

City centre plans

Draft Gosford city centre plans (City Centre Vision, Local Environmental Plan, Development Control Plan and Civic Improvement Plan)

Draft Liverpool city centre plans (City Centre Vision, Local Environmental Plan, Development Control Plan and Civic Improvement Plan)

Draft Newcastle city centre plans (City Centre Vision, Local Environmental Plan, Development Control Plan and Civic Improvement Plan)

Draft Parramatta city centre plans (City Centre Vision, Local Environmental Plan, Development Control Plan and Civic Improvement Plan)

Draft Penrith city centre plans (City Centre Vision, Local Environmental Plan, Development Control Plan and Civic Improvement Plan)

Draft Wollongong city centre plans (City Centre Vision, Local Environmental Plan, Development Control Plan and Civic Improvement Plan)

Wollongong city centre plans (City Centre Vision, Local Environmental Plan, Development Control Plan and Civic Improvement Plan)

Regional NSW planning

Departmental review: Queanbeyan City Council residential and economic strategy 2031

Draft Central Coast Regional Strategy: 2006-31 (and fact sheet)

Draft Mid North Coast Regional Strategy: 2006-31 (and fact sheet)

Lower Hunter Regional Strategy: 2006-31 (and fact sheets)

Illawarra Regional Strategy: 2006-31 (and fact sheets)

Far North Coast Regional Strategy: 2006-31 (and fact sheet)

South Coast Regional Strategy: 2006-31 (and fact sheets)

Comprehensive coastal assessment toolkit (double DVD and brochure)

State planning

Draft Environmental Planning and Assessment (Temporary Structures and Places of Public Entertainment) Regulation 2007

Draft State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (with maps)

Draft State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

Environmental Planning and Assessment Amendment (Seniors Housing) Regulation 2007: exposure draft

Fact sheet: State Environmental Planning Policy (Seniors Living) draft amendment – background and planning context

Fact sheet: State Environmental Planning Policy (Seniors Living) draft amendment – site compatibility test compatibility criteria

Fact sheet: Transfer of regulation of the use of places of public entertainment and the erection of temporary structures

Fact sheet: Transport corridor outdoor advertising – proposed changes

Information sheet: Planning for the alpine resorts of NSW – have your say

State Environmental Planning Policy (Infrastructure) 2006: draft for public comment

State Environmental Planning Policy (Major Projects) 2005 (Amendment No. 16): public exhibition draft

State Environmental Planning Policy No. 64 – Advertising and Signage (Amendment No. 2): public exhibition draft

State Environmental Planning Policy (Seniors Living) 2004 – Amendment No. 2: exposure draft

Supporting infrastructure planning: an overview to the draft State Environmental Planning Policy (Infrastructure) 2006

Transport corridor outdoor advertising and signage guidelines: assessing development applications under SEPP 64, consultation draft, April 2007

Demographics

Method for deriving population projections for statistical local areas in New South Wales, 2005 release

New South Wales statistical local area population projections 2001-2031, 2005 release

Population NSW Bulletin, numbers 6-9

Transfigures, April 2007 edition

Major project assessments and hazards policy

Commonwealth Environmental Protection and Biodiversity Conservation Act 1999: guide to implementation in NSW

Draft Hazardous industry planning advisory paper No. 10: land use safety planning

Fact sheet: Environmental Planning Legislation Amendment Act 2006

Guidelines for establishing and operating community consultative committees for mining projects

Guidelines for Part 3A of the Environmental Planning and Assessment Act: criteria for declaring development to be a major project under clause 13 of schedule 1 of the major projects State Environmental Planning Policies (SEPP)

Guideline for State significant sites under the major projects SEPP

Kurnell Peninsula land-use safety study

Updated assessment fees for major projects and State significant sites: brochure

Building circulars

BS 07-001 BCA 2007 seminars

BS 07-002 New scheme for accrediting certifiers in NSW

BS 07-003 Building Professionals Regulation 2007

BS 07-004 Transitional arrangements for existing accredited certifiers

BS 07-005 Building Code of Australia 2007 amendment

Development contributions practice notes

Section 94A development contributions plans

Template for a section 94 development contributions plan

Template for a section 94A development contributions plan

Local planning practice notes and guidelines

PN 06-001 Preparing Local Environmental Plans (LEPs) using the standard instrument: standard clauses (revised September 2006)

PN 06-003 Preparing LEPs using the standard instrument: definitions (revised September 2006)

PN 07-001 Standard instrument for LEPs – FAQs

Standard technical requirements for LEP maps

Planning circulars

PS07-001 Consideration of draft SEPPs under section 79C of the Environmental Protection and Assessment Act

PS07-002 Environmental Planning Legislation Amendment Act 2006

PS07-003 New guideline and changes to section 117 direction and EP&A Regulation on flood-prone land

PS07-004 Minor amendments to existing use rights

PS07-005 SEPP (Mining, Petroleum Production and Extractive Industries) 2007

PS07-006 Implementation of Regional Strategies – Ministerial direction

PS07-007 New mapping requirements for Local Environmental Plans

PS07-008 New section 117 directions

PS07-009 Environmental Planning Legislation Amendment Act 2006 and EPAA (Miscellaneous) Regulation 2007

PS07-010 Heads of consideration for the Minister to appoint a planning administrator or panel

Heritage

Analysis and review of the submissions made to the Productivity Commission Inquiry into Australia's historic heritage

Community-based heritage studies: a guide, revised edition

Conserving historic signs

Eight suggestions on how local councils can promote heritage conservation, revised edition

Guidelines for nominations to the State Heritage Register

Heritage Council of NSW Annual Report 2005-06

Heritage NSW, Spring 2006, vol. 13, no. 2

Heritage NSW, Autumn 2007, vol. 14, no. 1

Historical archaeology code of practice

How to establish a heritage advisor service, revised edition

How to undertake a heritage main street study, revised edition

Local government heritage management program summary heritage strategy report for 2006-07

Template for Heritage Strategy Annual Report 2006-07 to 2007-08

Building Professionals Board

Accreditation scheme

Applying for Accreditation: a guide

BPB Bulletin, issues 6-9

BPB Bulletin, special edition, January 2007

Code of Conduct: a guide (revised)

Consultation Report: draft building professionals regulation and draft accreditation scheme

Information sheet 2 – Building Professionals Board

Information sheet 3 – Accredited certifiers

Information sheet 7 – Continuing professional development

Information sheet 8 – Some terms used in accreditation

Information sheet 9 – Insurance required by accredited certifiers

Information sheet 10 – Disciplinary powers of the board

Appendix 10

Electronic Service Delivery

Purpose: to report on status of electronic service delivery.

The Department continued to increase the range of information and services delivered through electronic channels. The Department's main corporate website at www.planning.nsw.gov.au is one of the key electronic channels for delivering information. There was an average of 221,823 page views per month in 2006-07. The website's most popular pages are:

- Register of major projects
- Notice of determination
- Legislation and planning instruments
- Media releases

The Department maintains a number of other websites:

BASIX website (www.basix.nsw.gov.au)

As well as sustainability information and reports, the website contains a number of online tools and databases. The Building Sustainability Index (BASIX) is a completely web-based planning tool introduced to ensure new homes are designed and built to use less water and produce fewer greenhouse gas emissions. The required BASIX Certificate is generated online using the assessment tool, through the BASIX website.

Heritage office website (www.heritage.nsw.gov.au)

This website contains an up-to-date register of heritage items along with a wealth of information about heritage issues, policy and announcements.

Cities and centres websites (accessible through www.planning.nsw.gov.au/plansforaction/citiestaskforce.asp)

A series of custom-designed websites was built for the release of City Centre plans for the six Regional Cities of Wollongong, Newcastle, Gosford, Parramatta, Penrith and Liverpool. These included interactive maps and an online survey to allow people to comment on draft plans.

Metropolitan Strategy (www.metrostrategy.nsw.gov.au)

The Department continued to update this site with Metropolitan Strategy announcements. The website was renavigated during 2006-07.

The Department continued to release an e-newsletter to online subscribers to allow people to keep up to date with the Department's work.

Appendix 11

Consumer Response

Purpose: to report on complaints and services improved in response.

The Department is committed to handling public feedback courteously and efficiently, and in the case of formal complaints, to responding to issues quickly and equitably. Consumer compliments and complaints can be communicated through the Department's network of offices. This network allows responses to be provided at the local level to assist with the timely resolution of issues.

The Department has been refining a general complaints-handling policy that includes a central register of all consumer and other external complaints received by Planning offices across the State. The Department's new complaints policy will become fully operational during the 2007-08 reporting year and builds on the Department's well-established protocols for dealing with allegations of serious misconduct or corruption by the Department, a Departmental officer or a third party.

The Department's Information Centre provides a single, coordinated customer interface between specialist staff and the public, other government agencies, local government and industry. The range of services provided includes information on the Department's programs and regulatory functions, publication distribution and sales, statutory and promotional displays.

Information Lines	2005-06	2006-07
Information Centre		
Phone requests	17,127	20,159
Email requests	2,387	4,275
Counter enquiries	2,722	8,067
Mail-outs	3,756	1,174
Building Code of Australia Advisory Line	600	802
Smoke alarm helpline	3,133	1,443*
BASIX calls	10,925**	6,673
BASIX emails		3,395
TOTAL	40,650	44,814

*From mid-May 2007 the smoke alarm helpline has been redirected to Information Desk

** These statistics include emails

The three "hot topics" or most popular requests this year were in relation to:

1. Development application assessments, current and past, including submissions
2. The Metropolitan Strategy including Subregional Strategies
3. Housing policy

Appendix 12

Freedom of Information

Purpose: to report on Freedom of Information activity consistent with the *Freedom of Information Act 1989*.

During 2006-2007, the Department received 88 new Freedom of Information applications (compared to 91 the previous year), and completed the same number. All the applications were non-personal and the majority related to statutory planning functions of the Department.

Of the 88 applications processed:

- 26 were granted full access (29)
- 25 were granted partial access (18)
- 18 were refused access (28)
- None was transferred to another agency (1)
- 19 were withdrawn at the applicant's request (6)
- Nine were carried forward to the next reporting period (9)

Of the 43 cases where access was refused either in full or in part, 10 applications were refused because the applicant did not pay the required advance deposit towards the cost of processing the application. The other 33 applications were refused on one or more of the following grounds:

- Six – processing would cause unreasonable diversion of the Department's resources
- 11 – the documents were otherwise available
- Six – the documents requested were not held
- 21 – the documents were held to be exempt

Seven applications for an internal review were received. In five cases, the original determination was upheld. In two cases the initial determination was varied and in each case additional documents were released.

One case was reviewed by the Office of the Ombudsman. It was not finalised in the year. The applicant, a local government authority, objected to the Department's decision to disclose a letter it had received from a private company. In 2005-2006 two cases were finalised by the Ombudsman.

One case was completed at the Administrative Decisions Tribunal. In this matter the applicant withdrew. In the previous year four cases were finalised by the Tribunal.

Compliance with the provisions of the Freedom of Information Act did not have a significant impact on the administration of the Department.

Section A – Number of new requests during 2006-07

Freedom of Information Requests	Personal	Other	TOTAL
New (inc transferred in)	0	88	88
Brought forward (from Dept of Planning)	0	9	88
Total to be processed	0	97	97
Completed	0	0	69
Transferred out	0	19	69
Withdrawn	0	0	19
Total processed	0	88	88
Unfinished (carried forward)	0	9	9

Section B – Results of completed requests

Result of Request	Personal	Other
Granted in full	0	26
Granted in part	0	25
Refused	0	18
Deferred	0	0
Completed	0	69

Section C – Ministerial certificates

There were no ministerial certificates issued in the period.

Section D – Formal consultations

Number of requests requiring formal consultations: 41

Number of consultations undertaken: 274

Section E – Amendment of personal records

There were no requests for amendments of personal records.

Section F – Notation of personal records

There were no requests for notation of personal records.

Section G – Requests granted in part or refused

Basis for disallowing access: (18 applications refused, 25 granted in part)

Basis for Partial Access or Refusal	Personal	Other
Application incomplete, wrongly addressed s.19	0	0
Deposit not paid s.22	0	10
Diversion of resources s.25(1)(a1)	0	6
Exempt s.25(1)(a)	0	21
Otherwise available s.25(1)(b), (c), (d)	0	11
Documents not held s.28(1)(b)	0	6
deemed refused, over 21 days s.24(2)	0	0
Released to Medical Practitioner s.31(4)	0	0
TOTAL	0	54

Note: the total need not reconcile with the refused requests total as there may be more than one reason cited for refusing an individual request.

Section H – Costs and fees of requests processed

	Asssed Costs	FOI Fees Received
All completed requests	\$33,229.00	\$23,446.00

Section I – Discounts allowed

Types of Discount Allowed	Personal	Other
Public interest	0	4
Financial hardship – pensioner/child	0	6
Financial hardship – non-profit organisation	0	3
Significant correction of personal records	0	0
TOTAL	0	13

Section J – Days to process

Elapsed Time	Personal	Other
0 – 21 days	0	28
22 – 35 days	0	37
Over 35 days	0	4
TOTAL	0	69

Section K – Processing time

Processing Hours	Personal	Other
0 – 10 hours	0	43
11 – 20 hours	0	10
21 – 40 hours	0	9
Over 40 hours	0	7
TOTAL	0	69

Section L – Reviews and appeals

Reviews and Appeals	
Number of internal reviews finalised	7
Number of ombudsman reviews finalised	0
Number of Administrative Decisions Tribunal appeals finalised	1
TOTAL	8

Details of internal review results

Basis of Internal Review	Personal		Other	
	Upheld	Varied	Upheld	Varied
Grounds on which internal review requested				
Access refused	0	0	3	1
Deferred	0	0	0	0
Exempt matter	0	0	2	1
Unreasonable charges	0	0	0	0
Charge unreasonably incurred	0	0	0	0
Amendment refused	0	0	0	0
TOTAL	0	0	5	2

Statement of Affairs

The Freedom of Information Act 1989 gives the public the legal right to:

- Obtain access to documents held by the Department
- Request amendments to records of a personal nature that are inaccurate
- Appeal against a decision not to grant access to a document or to amend personal records

Under the Freedom of Information Act, the Department is required to publish an annual Statement of Affairs. This annual report includes all the requirements of the Department's Statement of Affairs including the structure and functions of the Department; how these functions affect the public; how the public can participate in the Department's policy development; the kinds of documents the Department holds; and how members of the public may access and amend the Department's documents.

Programs and activities

The structure and functions of the Department, how these functions affect the public and how the public can participate in the Department's policy development are detailed elsewhere in this annual report. Information on the Department's programs and activities, publications and its policies can also be accessed on the Internet at www.planning.nsw.gov.au

Documents held

The Department holds the following categories of documents:

- Policy documents and correspondence
- Documents on internal administration
- Policy, minutes and correspondence to/from boards and committees
- Policy documents and correspondence concerning grants, agreements and contracts

Accessing the Department's documents

Policies and publications can be accessed in several ways:

- Internet – www.planning.nsw.gov.au
- Library – 10 Valentine Avenue, Parramatta (by appointment). Phone 9895 7100 or by inter-library loan procedures
- Information Centre – 23-33 Bridge Street, Sydney. Unless otherwise indicated, policy documents are free but many publications are available for purchase. Phone 9228 6333 or email information@planning.nsw.gov.au Copies of the Department's publications may also be obtained from the online bookshop at www.shop.nsw.gov.au
- Freedom of Information Manager – see below

Accessing and amending the Department's documents

Requests under the Freedom of Information Act for access to documents held by the Department are the responsibility of the Department's Freedom of Information Manager.

Applications for access to documents under the provisions of the Freedom of Information Act 1989 must be in writing, either on an application form or by letter, accompanied by the \$30 application fee and directed to:

Freedom of Information and Privacy Unit

Department of Planning
GPO Box 39
Sydney NSW 2001
Phone (02) 9228 6116
Fax (02) 9228 6154

Freedom of Information application forms may be obtained by contacting the Freedom of Information and Privacy Unit who can also assist with completion of the application or on the Department's website www.planning.nsw.gov.au. Copies of documents may be requested, or originals may be made available for examination in certain circumstances.

Processing a Freedom of Information request

The Freedom of Information Unit will acknowledge the request and provide a determination concerning access, normally within 21 days. If the processing time has to be extended, the Freedom of Information Unit will keep the applicant informed as to the progress of their application. The applicant may be required to clarify the request and sometimes a request may be referred to another Department if the request is more closely connected to the functions of that Department.

Access to documents may be refused if a document is held to be exempt under Schedule 1 of the Freedom of Information Act. The Freedom of Information Unit will provide reasons why the document is exempt in a letter of determination. If a request for access is refused, the applicant has rights of review and appeal, firstly by applying for an internal review of the decision. If required, an external review by the Office of the Ombudsman may be requested and/or an appeal may be lodged with the Administrative Decisions Tribunal.

Charges for access

Charges for processing a Freedom of Information application are set out in the table below. There is a 50 percent discount for people who can demonstrate financial hardship, or if release of the document is in the public interest.

Nature of Application	Application Fee	Processing
Access to records by natural persons about their personal affairs, the first 20 hours	\$30	\$30 an hour after the first 20 hours
All other requests	\$30	\$30 per hour
Internal review (all circumstances)	\$40	Nil
Amendment of records	Nil	Nil

Amendment to personal records

Applicants can request an amendment of documents containing information about their personal affairs where they consider that the information is incomplete, incorrect, out of date or misleading. If the Department refuses to amend the record, the applicant has the right to include with the record a statement outlining why they consider the record to be incorrect and any information they feel is necessary to correct the record, complete it or bring it up to date.

Applications must be in writing and identify the information alleged to be incorrect. Applicants must provide details why the information they want amended is incomplete, incorrect, out of date or misleading, and, if necessary, supply documentation in support of their claim.

Appendix 13

Privacy

Purpose: to report on activity under the Privacy and Personal Information Protection Act 1998.

In the 2006-07 reporting period, there were no requests for access to documents, no applications for an internal review and no complaints under the Privacy and Personal Information Protection Act.

As required under the Privacy and Personal Information Protection Act 1998, the Department has a Privacy Management Plan governing the collection, retention, accuracy, use and disclosure of personal information, including rights of access and correction. The Privacy Management Plan is currently under review.

The Department is committed to ensuring the protection of the right to privacy of its staff and clients and has appointed a designated privacy officer. There is a privacy site on the intranet, where privacy guidelines are published, with additional privacy guidelines and forms for compliance staff. Privacy notices are required on all compliance documentation.

The Manager FOI & Privacy can be contacted at:

23-33 Bridge St

Sydney NSW

Ph 02 9228 6116

Fax 02 9228 6120

Appendix 14

Allocation of the Administration of Acts

Purpose: to list Acts administered by the Department.

Minister for Planning	Landcom Corporation Act 2001 No. 129
Blue Mountains Land Development (Special Provisions) Act 1985 No. 55	National Trust of Australia (New South Wales) Act 1990 No. 92
Botany and Randwick Sites Development Act 1982 No. 99	Port Kembla Development (Special Provisions) Act 1997 No. 40
Building Professionals Act 2005 No. 115	Sir Henry Parkes National (War) Memorial Museum and Library Act 1957 No. 47
Callan Park (Special Provisions) Act 2002 No. 139	State Environmental Planning (Permissible Mining) Act 1996 No. 27
Clyde Waste Transfer Terminal (Special Provisions) Act 2003 No. 88	Sydney Harbour Foreshore Authority Act 1998 No. 170
Environmental Planning and Assessment Act 1979 No. 203	Sydney Olympic Park Authority Act 2001 No. 57
Growth Centres (Development Corporations) Act 1974 No. 49 (except parts, the Minister for the Central Coast)	Walsh Bay Development (Special Provisions) Act 1999 No. 3
Heritage Act 1977 No. 136	Warnervale Airport (Restrictions) Act 1996 No. 57
Kooragang Coal Terminal (Special Provisions) Act 1997 No. 138	Western Sydney Parklands Act 2006 No. 92
Land Development Contribution Act 1970 No. 24	Western Sydney Regional Park (Revocation for Western Sydney Orbital) Act 2001 No. 60
Land Development Contribution Management Act 1970 No. 22	

Appendix 15

Legislative Change

Purpose: to list legislative change during the year.

Acts

Environmental Planning Legislation Amendment Act 2006 (assented to 4 December 2006).

* See Proclamations below.

Regulations

Environmental Planning and Assessment Amendment (Sydney Region Growth Centres) Regulation 2006

Environmental Planning and Assessment Amendment Regulation 2006

Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2006

Environmental Planning and Assessment Amendment (Fees) Regulation 2007

Building Professionals Regulation 2007

Environmental Planning and Assessment Amendment (Compliance Certificates) Regulation 2007

Environmental Planning and Assessment Amendment (Flood-related Development Controls Information) Regulation 2007

Environmental Planning and Assessment Amendment (Levies) Regulation 2007

Environmental Planning and Assessment Amendment (Planning for Bush Fire Protection) Regulation 2007

Rural Fires Amendment (Bush Fire Safety Authorities) Regulation 2007

Environmental Planning and Assessment Amendment (Designated Development) Regulation 2007

State Environmental Planning Policies

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

State Environmental Planning Policy No. 58 – Protecting Sydney's Water Supply (Am. No. 4)

State Environmental Planning Policy Amendment (Pipelines) 2006

State Environmental Planning Policy (Building Sustainability Index: BASIX) Amendment Policy 2006

State Environmental Planning Policy No. 14 – Coastal Wetlands (Am. No. 15)

State Environmental Planning Policy No. 52 – Farms, Dams and Other Works in Land and Water Management Plan Areas (Am. No. 1)

State Environmental Planning Policy No. 62 – Sustainable Aquaculture (Am. No. 3)

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Major Projects)

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 4) – Miscellaneous

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 5) – Royal North Shore – CIP

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 6) – Channel 7

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 7) – Redfern – Waterloo Authority Sites

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 8) – Rhodes Peninsula

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 9) – Royal North Shore

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 10) – Kings Forest

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 11) – The Dan Land

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 13) – Federal Police Training Facility

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 14) – Huntingwood West

State Environmental Planning Policy (Major Projects) 2005 (Am. No. 15) – Tomago Industrial site

Proclamations

* Proclamation under the Environmental Planning Legislation Amendment Act 2006 No. 123 (commenced by way of proclamation on 12 January 2007).

Proclamation under the Building Professionals Act 2005 No. 115 (commenced by way of proclamation on 25 January 2007).

Orders and Declarations

Order to amend the Order made under s.75B (1) of the Environmental Planning and Assessment Act 1979 – Carlton United Breweries Site, Chippendale

Order under s.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – upgrading segments of the Hume Highway, located within the Greater Hume and Wagga Wagga local government areas

Order under S.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – Huntingwood West Site – Huntingwood West employment area

Order revoking the declaration made under s.75B(1) of the Environmental Planning and Assessment Act 1979 applying to 40 Walker Street Rhodes

Order under S.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project to amend the existing order to exclude development for the purposes of the construction and operation of the Hume Highway – Coolac Bypass

Order under s.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – Kings Forest, in the local government area of Tweed – erection of dwelling houses

Order under s.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – development for the purposes of upgrading segments of the Pacific Highway, located within the Tweed, Byron, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Port Macquarie-Hastings, Port Stephens and Newcastle local government areas

Order under s.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – North Nowra Link Road at Bomaderry in the Shoalhaven local government area

Order under s.94EG (1) of the Environmental Planning and Assessment Act 1979 – amending Schedule 5A Wollongong City Centre – special contributions area

Order under s.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – West Dapto Transport Link at Dapto

Order under S.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – development on land east of Kanagra Road, Wyong

Order under S.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – development on land east of Pacific Highway, Lake Macquarie

Order under S.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – development on land in Lake Macquarie local government area for urban purposes (including 90 dwellings)

Order under s.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – construction and operation of Energy Australia's Botany Bay Cable Project

Order under s.75B (1) of the Environmental Planning and Assessment Act 1979 for Part 3A project – Kangaloon borefields, Leonay-Emu Plains borefields and Wallacia borefields

Order under s.75P (2)(e) of the Environmental Planning and Assessment Act 1979 – development is declared not to be designated development – intermodal terminal and associated infrastructure near Parkes

Declaration of Critical Infrastructure Project under s.75C of the Environmental Planning and Assessment Act 1979 upgrading segments of the Pacific Highway, located within the Tweed, Byron, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Port Macquarie-Hastings, Port Stephens and Newcastle local government areas

Declaration of Critical Infrastructure Project under 75C of the Environmental Planning and Assessment Act 1979 upgrading segments of the Hume Highway located within the Greater Hume and Wagga Wagga local government areas

Declaration of Critical Infrastructure Project under s.75C of the Environmental Planning and Assessment Act 1979 – Kangaloon borefields, Leonay-Emu Plains borefields and Wallacia borefields

Declaration under clause 276 of the Environmental Planning and Assessment Regulation 2000 – declaring precincts to be released for urban development – Release Precincts of the North West and South West Growth Centres

Standard Instrument (Local Environmental Plans) Amendment Order 2006

Appendix 16

Significant Judicial Decisions

Purpose: to report significant judicial decisions.

Taralga Landscape Guardians Inc v Minister for Planning and RES Southern Cross Pty Ltd [2007] NSWLEC 59

The Taralga Landscape Guardians Incorporated unsuccessfully appealed the development consent issued by the Minister to RES Southern Cross P/L for the construction and operation of a wind farm at Taralga.

On 12 February 2007 Preston J dismissed the appeal and granted development consent to the construction and operation of the wind farm.

The Court approved the project in view of the risk of climate change and increasing energy supply demand in Australia. The Taralga Wind Farm is estimated to have a generating capacity of between 93.2 and 124.2 MW. It is estimated to be capable of producing enough power for between 29,160 and 38,570 households and would displace 192,860 to 257,140 tonnes of greenhouse gases.

Rocla Pty Ltd v Minister for Planning and Sutherland Shire Council [2007] NSWLEC 55

The proceedings were a Land and Environment Court Class 1 merits appeal against the Minister's refusal of development consent for the expansion of a sand extraction operation at Kurnell in the vicinity of the Towra Point Nature Reserve, a Ramsar wetland of international importance.

Judgment was handed down by Justice Talbot on 14 February 2007. The Court found the proposal was inconsistent with the aims and objectives of SREP 17 to "phase out" sandmining on the Kurnell Peninsula. The Court also found that no satisfactory arrangements had been made to protect groundwater and resources and that the proposal required the unacceptable removal of vegetation comprising endangered ecological communities under the Threatened Species Conservation Act 1995.

Ceal Limited v Minister for Planning and Ors [2007] NSWLEC 302

On 19 June 2007 the Land and Environment Court upheld the Minister's refusal of a development application for a proposed quarry at Ardmore Park. The proposed quarry involved transporting extracted material by road through Bungonia village to the Hume Highway and then to markets in Sydney and Canberra.

The Court agreed that the quarry haul trucks would have serious and unacceptable impacts on the amenity of Bungonia Village. The Court also found the environmental impacts of road upgrading works were unacceptable.

The Court emphasised the importance of the village zoning of Bungonia under the Local Environmental Plan. The haul route would undermine the village by fundamentally altering its character, visually, acoustically and in less tangible respects such as ambience and enjoyment of outdoor spaces.

Gray v Minister for Planning and Ors [2006] NSWLEC 720

Mr Gray challenged decisions of the Director General in relation to the environmental assessment of a proposal by Centennial Hunter Pty Ltd to build the Anvil Hill coal mine in the Hunter Valley Region. The project was under Part 3A of the Environmental Planning and Assessment Act 1979.

Mr Gray sought declarations that the Director General's view that an environmental assessment prepared by Centennial adequately addressed the Director General's environmental assessment requirements was not supportable, legally. The applicant also sought an order that the Director General's decision to place the environmental assessment on public exhibition be set aside.

The applicant argued that greenhouse gas emissions from the burning of coal should be considered in the environmental assessment because of the contribution to global warming/ climate change.

On 27 November 2006 the Land and Environment Court made a declaration that the view formed by the Director General on 23 August 2006 that the environmental assessment lodged by Centennial Hunter Pty Ltd adequately addressed the Director General's requirements was invalid.

The Court considered there was a sufficiently proximate link between the mining of a substantial reserve of thermal coal in NSW and the emission of greenhouse gas to require an environmental assessment under Part 3A to include an assessment of the greenhouse gas contribution of the coal when burnt. The Court also accepted the applicant's argument that the Director General's decision as to adequacy of the environmental assessment did not take certain economically sustainable development principles into account. The Court, however, found that the consideration of economically sustainable development principles did not mean that the greenhouse gas issue, including downstream emissions, overrode all other considerations.

The Court declined to make orders to set aside the decision of the Director General of 23 August 2006 to place the environmental assessment on exhibition under s 75H(3) of the Act because it was clear that an assessment of the greenhouse gas contribution of the burning of coal would be included in the final assessment.

Cranky Rock Road Action Group Inc and Minister for Planning v Cowra Shire Council [2006] NSWCA 339

Cranky Rock Road Action Group Inc unsuccessfully challenged a development consent issued by Cowra Council for subdivision. The Group argued that the development consent was invalid because the development application was not accompanied by a Statement of Environmental Effects. Bignold J in the Land and Environment Court dismissed the appeal. The Group appealed

to the Court of Appeal. The Minister was not a party to the Land and Environment Court proceedings but sought and was granted leave to be joined as Second Appellant in the Court of Appeal proceedings to support the Group's argument that a Statement of Environmental Effect was required.

On 5 December 2006 the Court of Appeal handed down its judgment and upheld the decision of Bignold J. The Court said that failure to lodge a Statement of Environmental Effects with a development application did not render the consent invalid. The Court found that there is no clear legislative intention to invalidate every consent granted to a development application which is not accompanied by a Statement of Environmental Effects.

Milne v Minister for Planning and Anor [No. 2] [2007] NSWLEC 66

The proceedings were an appeal by an objector, Katie Milne, under s 98 of the Environmental Planning and Assessment Act 1979 against the determination of the Minister granting consent for an 86 berth extension to a marina at Chinderah in the Tweed Shire local government area.

On 26 February 2007 Justice Jagot upheld the appeal and refused development consent. The Court found that the nature, size and location of the proposed expansion would have substantial adverse social and economic effects on Chinderah and that these effects were disproportionate to the potential regional benefits. The Court also found the visual impacts and impacts on seagrass beds were unacceptable.

Appendix 17

Risk Management

Purpose: to report on risk management and insurance arrangements and activities.

The Department participates in the NSW Treasury Managed Fund, a self-insurance scheme which provides workers' compensation, motor vehicles, property, public liability and miscellaneous cover. One of the conditions of this insurance coverage is a requirement to place a high priority on the implementation of sound risk-management practices. In the past year the Department has sought to strengthen and strategically manage links between risk management, premium measurement and claims management and monitoring to minimise contingent risks and reduce premiums.

The Department in 2006-07 completed a comprehensive risk assessment of all of its divisions and activities overseen by the Audit Committee. This risk assessment has informed the ongoing work of the Audit Committee. The Internal Audit Bureau has been engaged to provide services for departmental operations requiring improvement.

Appendix 18

Consultants Engaged

Purpose: to report on the number of consultants, and for those over \$30,000, the nature and value of the work.

Consultants \$30,000 or greater

Consultant	Description	Amount
Elton Consulting	Provision of Communication and Consultancy services for the Review of membership of independent panels and hearings	\$38,583
Candle Australia Ltd	Provision of IT and Data base services for the BASIX Program	\$31,593
Cardew Australia Pty Ltd	Planning mix housing study for Sustainability and Metropolitan Planning	\$30,000
Hassell Pty Ltd	Preparation of the North Coast Urban design guidelines	\$50,000
MassMedia Studios	Provision of server host facilities for the BASIX website	\$148,275
Michael Collins & Associates	Analysis and review of land economics with respect to 6 regional cities	\$69,787
SGS Economics	Review employment land study (2005-06)	\$101,273
Sub Total		\$469,511

Consultancies less than \$30,000 Sub total (91 consultancies)	\$529,499
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Total Cost	\$999,010
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Demand Management Project Consultancies

These funds are recovered externally from Energy Australia and Transgrid.

Consultants \$30,000 or greater

Consultant	Description	Amount
APP Corporation	Engineering specialist required to develop and manage programs of Demand Management	\$247,811
Department of Commerce	Provision of engineering specialist technical support for feasibility studies for lightning	\$41,945
Econnect Australia Pty Ltd	Engineering specialist providing expertise in standby generation technologies	\$37,000
Energeering Pty Ltd	Engineering specialist required to investigate Demand Management Opportunities	\$42,590
Energetics Pty Ltd	Engineering specialist required to investigate Demand Management Opportunities	\$74,155
Energetics Pty Ltd	Engineering specialist required to investigate Demand Management Opportunities	\$355,474
Energy Australia	Engineering specialist required to develop and manage programs of Demand Management	\$34,157

Energy Response Pty Ltd	Engineering specialist required to develop and manage programs of Demand Management	\$30,000
Energy Response Pty Ltd	Engineering specialist required to develop and manage programs of Demand Management	\$30,000
Energy Strategies Pty Ltd	Specialist writer employed to write up interim report for the Demand Management Project	\$31,386
Enman Pty Ltd	Engineering specialist required to develop and manage programs of Demand Management	\$33,950
Halcrow Pacific Pty Ltd	Engineering specialist required to develop and manage programs of Demand Management	\$30,500
LC Associates Pty Ltd	Engineering specialist required to develop and manage programs of Demand Management	\$128,105
Manly Council	Council engaged to develop, implement and manage programs in the Manly Precinct	\$160,000
Orbis Environmental Pty Ltd	Engineering specialist required to develop and manage programs of Demand Management	\$222,309
Orbis Environmental Pty Ltd	Engineering specialist required to develop and manage programs of Demand Management	\$94,019
Parsons Brinckeroff Aust Pty Ltd	Engineering specialist required to develop and manage programs of Demand Management	\$215,478
Sinclair Knight Merz Pty Ltd	Engineering specialist required to investigate Demand Management Opportunities	\$43,529
Sinclair Knight Merz Pty Ltd	Engineering specialist required to investigate Demand Management Opportunities	\$45,668
SMEC Australia Pty Ltd	Engineering specialist required to investigate Demand Management Opportunities	\$219,783
Testing & Certification Australia	Engineering specialist required to provide monitoring and Verification metering services	\$40,170
The University of Sydney	Funding assistance provided to the Warren Centre for commercial Building energy efficiency program	\$50,790
University of Technology Sydney	Engineering specialist required to investigate Demand Management Opportunities	\$32,850
University of Technology Sydney	Engineering specialist required to investigate Demand Management Opportunities	\$34,800
Sub Total		\$2,276,469
Consultancies less than \$30,000 (27 consultancies)		\$326,307
Total Cost		\$2,602,776
Total of all consultancies		\$3,601,786

Appendix 19

Funds Granted to Non-government Community Organisations

Purpose: to list grants and funding made to non-government community organisations.

The Department has made no grants to non-government community organisations, with the exception of the Heritage Grants Program, reported in full in the Annual Report of the Heritage Council.

Appendix 20

Payment of Accounts

Purpose: to report performance in paying accounts and action to improve performance.

Quarter	Current This Year	Current Last Year	Less than 30 Days Overdue This Year	Less than 30 Days Overdue Last Year	30-60 Days Overdue This Year	30-60 Days Overdue Last Year	60-90 Days Overdue This Year	60-90 Days Overdue Last Year	More than 90 Days Overdue This Year	More than 90 Days Overdue Last Year
September	218,613	345,957	696,503	3,392,320	188,537	213,723	136,058	19,362	3,282	2,509
December	87,759	57,734	650,882	2,113,860	23,505	337,302	581,300	66,757	15,681	25,803
March	267,600	101,839	83,065	319,433	19,751	36,269	16,647	7,136	58,528	10,096
June	830,937	1,602,608	119,785	395,900	63,197	84,892	33,238	44,180	3,923	36,488
Total	1,404,909	2,107,638	1,550,235	6,221,513	294,990	672,186	767,243	137,435	81,414	74,896

Accounts paid on time within each quarter

Quarter	Target	Actual	Last year	Total \$	Total Accounts Paid
September	90%	81	79%	13,567,312	17,394,263
December	90%	59	88%	10,729,918	13,686,892
March	90%	73	78%	11,411,366	18,359,714
Apr to May	90%	80	75%	9,213,550	10,603,833
June	90%	86	63%	5,863,417	6,486,263
Total				50,785,563	66,530,965

Initiatives to improve payment performance include:

- Controls to ensure correct data entry of payment terms and invoice dates in SAP
- Prioritising vouchers as they are received in Financial Operations so invoices due for payment first get processed first
- Use of extra resources to ensure smooth workflow during peak periods
- Compliance with the tax system by vendors and departmental staff

Penalty interest paid

There was no penalty interest paid during financial year 2006-07.

Payment by corporate card

Subject to meeting Departmental requirements, eligible staff members are issued with a corporate card to facilitate travel, accommodation and limited purchases. The Department's corporate card policies represent best practice in accordance with Treasury and the Auditor General's guidelines. The Corporate Card Guidelines/Procedures satisfy the requirements of the Revised Treasurer's Directions TD 205.01-205.08 and were based on the NSW Treasury Review of Credit Card Use Best Practice Guide (TPP 99-2).

Corporate card expenditures are monitored for compliance with guidelines on a transaction basis and usage was considered to comply with best practice guidelines.

The Department incurred no late payment fees as a result of corporate card usage.

Appendix 21

Heritage Asset Management

Purpose: to report on implementation of Section 170 of the Heritage Act 1977.

In accordance with good corporate governance, the Department maintains a detailed Heritage Asset Management Strategy (HAMS) and Section 170 Register (S170) across a portfolio of 35 heritage properties, in the Sydney metropolitan area. The HAMS and S170 meet the requirements of the Heritage Act, Heritage Regulation and other Heritage Guidelines. It is the Department's policy to actively maintain and inspect the portfolio and where possible seek adaptive re-use opportunities. The HAMS addresses places that are currently owned and have identified heritage value and properties that may come into the portfolio in the future which have either identified heritage value or potential.

The HAMS firstly looks at the statutory framework under which the Department operates in relation to heritage, then considers and analyses the current portfolio in order to determine how best to manage these properties in the future and finally sets out a strategy in point form to address the above. The HAMS does not provide detailed guidance on every aspect of property management but rather provides a framework to develop an integrated and coordinated system of management with a high level of accountability. The HAMS includes a total of 16 key strategies to meet statutory requirements.

The heritage portfolio managed by the Department's Land Management Branch includes a diverse portfolio of 35 properties across the Sydney Region. Approximately half of these properties are State significant.

To meet the requirements under Section 170 of the Heritage Act for State significant properties and to meet Council requirements for items of local significance, the Department has developed and advanced strategies for each property. Work has included Conservation Management Plans or heritage assessments with a view to ultimately

implement maintenance and adaptive re-use works. Where possible strategies for the ultimate divestment or transfer of the asset to a future management agency are being developed and negotiated.

The Heritage Office of the Department completed a strategy in 2005 for the properties it has day-to-day management of. These properties are marked for transfer to the Historic Houses Trust within the Department of Arts, Sport and Recreation. The following properties were transferred in 2006-07:

- Exeter Farm, Meurants Lane, Parklea
- Tusculum, 1-3 Manning Street, Potts Point

Negotiations continue in relation to the transfer to the Historic Houses Trust of:

- Hillview, Old Illawarra Highway Sutton Forest
- Rose Seidler House, 69-71 Clissold Road, Wahroonga, which is currently under the management of the Trust

The Department will continue to lead by example in the implementation of strategies across the Heritage Portfolio, including the continual update of the Section 170 Register, prioritised implementation of maintenance works, innovative adaptive re-use works and divestment to end agencies with heritage controls in place, where appropriate.

Appendix 22

Major Assets

Purpose: to report on assets other than land holdings, highlighting acquisitions.

Carrying Value as at 30 June	2005-06 (\$'000)	2006-07 (\$'000)
Total assets	6,862	6,197
Leasehold improvements – Heritage Office, Parramatta	5,351	4,785
Leasehold improvements – Newcastle	301	293
Computers	260	215
Plant and equipment	830	658

Appendix 23

Land Disposal

Purpose: to report on assets other than land holdings, highlighting acquisitions.

Exeter Farm, Meurants Lane, Parklea, and Tusculum, 1-3 Manning Street, Potts Point, owned by the Corporation Sole, Minister Administering the Heritage Act 1977, were transferred to the Historic Houses Trust within the Department of Arts, Sport and Recreation during the year for no consideration.

Appendix 24

Waste Reduction and Purchasing Policy

Purpose: to report on waste reduction and purchasing policy.

The Department continued to implement measures consistent with State Government's Waste Reduction and Purchasing Policy (WRAPP) using recycling and purchasing strategies to reduce waste.

Strategies within the Department include:

- Continued development of the Department's intranet and use of email to efficiently distribute internal documents and reduce the need for paper documents
- Public documents produced electronically and made available on the Department's website thereby reducing the need for large numbers of paper copies to be printed
- Electronic processing of pay slips and email to staff in lieu of paper copies
- The use of recycled photocopy paper throughout the Department
- The use of printers and photocopiers with

double-sided print functions to halve paper use and eliminate unnecessary waste

- The use of photocopiers with the facility to scan paper information electronically and email material directly to staff computers thereby eliminating paper copies
- The introduction of online stationery ordering across the Department
- Paper collection arrangements resulting in an increase in paper collected for recycling
- Recycling of used toner cartridges to suppliers

The Department also supports recycling existing materials and equipment for office fit-outs wherever possible. Staff of the Heritage Office established a "green office" committee during the year to promote greater compliance with existing initiatives and new initiatives and this received active management support.

Appendix 25

Energy Performance

Purpose: to report on Government Energy Management Policy.

2006-2007 Energy Performance

Direct comparison of the energy performance of the Department during 2005-2006 and 2006-2007 is not possible as a number of assets has been transferred to the Department during the last year. Sites have transferred mainly from the former Department of Natural Resources and the vehicle fleet has increased from 26 vehicles to 36 vehicles.

Corporate commitment

The Department is committed to minimise its impact on the environment by:

- Achieving energy savings
- Incorporating sustainable Energy Management practices where cost effective
- Using whole-of-government energy contracts to achieve cost savings
- Purchasing Greenpower to reduce greenhouse gas emissions
- Undertaking Australian Building Greenhouse Ratings for office buildings

The Department consumed 5.8% of the total electricity consumption as green power. The purchase of electricity on the State Contract Control Board contracts has minimised costs and achieved a reduction of greenhouse gas emissions by purchasing green power.

Planning

A Department of Planning Energy Management Plan was completed that established a plan of implementation to achieve energy savings. This Plan continues to inform decisions and actions of the Department. The Plan addresses facilities with the greatest saving potential. Where cost-effectively feasible, the Department will endeavour to reduce energy consumption in buildings.

Implementation

Accountability and responsibility for energy management have been established by the nomination of an Energy Manager, Mr Graham Cross, and Energy Coordinator, Mr Stephen Martin.

Performance

The following major energy fuels were purchased by the Department during 2006-07:

Fuel	Energy Consumed (GJ)	% of Total Energy	Annual Cost	Carbon Dioxide Greenhouse Gas Emissions (tonnes)
Electricity - Black Power	740	32%	\$28,128	197
Green Power	46	2%	\$2,005	0
Diesel Fuel	207	9%	\$6,289	14
Petrol	1,313	56%	\$42,837	87
E 10 Blended Petrol	24	1%	\$810	1
Totals	2,330	100%	\$80,069	299

Energy performance indicator goals for each type of fuel are included in the Department of Planning Energy Management Plan.

Future Direction

The Department of Planning Energy Management Plan includes the Department's policy directions, monitoring targeting and reporting mechanisms and energy management strategies.

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