



NEWS STATEMENT
The Hon. Kristina Keneally MP
Member for Heffron
Minister for Planning
Minister for Redfern Waterloo

Monday 31 August, 2009

STATEMENT FROM KRISTINA KENEALLY - CATHERINE HILL BAY DECISION

The Land & Environment Court today found planning approvals in relation to a concept plan at Catherine Hill Bay and project application at Gwandalan to be invalid.

The decision by the former Planning Minister to sign a Deed of Agreement and Memorandum of Understanding (MOU) prior to determining the applications formed the basis of the Court's decision.

The Court found:

The MOU and the deed in the present case are in substance a sort of planning agreement, but neither of which comply with the planning agreement provisions and safeguards...

Accordingly, the Government repudiates both the Deed of Agreement and the Memorandum of Understanding.

The Government will not appeal the Court's decision, and there will be no retrospective legislation introduced in relation to the proposal.

As a result of today's judgment, the concept plan and project applications for Catherine Hill Bay and Gwandalan are now undetermined.

If the proponent chooses to proceed, the proposal will be assessed within the established framework of the Environmental Planning and Assessment Act.

Given the perceived conflict of interest noted by the Court, and the fact the proponent made donations, if the proposal does come to me I will delegate it to the independent Planning Assessment Commission.

The public can have confidence in the fact the proposal will be reviewed and determined by the independent experts on the Commission.

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