

NSW Planning Assessment Commission

# ANNUAL REPORT 2012-13



Planning  
Assessment  
Commission



## LETTER TO THE MINISTER

December 2013

The Hon Brad Hazzard MP  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW  
Level 33 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Dear Minister

It is with pleasure that I submit to you the 2012-13 Annual Report of the NSW Planning Assessment Commission.

The report has been prepared pursuant to clause 268W(1)(a) of the *Environmental Planning and Assessment Act 1979*. It outlines the extent of the activities of the Commission during the reporting period. Briefly, the Commission determined 81 applications, held 26 public meetings, provided advice on seven planning matters and major development proposals and completed expert review on two major coal mining projects including the holding of public hearings.

Yours sincerely



Gabrielle Kibble AO  
Chairman  
NSW Planning Assessment Commission

## CHAIR'S STATEMENT

Since the Commission was first established in November 2008 the issue of how conflicts of interest of members of the Planning Assessment Commission are declared and managed has been of ongoing interest to the community.

I believe it is of critical importance to the Commission that it maintains its integrity and that the public can have confidence in its operations. I take conflict of interest, whether it is actual, potential, or perceived, very seriously and require all members to comply with the Code of Conduct for Commission members. The Code establishes standards of behaviour, levels of accountability and methods for resolution of ethical issues including conflicts of interest. It sets out the principles that Commission members are expected to uphold and reflects the Commission's commitment to maintaining an independent and impartial approach in carrying out its functions. The Code applies to all members including casual members.

My approach to managing conflict is to avoid the conflict in the first instance. Each Commission member provides an annual declaration of interest to the Commission Secretariat. This annual declaration allows me to avoid nominating a member to a project in which he or she may have a conflict. Before a formal appointment to a project, the Commission Secretariat will also carry out a preliminary enquiry of the nominated member to ascertain whether he or she is aware of any conflict. If a conflict exists that member will not be appointed to the project.

In circumstances where a member only becomes aware of a potential conflict after the appointment to a panel, the standard procedure is for the member to notify the panel chair and the Secretariat in writing (generally via email) with details about the issue as soon as he or she is aware of the issue. The panel chair will discuss the matter with other panel member(s) and consult the Commission Chair before a decision is made on whether there is a conflict and the best way to manage the issue.

If there is a real and/or direct conflict, the member will withdraw from the project. In at least one instance, even though the conflict was remote and only a perceived one, the member withdrew from the project. If the issue is not a conflict of interest, the information provided by the member will be filed for record purposes.

It is important to note that a Commission panel usually consists of two or more Commission members, except for very minor modification applications.

I am satisfied that Commission members have been thorough, independent and fair in carrying out their functions. The Commission's determination, advice, and review of reports make each panel accountable to the Government and the community by detailing the reasons for its decision.

In conclusion, I would like to express my ongoing appreciation to my fellow Commission members and staff of the Secretariat and Department of Planning and Infrastructure for the work undertaken during the year, and to the wider community for their continued participation in the Commission process. While the Commission may not always agree with popular opinion, the Commission weighs all concerns raised by the community very carefully in its decisions.



Gabrielle Kibble AO  
Chair

## COMMISSION AT A GLANCE

### WHO WE ARE

The NSW Planning Assessment Commission is a statutory body established under the *Environmental Planning and Assessment Act 1979* (EP&A Act) in November 2008. The EP&A Act provides that the Commission consists of up to nine members including a chair.

Commission members are appointed by the Minister and selected from a broad range of disciplines with experience in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

### WHAT WE DO

The key functions of the Commission are:

- to determine State significant development and infrastructure applications and transitional Part 3A applications where Ministerial delegation applies;
- to carry out a review of any aspect of a State significant development including the holding of public hearings as requested by the Minister or Director General; and
- to provide independent expert advice on a range of planning and development matters when requested.

The Commission plays an important role in improving transparency, certainty and independence in the planning and decision making process of the NSW planning system. The Commission provides an additional level of expert scrutiny in the review or determination of State significant development proposals, particularly those where:

- there is a high level of community interest;
- a political donation has been made;
- a potential for a perceived conflict of interest exists; and
- where complex environmental issues arise.

### MINISTERIAL DELEGATION

On 14 September 2011, the Minister issued an instrument of delegation to the Commission delegating some of his powers and functions to the Commission including the power to determine certain major development applications and modifications if the application:

- was made by a private proponent where a reportable political donation has been declared;
- was objected to by the relevant council; or
- has more than 25 objection submissions.

### DECISION MAKING PROCESS

An application is referred to the Commission for determination after the Department has completed its assessment report and recommendation and has made it available on the Department's website.

In August 2011, the Commission adopted a set of meeting procedures to make its decision making process more transparent and to ensure the delivery of consistent and robust decisions. A copy of the procedures is available on the Commission's website.

In brief, if an application received more than 25 objection submissions, the Commission will hold a public meeting to hear public views on the Department's assessment report and recommendation before determining the application. In circumstances where there are less than 25 objection submissions, the Commission may decide to meet with the relevant Council, proponent and/or residents/community groups or hold a public meeting if it considers additional public input will benefit its decision making process. The meeting is generally held in the local area where the proposed development is located.

### **SUMMARY OF ACTIVITIES**

During the year ending 30 June 2013, the Commission determined 81 applications, provided advice on seven projects/planning matters and responded to six requests for expert review.

This reporting period saw a reduction in applications for urban developments and an increase in the resource and infrastructure type of developments, not only relating to determinations, but also requests for expert review and the holding of public hearings.

Appendix 1 provides a summary of the Commission's activities during the reporting period as well as activities that the Commission has undertaken between November 2008 and June 2012. The summary shows the changing nature of the types of projects that have been referred to the Commission over time.

Appendix 2 provides a list of the applications that were determined by the Commission during 2012-13. Details of all applications, advice and expert reviews, including the Commission's report on each, are available from the Commission's website ([www.pac.nsw.gov.au](http://www.pac.nsw.gov.au)).

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## COMMISSION MEMBERS

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Currently, there are nine Commission members and seven casual members.  
They are:

### **Commission Members**

Ms Gabrielle Kibble AO (Chair)  
Dr Neil Shepherd AM  
Ms Donna Campbell  
Mr Garry Payne AM  
Mr Garry West  
Mr Paul Forward  
Mr David Johnson  
Ms Jan Murrell  
Ms Abigail Goldberg

### **Casual Members**

Mr Richard Thorp  
Mr Brian Gilligan  
Mr Joe Woodward PSM  
Mr David Furlong  
Mr Bob McCotter  
Ms Annabelle Pegrum AM  
E/Prof Jim Galvin

## THE YEAR IN REVIEW

During the year 2012-13 most of the Commission's activities continued to focus on transitional Part 3A projects with 81 applications determined during the reporting period. However, the year has seen a slight reduction in the number of applications referred to the Commission for determination as the transitional Part 3A projects taper off. At the same time, the Commission held more public meetings this year than last.

This reporting period also saw the first State significant development applications come before the Commission. It is expected that the number of these types of applications will steadily increase as the State significant assessment system gradually takes over from transitional Part 3A projects.

Appendix 2 provides a list of the applications that were determined by the Commission for the financial year. Details of all the applications, including the Commission's report on each, are available from the Commission's website ([www.pac.nsw.gov.au](http://www.pac.nsw.gov.au)).

Of the 81 applications determined by the Commission, 42 were concept plan or project applications and 39 were modification applications for already approved developments. While 38 of the applications were approved as recommended, the other 43 applications were modified by the Commission to ensure better environmental and urban design outcomes.

To ensure the community's views were given adequate hearing on a range of projects, the Commission held 26 public meetings during the year. The Commission also briefed by the Department of Planning and Infrastructure and met with the relevant councils, government agencies and proponents as part of its consideration of these applications.

During the year the Commission also provided independent expert advice on seven planning matters and received six requests for expert advice.

## DETERMINATIONS

Around 50% of the applications determined by the Commission during the reporting period were for urban development (residential, retail and/or commercial) and of these, around 70% were located in the Sydney metropolitan area. The second most significant category was that of resource activities (quarrying, mining, gas and associated infrastructure), accounting for around 27% of determinations.

While urban development applications are still the largest category of determinations, there is a noticeable shift in the proportion of other determinations. Between November 2008 and June 2012, almost 55% of the applications determined by the Commission were urban developments and less than 40% were resource/industry/ infrastructure development types. By contrast, between July 2012 and June 2013 approximately 50% of the determinations were for urban developments whilst the share of resource/infrastructure/industry applications has jumped to around 48%. This trend reflects the gradual decline in Part 3A assessment matters following its repeal.

During 2012-13 the Commission continued to seek quality outcomes for the NSW community and to strive for transparent, fair and consistent decision making when determining applications. In this respect, more than half the applications determined during 2012-13 were modified by the Commission to achieve significantly improved environmental performance and better outcomes for the natural and built environment.

The following projects are examples of where the Commission has required further amendments to be made to the proposal and/or strengthened or imposed new conditions in the approval:

- Dalton Energy Project
- Residential development at Shepherds Bay
- North Nowra Link Road

In some cases, the Commission only issued partial approval when determining projects. Reasons for the partial approval vary but were mainly because the Commission was not satisfied that there was sufficient merit or justification for approval.

The following projects are examples of where the Commission only approved part of the proposal:

- Concept Plan for the Australian Catholic University
- NRE No 1 Colliery Modification 1
- Warriewood Concept Plan Modification 2

Details of all the Commission's determinations from 2012-13 are available on its website ([www.pac.nsw.gov.au](http://www.pac.nsw.gov.au)). The following is a brief summary of two of these determinations.

**D150-12 Dalton Energy Project**  
4 June 2012 to 19 July 2012

AGL Energy Limited (the proponent) proposed to construct and operate a 1500 megawatt open-cycle gas fired power station about 4km north-east of Dalton. The proposed power station is intended to operate as a peaking facility to supply electricity at short notice during periods of peak demand, estimated to be between 2% and 15% of any year. When operational, it may operate 24 hours a day, seven days a week.

The project is to be developed in two stages. Stage 1 comprises 2 to 3 F Class turbines with a nominal maximum capacity of up to 750 megawatts. Stage 2 would increase the generating capacity to 1500 megawatts with a total of 6 turbines. The project also includes the construction of a 3km gas pipeline, a valve station, a communications tower and hut and access road.

The Department's assessment report considered the proposal, its statutory context, public and agencies submissions, and the proponent's responses to submissions. The report identified the key issues including noise (both construction and operation); air quality; water demand and supply; traffic and transport; visual amenity; and biodiversity.

The assessment report concludes that the potential impacts could be mitigated to an acceptable level of environmental performance. Some residual impacts may result, but, on

balance, the project is assessed to be justified when considering the public benefit of having a reliable source of electricity to the State's energy supply system in times of peak demand. The application is recommended for approval with conditions.

Following careful consideration of the views expressed at the meetings with stakeholders including the public meeting, the assessment report and agency and public submissions, the Commission supported the development of a peaking station to ensure security of energy supply to the State. However, it considered it is reasonable to limit the maximum generating capacity to 1000 MW having regard to the proponent's latest plan of 500MW for Stage 1 and similar capacity for Stage 2. The Commission considered any further increase in generating capacity should be the subject of a new development application with relevant environmental assessment based on the operational experience of the project.

The application was approved subject to the recommended conditions as amended by the Commission, including a reduction in capacity and an additional condition, which requires operation to be ceased if exceedance of environmental criteria occurs, or operation to be limited to a level where it will comply with the approval conditions. Full operation will recommence only when issues are resolved in a manner which can ensure compliance.

**D195-12            Concept Plan for the Australian Catholic University, Strathfield**  
14 January 2013 to 27 March 2013

The proposed concept plan sought approval for six building envelopes between two and four storeys in height, an increase in student numbers to 2,000 students at any one time and enrolments to 4,800 based on Equivalent Full Time Student Load (EFTSL), an increase in staff numbers to a maximum of 260 staff, expanded hours of operation, increased on site car parking (from 346 to 717 spaces in basement and at ground level); and changed access arrangements and pedestrian linkages.

The Department's assessment report identified the project specific issues including the increase to student numbers; transport management and parking impacts on and off the site; suitability of the built form; hours of operation; and impact upon the heritage significance of the site. The Department also sought independent advice from a traffic consultant in its assessment of traffic related issues. The assessment report concluded that the site is capable of accommodating additional students subject to the successful implementation of the proposed transport management measures and increased on-site parking. The Department recommended the concept plan be approved subject to staged increase in student numbers and associated construction program tied, in part, to the effective implementation of the Green Travel Plan.

The Commission held a number of meetings with various parties including a public meeting as part of its consideration of the application.

After extensive consideration of the evidence, The Commission agreed with the Department's view that there are wider public benefits associated with the continuous use of the existing facility and did not support the call to move the university to another campus. However, it noted the university's activities at present are generating significant impacts in terms of on street parking and traffic safety in the surrounding residential streets. The Commission agreed that intensification of activities at the university would further exacerbate the situation. It questioned the ability of the Green Travel Plan to make a

substantial difference and the effectiveness of managing student impacts through timetabling.

The Commission considered the most appropriate way forward is for the proposed underground car park and the library learning centre to be constructed. This would increase the on-site parking from 346 to a minimum of 600 spaces. Concurrent with the provision of additional parking on campus, the university should implement the Green Travel Plan to reduce the traffic and parking impacts in the surrounding areas.

The Commission also considered that approval of additional student numbers, increased hours of operation and the development of other facilities should only be contemplated once the university can demonstrate effective and ongoing implementation of the Green Travel Plan. The construction of the library learning centre should not occur until the underground car park is completed and operational. The Commission was not convinced that the Green Travel Plan could be successful without a concomitant introduction of parking restrictions in surround streets. It recommended the university to work with the Council and the community to introduce parking restrictions for the area and explore other initiatives which would help reduce on-street parking.

The Commission also noted the relationship between the university, Council and the community has deteriorated to a point where trust has been eroded and the parties were unable to engage in productive discussions. The Commission urged the university to contemplate engaging an independent mediator to assist in bringing the parties together to have meaningful and genuine discussions about ways of improving student behaviour and traffic impacts on residents.

The Commission determined to approve only the underground car parking and the library learning centre. Other development proposed in the concept plan application was excluded from the approval. The recommended terms of approval were amended to reflect the Commission's determination.

## **INDEPENDENT EXPERT ADVICE**

During the year the Commission was asked to provide independent expert advice on seven separate projects as follows:

- Masada College sites St Ives and Lindfield SSD Call In
- Planning Proposal for 219 Pacific Highway, Gore Hill
- Planning Proposal for 74 Edinburgh Road, Marrickville
- Proposed zone swap, 71-75 Windsor Rd, Baulkham Hills
- Rezoning proposal, Queen Street, Auburn
- Rezoning proposal, Newline Rd, Raymond Terrace
- Concrete Batching Plant (MCI-5734-2012), Barangaroo South

Five of these were for planning proposals (land rezoning) and the other two were to determine whether projects should be called in under Section 89C of the EP&A Act as State significant development.

Details of the Commission's deliberations on these matters are available on its website. The following is a brief summary of two of these projects to illustrate the Commission's consideration of these proposals.

**A060-12 Masada College St Ives and Lindfield**  
7 November 2012 to 23 November 2012

The request sought the Commission's advice whether to call-in the proposal for it to be declared a State significant development (SSD).

The proposal related to two Masada College sites, the senior school campus site on Link Road, St Ives and the primary school site on Wolseley Road, Lindfield. The proposal is to relocate the primary school to the St Ives campus and re-develop the Lindfield site for 106 residential units.

The Commission visited the site and its surrounding areas and met separately with Ku-ring-gai Council and the proponent before finalising its advice.

Council did not support the call-in as the proposal did not meet the six general issues set out in the guideline on call-in of SSD. Council considered the proposal is of a local scale and significance and any applications should be dealt with by the Council.

The meeting with the proponent focused on the issues of funding including debt repayment, establishment of a fund to assist students and potential closure without additional funding; current demography of its students and their movement between the two campuses; operational efficiencies and savings from consolidation of the schools in one campus; and the lack of viable alternate options to secure the rezoning of the Lindfield site.

The Commission considered the Department's report, the views expressed by Council and the proponent as well as submissions from residents and the six general issues set out in Part 5 of the Minister's Guideline. The Commission agreed with the Department's assessment that the proposal is not of State or regional significance. The proposal's planning merits and issues could be readily assessed by the Council. It also noted the JRPP's independent review role in relation to planning proposals.

**A058-12 Planning Proposal for 74 Edinburgh Road, Marrickville**  
18 October 2012 to 19 November 2012

The site has frontages to both Edinburgh Road and Sydney Steel Road and is about 3ha in size. It is located within the industrial area of Marrickville and currently accommodates a distribution centre and associated car parking and loading areas. The site is currently zoned IN1 General Industrial under the Marrickville Local Environmental Plan 2011.

The planning proposal sought to amend the Marrickville LEP 2012 to allow a Masters Homemarkers Centre on the subject land by either amend the IN1 to include 'hardware and building supplies', 'garden centre', 'landscape materials supplies' and 'restaurant' as permissible uses with consent. Or amend Schedule 1 of the LEP to allow the additional use on 74 Edinburgh Road, Marrickville.

The proposal was referred to the Commission for advice as to whether the planning proposal should be submitted for the Gateway determination under Section 56 of the EP&A Act.

Marrickville Council objected to the planning proposal as it is of the view that the proposed zoning should not proceed on an ad-hoc basis and without a broader strategic planning analysis.

The Commission has carefully considered the planning proposal and relevant planning instruments and circular and the views expressed by the proponent, Marrickville Council and the Department. The Commission concluded that there is adequate justification on strategic planning grounds for the planning proposal to proceed through the gateway provisions of the Act. In reaching this decision, the Commission considered the following key issues: strategic planning context, definitions, appropriateness of use in industrial zone, loss of employment lands, and traffic and flooding issues. It is of the view that the proposed uses are compatible with the character of an industrial area and the proposal would likely generated more employment opportunity than many industrial type uses such as warehousing, distribution centre.

## **EXPERT REVIEW WITH PUBLIC HEARINGS**

The Commission received six requests for expert review and holding of public hearings during 2012-13. Two matters were completed during this period, being the Cobbora Coal Project and the Coalpac Consolidation Project.

Both of these expert reviews were at the request of the Minister and involved extensive public hearings. The Cobbora Coal Project was recommended for approval subject to stringent conditions. The Coalpac Consolidation Project was not recommended for approval on the basis that the benefits of the project were substantially outweighed by the breadth and potential magnitude of the impacts.

Of the four remaining requests for expert review, two were suspended until further notice and two were awaiting the submission of the proponent's preferred project report before the holding of public hearings. The following is a brief summary of the two projects that were completed.

### **R017-12            Cobbora Coal Project** 26 October 2012 to 15 April 2013

On 23 October 2012 the Minister requested the Commission carry out a review of the Cobbora Coal Project, for the development of an open cut coal mine near Dunedoo, mainly within the Warrumbungle Local Government Area. The Commission was directed to:

- consider the Environmental Assessment of the project, all issues raised in submissions on the project, and any further information provided during the course of the review;
- assess the merits of the project as a whole, paying particular attention to the:
  - proposed mine plan and final landform, and in particular the proposal to operate three open cut pits concurrently, the management of tailings and waste rock and the design of the final voids;
  - health and amenity impacts (noise, blasting, air quality and visual) of the project on the surrounding population;
  - biodiversity impacts of the project;

- water impacts of the project; and
- social and economic impacts of the project;
- recommend appropriate measures to avoid, minimize and/or offset these impacts; and
- conduct public hearings during the review.

The Commission was constituted by Ms Gabrielle Kibble AO, Mr Paul Forward and Mr Brian Gilligan. Emeritus Professor Jim Galvin, Dr Steve Perrens and Dr Mark Burns were engaged by the Commission to provide expert advice on the mine plan, the water issues and the rehabilitation issues associated with the project.

Public Hearings were conducted in Dunedoo on Tuesday 11 December 2012 at the Jubilee Hall in Dunedoo. Twenty four verbal submissions were made at the hearing.

Social and economic impacts were identified as a key concern locally. Locals indicated that much of the project site and surrounds had already been purchased by the mine and that this had displaced a significant number of families from the area. The Commission heard that, as a consequence of this, negative impacts on the local community and the economy of the Dunedoo township were being felt. The Commission gave particular attention to this issue, noting that there is a strong possibility the mine may not commence immediately, or even in the near future.

The Commission recommended that work to prepare and implement an Integrated Land Management Plan, for the Proponent's landholdings, should commence immediately. With appropriate funding and resources it should be possible to reinstate productive agricultural management of much of the land, along with rehabilitation works for areas of strategic biodiversity value. Both have the potential to provide a sustainable social and economic return to the local community, regardless of the timing of any mine development.

In regards to the mine itself, the Commission carefully considered the proposal and sought expert advice on:

- the mine plan;
- the potential impacts on water resources; and
- the rehabilitation options for the site.

The Commission found that the project would have a number of impacts, but that these could be managed to an acceptable level through some adjustments to the mine plan, use of best available technologies (e.g. for tailings processing and dust and noise attenuation) and through careful management of operations on site. The Commission made a number of recommendations in this regard, particularly relating to the need for best practice management of dust, noise, blasting operations, lighting and water.

With measures and requirements for best practice management in place, the Commission was satisfied that the project should be approved, subject to conditions.

**R015-12 Coalpac Consolidation Project**  
27 July 2012 to 14 December 2012

The Coalpac Consolidation Project proposes open-cut mining and highway mining of the Illawarra Coal measures in the Ben Bullen State Forest in the Lithgow Local Government Area. The proponent seeks approval to consolidate the operations and management of the

existing Cullen Valley and Invincible Colliery mines, expand the project area and increase production to 3.5 million tonnes of coal a year over 21 years.

The Minister requested the Commission to review the project and to conduct public hearings as part of the review process. The terms of reference for the review require the Commission to consider the merits of the project as a whole, with particular consideration of impacts on biodiversity, water resources and local health and amenity noting the site's proximity to Cullen Bullen village.

The Commission members appointed for the review were Dr Neil Shepherd AM (chair), Mr Garry Payne AM and Mr Joe Woodward PSM. Professor David Cliff was engaged to provide expert advice on risks associated with underground combustion.

Public hearings were held on Wednesday, 19 September 2012 at Lithgow and on Thursday, 20 September 2012 at Cullen Bullen.

The Commission found, when the merits of the project are considered as a whole, the benefits of the project are substantially outweighed by the breadth and potential magnitude of the impacts. The Commission therefore recommended that the project should not be approved.

The key findings of the report are:

- the claimed benefits of the project are largely distributed away from the population bearing most of the impacts of the project.
- There is insufficient information to enable a proper assessment of the proposed extraction of sand. Potential issues with acid mine drainage, road transport of the product and washery water management have been identified for further investigation.
- The Commission has substantial concerns about impacts arising from dust, noise and blasting on the health and amenity of residents of Cullen Bullen and the surrounding district.
- The project cannot meet NSW air quality criteria at all residences and is close to the limit at many others. It is at the limit of acceptability for air quality impacts.
- The project cannot meet the accepted NSW noise criteria at all residences. There is no room for error in either the predictions or in operation of the controls.
- The project cannot meet the blasting impact guidelines at some locations without a significant increase in the number of blasts above the national criteria for blast frequency.
- Biodiversity impacts include:
  - Highwall mining in the vicinity of pagodas be prohibited and the minimum setback be increased significantly to mitigate blasting risk to the pagoda; and
  - The proposed 50m set back from pagodas will have an unacceptable impact on the foraging ability of fauna which utilise the area.
  - There is sufficient doubt over the accuracy of the biodiversity assessment for there to be uncertainty about levels of impact, the significance of impacts and the suitability of proposed offsets.
  - The Commission concluded that the project and conservation of Gardens of Stone Stage II are incompatible if reservation is intended to include the Ben Bullen State Forest.
  - The offset package is inadequate because it is designed to exchange a number of fragmented areas that in some instances require extensive

- rehabilitation and are not considered suitable for reservation, for a single area of high quality habitat that is already proposed for reservation and which adjoins like areas of high quality habitat.
- Potential impacts on water resources could be managed with appropriate conditions.
- The Environmental Assessment has not dealt with the potential cumulative impacts from other nearby mines.
- There are significant risks to Aboriginal rock shelters.

## APPENDIX 1 Summary of Activities

### Projects Determined by the PAC

	1/07/2012 to 30/06/2013			03/11/2008 to 30/06/2012		
Application type	Number	Percentage		Number	Percentage	
Urban Development (outside Metro Sydney)	11	13.6%	50%	12	7.7%	54.5%
Residential, retail and/or commercial (Metro Sydney)	28	34.6%		73	46.8%	
Resource (quarry, mining, gas & associated infrastructure)	22	27.2%	47.6%	24	15.4%	37.8%
Infrastructure	8	9.8%		13	8.3%	
Industries	9	11.1%		21	13.5%	
Windfarm, solar plant	1	1.2%		1	0.6%	
Marina	2	2.5%	2.4%	4	2.6%	7.7%
Others	0	0%		8	5.1%	
<b>total</b>	<b>81</b>	<b>100%</b>	<b>100%</b>	<b>156</b>	<b>100%</b>	<b>100%</b>

### Projects/Planning Matters Advised by the PAC

	1/07/2012 to 30/06/2013			3/11/2008 to 30/06/2012		
Application type	Number	Percentage		Number	Percentage	
Concept plan, project application	0	0	0%	12	22.2%	22.2%
Precinct Planning	0	0	71.4%	6	11.1%	53.7%
Rezoning, planning proposal, VPA	5	71.4%		12	22.2%	
Draft LEP, LEP amendment	0	0		11	20.4%	
State Significant Development	2	28.6%	28.6%	0	0%	24.1%
Resource, industry, infrastructure	0	0		10	18.5%	
Others	0	0		3	5.6%	
<b>total</b>	<b>7</b>	<b>100%</b>	<b>100%</b>	<b>54</b>	<b>100%</b>	<b>100%</b>

### Projects/Planning Matters Reviewed by the PAC

	1/07/2012 to 30/06/2013			3/11/2008 to 30/06/2012		
Application type	Number	Percentage		Number	Percentage	
Resource (mining, gas, quarry)	2	100%	100%	5	35.8%	42.9%
Infrastructure	0	0		0	0%	
Industries	0	0		1	7.1%	
Urban development	0	0	0%	7	50%	57.1%
Marina	0	0		1	7.1%	
<b>total</b>	<b>2</b>	<b>100%</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>100%</b>

### Public Hearings held by the PAC

	1/07/2012 to 30/06/2013			3/11/2008 to 30/06/2013		
Application type	Number	Percentage		Number	Percentage	
Resource (mining, gas, quarry)	2	100%	100%	6	66.7%	77.8%
Infrastructure	0	0		0	0	
Industries	0	0		1	11.1%	
Urban development	0	0		1	11.1%	22.2%
Marina	0	0		1	11.1%	
<b>total</b>	<b>2</b>	<b>100%</b>	<b>100%</b>	<b>9</b>	<b>100%</b>	<b>100%</b>

## APPENDIX 2

### LIST OF APPLICATIONS DETERMINED

#### Concept Plan and Project Applications

St Peters Recycling Facility

Macquarie River to Orange Pipeline Project

Awaba Waste Management Facility Expansion Project

Lidsdale Siding Upgrade Project

Proposed redevelopment of Hurstville Private Hospital

Broken Hill Solar Plant

Concept Plan for mixed use development at Columbia Precinct, Homebush

Concept Plan for residential development at Hilly Street, Mortlake

Concept Plan for mixed use development at Tallawarra

Huntlee Stage 1 Project Application

Concept Plan for residential development at 300 Johnston Street Annandale

Concept Plan for the ACU Strathfield Campus

Concept Plan for the Royal Far West site, Wentworth Street & South Steyne, Manly

Concept Plan and Stage 1 Project Application for the mixed use development Shepherds Bay Meadowbank

Tarrawonga Coal Mine

Concept Plan for North Nowra Link Road

Concept plan and Stage 1 for Shoalhaven Starches gas pipeline project

Concept Plan for redevelopment of the Former Allied Mills site at Summer Hill

Super Yacht Marina Rozelle Bay

Abercrombie Street Precinct Redevelopment, University of Sydney

Concept plan for residential development at Belmore Street Ryde (Achieve Australia)

Graythwaite concept plan and Stage 1 project application

Concept Plan for mixed use development at Stamford Grand Hotel, Herring Road

Maules Creek Coal Project

Residential & Tourist Development at Cypress Crescent Cabarita

Champions Quarry Project, Lismore

Concept plan for mixed use development at Kirrawee

Cronulla Sharks Development

Tourist Resort Development, Casuarina Way, S Kingscliff

Residential Subdivision at Bilambil Heights

Dalton energy project

Mixed use development at 150 Epping Road, Lane Cove

Gwandalan concept plan (C&A) site

Ashton Coal Mine - South East Open Cut Project

Nords Wharf (C&A) Concept Plan

Boggabri Coal Project

Middle Camp (C&A) Concept Plan

Armidale Dumaresq waste facility & landfill project

Note: All determination reports are available on the Commission's website [www.pac.nsw.gov.au](http://www.pac.nsw.gov.au).

## Modification Applications

Wahroonga Estate Redevelopment Concept Plan Modification 3

Uranquinty Gas Fired Power Station Mod 10 Extension of On-site Storage Shed

Catherine Hill Bay Subdivision Modification 1

Concept Plan for Stamford Hotel 110-114 Herring Road, N Ryde Modification 1

NCIG Mod 2 Northern Rail Spur Grade Separation and Associated Works

Angus Place Colliery Modification 2 Ventilation Facilities & Trial Mining

Metcash Distribution Centre Modification 1

Springvale Colliery Mod 3 Dewatering Bore No 8

Bloomfield Colliery Modification 3

Westfield Shopping Centre Bondi Junction Modification 9

Mandalong Coal Mine Modification 9

Mixed use development at 6-16 Atchison Street, St Leonards Modification 1

Newcastle Gas Storage Facility Modification 1

Wambo Coal Mine Modification 11 (Montrose East Dam)

Sydney Super Yacht Marina Modification 1

Gunlake Quarry Transportation Amendments Modification 2

120-128 Herring Road, Macquarie Park, Modification 4

Apex Exploration Drilling Project Modification 2

NRE No 1 Preliminary Works Project Modification 1

Newcastle Hospital concept plan Modification 2

HVO North Carrington West Modification 3

Newstan Colliery Transportation Amendments Modification 5

Royal Rehabilitation Centre Health Facility - Modification 5

Royal Rehabilitation Centre Site - Modification to approved subdivision plan (MP07\_0100 Mod 2)

Bonar St Arncliffe Modification 7

Warriewood concept plan Mod 2 and Stage 1 Mod 11

Mixed development at Thomas Street carpark Chatswood Modification 2

Mannering Coal Mine Modification 1 (Extension project)

Shoalhaven Starches Expansion Project Modification 3

Duralie Extension Project Modification 1 rail hours extension

Shoalhaven Starches Expansion Project Modification 2

Wilpinjong Coal Modification 4

Mandalong Coal Project Modification 8

Royal Rehab Centre Ryde Modification 4

Mixed use development at Cabarita Beach Modification 2

White Bay Berth 6 Modification 3

61-79 Hall Street, Bondi Beach (Hakoah Club) Mod 4

Bonnyrigg Housing Estate Modification 4

Camden Gas Stage 2 Modification 2

Note: All determination reports are available on the Commission's website [www.pac.nsw.gov.au](http://www.pac.nsw.gov.au).

## SUMMARY OF AFFAIRS

### COMMISSION EXPENDITURE

The total expenditure by the Commission for the financial year was \$ 3.768 million. The Commission does not directly employ staff. The Department of Planning and Infrastructure provides technical and administrative staff to support the operation of the Commission.

### CONSULTANTS

During the financial year, the Commission engaged several experts to assist its review of 3 major development proposals at a total cost of \$109,073.96.

1. Emeritus Professor Jim Galvin (mining assessments), Dr Steve Perrens (surface and groundwater) and Mr Mark Burns (rehabilitation) for the Cobbora Coal Project;
2. UNSW Water Research Lab (groundwater) and Katestone Environment (air quality) for the Camden Gas Project; and
3. Professor David Cliff (spontaneous combustion) for the Coalpac Consolidation Project.

### GOVERNMENT INFORMATION (Public Access)

The Commission received two requests to access information under the Government Information (Public Access) Act 2009.

The first application was from the NSW Environmental Defenders Office (EDO) in relation to the Commission's determination of the South East Open Cut Coal Project (Ref D067A-11) and the determination was to release the requested documents.

The second application was from Shellharbour City Council in relation to the Calderwood Stage 1 project (D083-11). The application is being assessed and third party consultation is in progress.

### PRIVACY AND PERSONAL INFORMATION

The Commission's website ([www.pac.nsw.gov.au](http://www.pac.nsw.gov.au)) includes the Commission's Privacy Statement, which explains how the Commission obtains and uses personal information. In the 2012-13 reporting period, the Planning Assessment Commission received no complaint or review application about privacy.

### OVERSEAS TRAVEL

No overseas travel was undertaken during the year.

### FURTHER INFORMATION

The Commission's website ([www.pac.nsw.gov.au](http://www.pac.nsw.gov.au)) includes a register of matters that have been referred to the Commission.

### CONTACT

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