

2013 - 2014 ANNUAL REPORT

NSW Planning Assessment Commission



Planning
Assessment
Commission

LETTER TO THE MINISTER

August 2014

The Hon Pru Goward MP
Minister for Planning
Minister for Women
Level 34 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister,

It is with pleasure that I submit to you the 2013-14 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 89 applications, held 30 public meetings, provided advice on five planning matters and major development proposals and completed expert review on four major coal mining projects including the holding of public hearings.

Yours sincerely



Gabrielle Kibble AO
Chairman
NSW Planning Assessment Commission

CHAIR'S STATEMENT

The past year has seen a number of changes at the Planning Assessment Commission including the welcoming of two new Commission Members, Mr Alan Coutts and Mr Gordon Kirkby. Mr Coutts and Mr Kirkby both come to the Commission with considerable government experience and knowledge of the resources sector. The Commission also farewelled Dr Neil Shepherd AM, who has provided invaluable assistance to the Commission since its inception in 2008. I would like to take this opportunity to thank Dr Shepherd for his tireless contributions and advice over the years, helping to ensure the Commission is a truly independent and impartial organisation in carrying out its functions.

The Commission has also seen a gradual shift in the types of projects with which it is occupied. There has been a reduction in the number of urban project applications being considered by the Commission as the last of the old Part 3A applications are being referred to it for determination. The Commission also has been asked to conduct an increasing number of reviews of coal mining applications. These reviews require considerable time and resources which has led to the Commission to seek some additional members to assist in their assessment.

These changes in the Commission's workload will be important to consider in the coming months as replacements are found for the original Commission Members appointed to the Commission at its inception. The *Environmental Planning and Assessment Act 1979* limits members to a maximum of six years in office. As a result, those members first appointed in 2008 will need to be replaced. Mr Garry Payne AM, Ms Donna Campbell, Mr Richard Thorp and I will all be finishing our time with the Commission in the next couple of months and a replacement for Dr Shepherd will also be required.

I have found my time with the Commission to be both challenging and interesting. I am grateful to all the Commission members who have ably assisted the Commission since 2008 and I thank each and every one of them for their unique and varied expertise and contributions.

The coming year marks a significant period of renewal for planning in NSW. The government now has a new Minister for Planning and Secretary of the Department of Planning and Environment. With my retirement the Commission will also need a new chair. I am hopeful that all this renewal will provide opportunities for NSW to consider planning with fresh eyes and bring strong leadership to establish sound plans, policies and principles for the future of NSW.

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 Act provides that the Commission consists of up to nine members including a chair.

Commission members are appointed by the Minister for Planning 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 Secretary
- 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
- where complex environmental issues arise.

MINISTERIAL DELEGATION

On 14 September 2011, the Minister issued an instrument of delegation to the Commission delegating some of the Minister's 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 of Planning and Environment has completed its assessment report and recommendation and has made it available on the Department's website.

The Commission has in place meeting procedures to ensure its decision making process is 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.

In addition to public meetings, the Commission may be requested by the Minister for Planning (or the Secretary) to hold formal Public Hearings under section 23D (1)(b)(iii) of the EP&A Act. Public Hearings may occur in conjunction with any planning or development matter. Similar to a public meeting, the purpose of a Public Hearing is to provide interested parties, particularly those who are potentially affected by the proposal, with an opportunity to present their views to the Commission. After the Public Hearing the Commission provides a report to the Minister or Secretary detailing its findings and recommendations.

Further detail regarding the Public Hearing process is available on the Commission's website.

COMMISSION MEMBERS

For this reporting period, there were nine Commission members and nine casual members, namely:

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
Mr Alan Coutts
Mr Gordon Kirkby

Two new casual members, Mr Alan Coutts and Mr Gordon Kirkby, were appointed in late 2013 and early 2014 respectively. Their appointments expanded the Commission membership expertise to deal with resource and mining applications that are increasingly referred to the Commission for technical review and public hearings.

The end of June also saw the retirement of Dr Neil Shepherd AM, whose contribution to the establishment of the Commission and valuable advice on all matters will be missed by members and staff.

A YEAR IN REVIEW

Appendix 1 provides a summary of the Commission's activities for this reporting period as well as activities that the Commission has undertaken between November 2008 and June 2013. The summary shows the changing nature of the types of projects that have been referred to the Commission over time.

The year 2013-14 saw a slight increase in the number of applications referred to the Commission for determination. The Commission also held more public meetings in this reporting period than last year.

Appendix 2 provides a list of the applications that were determined by the Commission for the financial year.

89 applications were determined by the Commission during 2013-14. Of these, 30 were transitional Part 3A concept plan or project applications, 52 were Part 3A modification applications for already approved developments, six were State Significant Development applications and one was a Part 4 application.

Seven of the 89 applications determined during 2013-14 were refused by the Commission and 36 were approved as recommended by the Department. The remaining 46 were approved but with modification and/or amended conditions that the Commission considered necessary to achieve better environmental and urban design outcomes.

The Commission held 30 public meetings during the year to hear the community's views on the Department's assessment reports and recommendations on projects. This compares with 26 public meetings held during 2012-2013. The Commission also met with the relevant councils, government agencies and proponents as part of its consideration of these applications.

The Commission also provided independent expert advice on five planning matters and major development proposals including whether to call-in projects as State Significant Development under Section 89C of the EP&A Act.

During the year the Commission held six formal public hearings as part of its expert review role. All six hearings were in relation to major coal mining proposals. At the time of reporting four of the reviews were completed and two were still in progress.

The following sections provide a brief summary of some of the projects determined or reviewed by the Commission to give a snap shot of the reasons for its decision and recommendations. Details of these and all other determinations are available on the Commission's website.

DETERMINATIONS

Applications refused by the Commission

D191-12 **Apex Drilling Project Mod 2**
12 December 2012 to 10 July 2013

In September 2009 Apex Energy NL was granted approval to drill and operate 15 coal seam gas exploration boreholes in an area above the Illawarra escarpment between Stanwell Tops and Bulli Tops. The project was approved with conditions, one of which was to limit the drilling and operation of gas wells to a three year period. A modification was approved in 2011, to allow for an additional exploration well, bringing the total number of boreholes to 16. On 20 August 2012 the proponent submitted a modification application to amend the expiry date of the approval to “three years from commencement of drilling of the first borehole” because for a variety of reasons, none of the approved boreholes had been drilled since approval.

The Department’s assessment report identified the key issues included commencement of drilling and operations, environmental impacts, water, biodiversity, bushfire risk, impact on the Dharawal National Park and socio-economic impacts. The report found since approval was granted, part of the site where two boreholes were proposed, has been made a National Park. Therefore, these two boreholes should be deleted. The assessment concluded that there would be no further environmental impacts than those assessed in the previous applications and the proposal is in the public interest and should be approved. Notwithstanding such view, the Department did not agree with the open-ended extension as proposed in the application, it recommended the condition to read “3 years from the date of approval of this modification”.

The Commission held a public meeting to hear community views on the Department’s assessment report and recommendation. Thirty people spoke at the meeting. Issues raised included uncertainties and risks, suitability of the site, water impacts, health impacts, flora and fauna impacts, legal and process concerns, greenhouse gas emissions, reliability of the proponent and the application, need for the project, consideration of future generations, bushfire risk, and contamination.

The Commission also met separately with the proponent, Wollongong City Council, the Sydney Catchment Authority, and the Department of Planning and Infrastructure.

Following careful consideration of the application, the Department’s assessment report, agency and public views, the Commission found:

- There are still some uncertainties surrounding the risks and potential impacts of coal seam activities
- Policies relating to coal seam gas activities are currently evolving
- It would be inappropriate to approve the proposed coal seam gas activities in Sydney’s drinking water catchment Special Areas while the NSW Chief Scientist and Engineer’s review is underway and before the Government’s resulting policy conclusions are formulated.

The application was refused.

D225-13 **Concept Plan and Stage 1 residential development at Avon & Beechworth Roads, Pymble**
13 June 2013 to 30 July 2013

The concept plan proposal sought approval for a residential development to provide 273 units in four buildings ranging in height between four and nine storeys, basement car parking for 329 vehicles, and other associated works and improvements. The Stage 1 project application sought approval to demolish existing buildings, construct a four to six storeys building fronting Avon Road to provide 44 apartments and other associated works.

The Department's assessment report identified the key issues included development density, built form, residential amenity, traffic and access, natural environmental impacts and heritage. The report concluded that the proposal would provide a sound development outcome for the site, increase housing opportunity and a range of services and facilities while enhancing and conserving an Endangered Ecological Community (the Blue Gum Forest). The Department recommended approval subject to certain modification to the concept plan and Building 1 to improve the development's transition to neighbouring dwellings and provide a greater level of residential amenity.

Due to the level of community interest in the proposal, the Commission held a public meeting to hear the views of Ku-ring-gai Council and the community on the project. The key concerns raised by the Council included building bulk and scale, yields, location and meeting SEPP 65 requirements. The proposal was considered an over-development and inconsistent with the Ku-ring-gai Local Environmental Plan (Local Centres) 2012. The community shared Council's concerns and raised issues in relation to traffic, parking and pedestrian access, conservation, heritage, visual impact, and emergency access.

The Commission found, amongst other matters, that:

- The proposed development was inconsistent with the Ku-ring-gai Local Environmental Plan 2012, and was out of character with the surrounding area
- The site was highly constrained by its topography and ecological environment and not suitable for the proposed development
- The proposed development would have significant adverse impacts on adjoining residences including visual impact, privacy, and overshadowing
- The proposed development, if approved, would isolate No 3 Avon Road and effectively prevent it from redevelopment.

On balance, the Commission did not consider the benefits of the proposed development outweighed the potential adverse impacts on the community and environment in the area. Both the concept plan and Stage 1 project application were refused. The Commission expressed the view that any future application to develop the site should be guided by the provisions in the Ku-ring-gai Local Environmental Plan 2012.

Applications approved with amendment to the recommended approval.

D243-13 Collector Wind Farm Project
24 September 2013 to 2 December 2013

The proponent, Ratch-Australia Wind Developments Pty Ltd, proposed to construct and operate the Collector Wind Farm Project near the township of Collector, south-west of Goulburn. The proposed wind farm was to incorporate up to 63 wind turbines with a total installed capacity of 214 megawatts as well as other associated infrastructure.

The key issues identified in the Department's assessment report included noise (construction and operational impacts), visual amenity (operation impacts), biodiversity (construction and operation impacts), and health impacts. The assessment report found that significant impacts were unlikely, noting the project would be designed to achieve compliance with applicable noise and vibration criteria and that the impacts on landscape values as a whole would be acceptable.

The Commission held a public meeting over two days to hear community views on the recommendation. 37 people spoke at the meeting. Some spoke in favour of the proposal while others raised concern or objections. Those in favour noted that the proposal would reduce greenhouse gas emissions and help address climate change, and that the site was suitable for the project particularly given its proximity to the electricity grid. Those who spoke against raised concerns regarding visual, health, noise, social and property value impacts associated with the project.

Following careful consideration of the Department's assessment report, agency and public submissions as well as the views expressed at the meetings held with the public and stakeholders, the Commission accepted that the project was consistent with Government policies for the generation of renewable energy and complied with the draft NSW Wind Farm Planning Guidelines. It was satisfied that the recommended noise conditions would ensure that rural amenity and individual well-being would be protected.

However the Commission did not agree with the conclusion of the visual impact assessment because it did not adequately take account of the attributes of the landscape most valued by members of the local community and the visual impact of the proposal at specific residences. Members of the community expressed concern that the turbines would be highly visible from the public domain within the Collector Village. After careful consideration of the community's view and a visit of the site and surrounds, the Commission found that subject to the deletion of a number of turbines, the visual impacts of the proposal would be minimised and adequately managed to a satisfactory level.

The application was approved as recommended by the Department subject to conditions as modified and amended by the Commission.

D270-14 Concept plan for the Channel 9 site at Artarmon
20 January 2014 to 5 March 2014

The concept plan sought approval for indicative building envelopes for five residential flat buildings above basement parking and two rows of terrace houses ranging in height from 3 to

12 storeys with an estimated dwelling yield of 450 dwellings. Approval was also sought for two parks, new internal roadways and other infrastructure works.

The Department's assessment report identified the key issues as density, visual impacts, residential amenity, traffic and transport impacts, social infrastructure, open space and public domain. The assessment report concluded that the site was capable of accommodating the proposed development and would provide environmental, social and economic benefits to the locality.

A public meeting was held at which 42 people spoke including a representative from Willoughby City Council. The community representatives noted that the community was not opposed to the redevelopment of the site, having actively engaged with both the proponent and Council with a view to achieving an acceptable redevelopment outcome. The result of the engagement was a Master Plan prepared by Council with a height limit of maximum 8 storeys for about 300 units.

The two key issues for the Commission's consideration were the appropriate building height and development density. The Commission disagreed with the recommendation in the Department's assessment report regarding building height as it considered further building height reductions were required to address the issues concerning integration with existing developments in the area, visual impact and overshadowing of adjacent properties.

Following careful consideration of the character of the area, the adjacent development in the locality and the location of the site, the Commission found the recommended maximum building height of 12 storeys represented an overdevelopment of the site. The application was approved subject to recommended conditions as amended by the Commission including a maximum building height of eight storeys and a maximum of 350 units.

Independent Expert Advice

A062-13 Planning proposal for Bronte RSL 9 December 2013 to 30 January 2014

The request sought the Commission's advice for a pre-Gateway review for a proposal to amend the Waverley Local Environmental Plan 2012. The proposal related to the redevelopment of the Bronte RSL site at 109-113 Macpherson Street, Bronte. The proponent sought to amend the Waverley Local Environmental Plan 2012 by increasing the floor space ratio from 1:1 to 2:1 and increasing the maximum building height from 13 to 20 metres.

The Commission visited the site and its surrounding areas and met separately with Waverley Council and the proponent prior to finalising its advice.

Council advised the Commission of the high level of community concern with the proposed redevelopment of the site and that it did not support the proposal. The grounds for objection included:

- The proposal was inconsistent with the extensive independent studies that had been undertaken including notably economic impact, traffic and urban design
- The development of the site was not required to achieve the Metro Strategy targets

- The proposal was inconsistent with the Bronte Centre’s designation as a neighbourhood centre
- The proposal did not have strategic or site specific merit, and had been previously considered to be unacceptable and refused by the Sydney East Joint Regional Planning Panel.

The proponent at its meeting with the Commission outlined the history of a previous development application and planning proposal with Waverley Council; the strategic justification for the proposal; the planning and urban design arguments for development over the existing planning controls; and the lack of evidence that adverse traffic and/or economic impacts would result from the proposal.

After careful consideration of the Department’s assessment report, the views expressed by Council and the proponent as well as public submissions including the “Save Bronte” group submission, the Commission concluded that the proponent’s planning proposal had strategic planning merit and recommended that it proceed to the Gateway for determination under section 56 of the EP&A Act. The Commission also recommended that the proposal should be progressed concurrently with a design scheme which demonstrated design excellence, complied with SEPP 65 requirements, provided public benefits/improvements to the local areas and addressed the issues raised by the Council’s Design Review Panel.

A064-14 Affordable Housing at Leeds Street, Rhodes MCI 6361
16 May 2014 to 29 May 2014

The request sought the Commission’s advice on whether to call-in the proposal for it to be declared a State Significant Development.

The proposal related to the redevelopment of 27 Leeds Street, Rhodes for a residential development containing 450 residential units, including approximately 225 affordable housing units along with landscaping and public domain improvement works. The affordable housing component was to be funded by the National Rental Affordability Scheme.

The Commission met separately with the City of Canada Bay Council and the proponent.

Council opposed the declaration of the project as State Significant Development because it considered the site to be of local significance only. Whilst Council acknowledged that the proposal would provide affordable housing units, it asserted that this should not be at the expense of good planning outcomes for the wider area. It also noted that both the complexity and value of the proposal were less than other projects which were assessed by Council.

The Commission considered the six general issues set out in Part 5 of the Minister’s *Guideline on ‘call-in’ of State significant development under the Environmental Planning and Assessment Act* as well as the Department’s report, the submission from the Council and the proponent’s request for the State Significant Development declaration.

The Commission supported the need for affordable housing. However it found there was nothing specific about the application that distinguished it from other residential development to render it State significant. The proposal was also not considered to have State or regional planning significance when measured against the six issues provided in the Minister’s Guideline.

The Commission did note the importance of preparing a master plan for the site and the surrounding foreshore area. The Commission encouraged the City of Canada Bay Council to accelerate the process of preparing such a plan.

Expert Review with Public Hearings

R019-13 Drayton South Coal Project
29 August 2013 to 10 December 2013

The Drayton South Coal Project involved a new open cut and highwall mining operation to be developed as an extension of the existing Drayton mine, making use of Drayton's existing infrastructure, plant and workforce. The Commission was directed to review the Drayton South Open Cut Coal Mine proposal and its supporting studies, assess the potential impacts to the Coolmore and Woodlands horse studs and recommend any additional avoidance and mitigation measures required.

As part of the review, the Commission visited the Coolmore and Darley Woodlands horse studs and held a public hearing. The Commission heard from 26 registered parties, with speakers both for and against the proposal. Speakers in support noted changes that had been made to the project to reduce its impact and highlighted the employment and socioeconomic benefits of the mine proposal.

The horse studs, the equine industry, the tourism and vineyard industries, environmental interest groups and individuals raised concerns or objections to the proposal. Issues mainly related to impacts on the horse studs and flow on effects across the equine industry. Other concerns related to the water and biodiversity impacts of the project, and the regional environmental, health and socioeconomic impacts of the mining industry more broadly.

The Commission engaged a number of experts to provide advice on various aspects of the project and its impacts.

The Commission concluded that the open cut mine should not proceed at the planned scale and in the location proposed and recommended as follows:

- The Coolmore and Woodlands horse studs should be recognised as essential to the broader Equine Critical Industry Cluster and given the highest level of protection from the impacts of mining
- The mine plan proposed for the site should not be approved
- Any open cut mining contemplated on the site should be required to demonstrate that its impacts will not affect the viability of the Coolmore and Woodlands horse studs
- If mining on any portion of the site is to proceed, a new mine plan would need to be developed to plan for extraction from a considerably reduced mining area. As a minimum, the mine plan would need to be constrained to adopt the following physical restrictions:
 - Open cut mining must be setback behind the existing natural ridgelines
 - Considerable buffering to shield the studs from the mine is necessary and, having regard to the topography of the area, open cut mining must not extend through the second ridge to the north of the Golden Highway

- Any new mine plan for the site would need to be further assessed to ensure the visual, blasting, noise and dust impacts could be managed to an acceptable level at the neighbouring stud properties and should taken into account worst case scenarios. Other impacts would also need to be carefully considered both in relation to any impacts to the horse studs and more broadly, particularly in relation to the long term water impacts and the final landform.

R022-13 Moolarben Coal Stage 2 and modification to Stage 1 (Mod 3) project
5 February 2014 to 28 May 2014

The Minister requested the Commission carry out a review of the Moolarben Extension Project located 40 km northeast of Mudgee in the Mid-Western Regional Council Local Government Area for a proposed expansion of its mining area along with two additional underground mining operations and one large open cut pit. The proposal also sought to extract 16 million tonnes of run-of-mine coal annually over 24 years.

The Commission was directed to consider the Department's preliminary assessment of the Stage 2 of the Moolarben Coal Project and review its merits, paying particular attention to the potential biodiversity impacts of the project.

A Public Hearing was conducted on 26 February 2014 and 51 verbal representations were made.

Reviewing the merits of the project involved a comprehensive assessment of the predicted benefits and predicted environmental impacts of the project. The review sought to identify issues that the consent authority would need to consider before making a determination, and whether they should be resolved prior to determination.

The Commission examined the documents referred to in the Terms of Reference, including the Department's report. The Commission also received written submissions, visited the site and surrounds and met with the Proponent, Moolarben Coal Mines Pty Ltd, Mid-Western Regional Council, the Environment Protection Authority and the Office of Environment and Heritage.

The impacts of the project covered a wide spectrum, but relatively few of them were of major concern. Those of major concern were considered to be significant in determining whether development consent may be granted if left unresolved.

The Commission considered that the Drip (a natural landscape feature), impacts on biodiversity, water and noise were the most significant, however aspects of impacts on air and final void and landform would also need to be addressed before the project could be submitted for determination.

The public concern associated with the Drip was addressed by the Commission in its determination of the modification application to the Moolarben Coal Stage 1 (Mod 9). Although the proponent made a commitment to reserving the Drip as National Park, the Commission considered a condition requiring the conservation of the Drip in perpetuity is required. The additional condition provides no extraction of the additional coal resource approved under Modification 9 until the land tenure and surrounds associated with the natural feature known as "the Drip" is resolved to ensure its conservation.

The issue of biodiversity was considered in detail. The Commission's findings on biodiversity were based, in part, on a detailed examination of the Proponent's claims concerning potentially significant impacts for the critically endangered White Box, Yellow Box and Blakely's Red Gum Woodland community along with a number of threatened woodland birds likely to be present in and around the project area. While the Commission found the impacts could be significant, a recommendation was made that significant improvements needed to be achieved in the mitigation strategies.

Given the significant coal mining occurring in the region the Commission considered that it would be desirable for mitigation strategies to be prepared addressing the environmental impacts. The strategies should include a Regional Biodiversity Strategy which sets out the long term framework for consistent and coordinated planning, management and monitoring of offset areas.

Overall the Commission considered the residual impacts of the project could be reduced to a low level if the recommendations were adopted and the relevant actions and/or commitments were in place prior to submission of the project for determination.

Projects Determined by the PAC

	1/07/2013 to 30/06/2014			03/11/2008 to 30/06/2013		
Application type	Number	Percentage		Number	Percentage	
Urban Development (outside Metro Sydney)	10	11%	62%	32	10%	52.2%
Residential, retail and/or commercial (Metro Sydney)	45	51%		135	42.2%	
Resource (quarry, mining, gas & associated infrastructure)	18	20%	37%	66	20.6%	42.8%
Infrastructure	7	8%		29	9.1%	
Industries	4	4.5%		39	12.2%	
Windfarm, solar plant	4	4.5%		3	0.9%	
Marina	0	0		8	2.5%	
Others ¹	1	1%		8	2.5%	
total	89	100%		320	100%	

Projects/Planning Matters Advised by the PAC

	1/07/2013 to 30/06/2014			3/11/2008 to 30/06/2013		
Application type	Number	Percentage		Number	Percentage	
Concept plan, project application	0	0		12	17.7%	
Precinct Planning	0	0	20%	6	8.8%	57.3%
Rezoning, planning proposal, VPA	1	20%		22	32.2%	
Draft LEP, LEP amendment	0	0		11	16.2%	
State Significant Development	2	40%		4	5.9%	
Resource, industry, infrastructure	2	40%		10	14.7%	
Others	0	0		3	4.4%	
total	5	100%		68	100%	

Projects/Planning Matters Reviewed by the PAC

	1/07/2013 to 30/06/2014			3/11/2008 to 30/06/2013		
Application type	Number	Percentage		Number	Percentage	
Resource (mining, gas, quarry)	4	100%	100%	9	50%	55.6%
Infrastructure	0	0		0	0	
Industries	0	0		1	5.6%	
Urban development	0	0		7	38.8%	
Marina	0	0		1	5.6%	
total	4	100%		18	100%	

Public Hearings held by the PAC

	1/07/2013 to 30/06/2014			3/11/2008 to 30/06/2013		
Application type	Number	Percentage		Number	Percentage	
Resource (mining, gas, quarry)	6	100%	100%	8	72.7%	81.8%
Infrastructure	0	0		0	0	
Industries	0	0		1	9.1%	
Urban development	0	0		1	9.1%	
Marina	0	0		1	9.1%	
total	6	100%		11	100%	

APPENDIX 2 LIST OF APPLICATIONS DETERMINED

Concept Plan and Project Applications

Concept Plan and Stage 1 residential development at Avon & Beechworth Roads
Pymble

Mixed use development Eastlakes Shopping Centre

Bodangora Wind Farm

Shark Stadium Stage 1 project application

Residential development at the former Rachel Hospital site

Concept Plan for Minmi

Concept Plan for Whiteside Street & David Avenue

Nyngan Solar Plant (SSD)

Caltex Kurnell port & berthing facility upgrade (SSD 5353)

Woolworths retail facility at Warnervale Town Centre

Collector Wind Farm Project

Calga Sand Quarry Project

Coalpac Consolidation Project

Concept Plan for Black Hill Employment Lands

CUB site Blk 4S SSD5700

Flyers Creek Wind Farm Project

Residential Subdivision at Terranora Tweed

Caltex Refinery Conversion

Concept Plan for Channel 9 Site

Concept Plan and Stage 1 for the Expansion of Westfield Parramatta

Concept Plan for a Staged Mixed Use Development Stage 1 Project Application for a
Masters Home Improvement Store at 164 Station Street, Penrith

Sydney Heritage Fleet Base

Cobbora Coal

Mixed Use Development at Rozelle Village

Western Coal Services (SSD5579)

IMAX Redevelopment

Karuah Quarry

Life City Concept Plan Berkeley

Qenos Port Botany Demolition

Modification Applications

Apex Drilling project Modification 2
Concept Plan for Lewisham Estate Modification 1
Wambo Coal Mine Modification 13 (Longwalls 9 & 10)
Thomas Street car park Modification 6
Mackas Sand Modification 1
Royal Rehabilitation Centre Modification 6
Sydney Adventist Hospital Wahroonga Estate Modification 5 Temporary Car Park
Perisher Village Concept Plan Modification 2 extension of time
Patricks Container Terminal Modification 7
Warriewood Concept Plan Modification 4 & Stage 1 Modification 13
Vincentia District Centre Modification 5
Mixed use development at Lindfield Avenue and Havilah Lane, Lindfield Modification 1
CUB site concept Modification 8 & project Modification 4
Ardmore Park Quarry Modification 2
150 Epping Road Lane Cove Modification 1
120-128 Herring Road, Macquarie Park Modification 3
330 Church Street Parramatta Modification 3
Campsie Former Sunbeam site Modification 4
Springvale Colliery Modification 4 Production increase
Angus Place Colliery Modification 3 Extension of Longwall 980 and 900W
120-128 Herring Road, Macquarie Park Modification 4 Building E
Warkworth Coal Project Modification 6
University of Sydney Business School, Abercrombie Street Modification 2
SAN Modification 4 Education Centre
Allengrove Concept Plan Modification 1
Breakfast Point Concept Plan Modification 4
Newstan Colliery Modification 6
Lewisham Estate concept Plan Modification 4
Wilpinjong Coal Mine Modification 5
Moolarben Stage 1 Modification 9
Former Allied Mills site Stage 1 Modification 1
Barangaroo Concept Plan Modification 6
Four Points by Sheraton Modification 1
USyd Business School Abercrombie Street Modification 3

Mangoola Coal Project Modification 6
Atchison Street, St Leonards Modification 2
Wahroonga Estate Modification 4
Shoalhaven Starches Modification 4
Lewisham Estate Concept Plan Modification 5
Treacy Street, Hurstville Modification 2
Moruya East Village Concept Plan Modification 1
Clyde Transfer Terminal Modification 4
Achieve Australia Concept Plan Modification 3
Stamford Herring Road Concept Plan Modification 2 and Stage 1 Modification 1
Mixed use development, Macquarie & Marsden Streets, Parramatta Modification 2
Clarence Colliery Modification 2 and 3
Woodlawn Alternative Waste Technology Project Modification 1
Student Housing, Cleveland Street, Redfern Modification 6

SUMMARY OF AFFAIRS

COMMISSION EXPENDITURE

The total expenditure by the Commission for the financial year was \$ 2.869 million. The Commission does not directly employ staff. The Department of Planning and Environment 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 the Drayton South Coal Mine at a total cost of \$97,938.44.

1. Mr Terry Short, Imine Pty Ltd, to advise on the potential agricultural impacts
2. Mr Richard Jennings and Mr John Janetzki of RA Jennings & Associates Pty Ltd to peer review on the proposed mine plan and alternatives for the site
3. Dr Richard Lamb of Richard Lamb & Associates to advise on visual impact assessment.

In June 2014, the Commission engaged Dr Col Mackie of Mackie Environmental Research to provide independent review of the groundwater issue in relation to the Watermark Coal Project. At the time of reporting, the review is yet to be completed.

GOVERNMENT INFORMATION (Public Access)

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

The first application was in relation to the Commission's determination of the HVO North Carrington West Modification 3 application (Ref No. D187-12). The request was for correspondences between government agencies and the Commission. The determination was to release the requested documents.

The second application was in relation to the Warkworth Coal Project Modification 6 (Ref No. D262-13). Again the request was for correspondences between government agencies and the Commission. The only correspondence between the Commission and government agencies was the letter from the Department of Planning and Infrastructure referring the application to the Commission for determination and the applicant was advised accordingly.

PRIVACY AND PERSONAL INFORMATION

The Commission's website (www.pac.nsw.gov.au) includes the Commission's Privacy Statement, which explains how the Commission obtains and uses personal information. In the 2013-14 reporting period, the Commission received no complaint or review application about privacy

COMPLAINTS

In late June 2014, the Commission received one formal complaint over the phone. The complainant was concerned that speaking time limits as detailed in the public hearing procedures were not followed because objectors were given extra time to speak at the Bulga coal project public hearings. Investigation is in progress.

OVERSEAS TRAVEL

No overseas travel was undertaken during the year.

FURTHER INFORMATION

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

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