

NEW SOUTH WALES

MAJOR

DEVELOPMENT

MONITOR 2009-10

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New South Wales Major Development Monitor 2009-2010

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Minister's foreword



I am pleased to present the Major Development Monitor 2009-10, the fifth report of its type to be published. The report is a major resource about the work of the Department of Planning and NSW Government in the assessment of development proposals.

The NSW Government's development assessment work is a key driver of the State's economy. During

2009-10, the Department assessed around 400 development proposals worth some \$19 billion with the potential to create 64,000 jobs. These proposals were – depending on various factors – either determined by the Planning Assessment Commission, a senior Department executive or myself.

Most of these projects were assessed by the Department via Part 3A of the Environmental Planning and Assessment Act 1979. The Part 3A system played a particularly important role assisting the State recover from the global financial crisis. Many large projects, which received approvals under the Part 3A system began construction or operation during 2009-10, providing much-needed employment.

During 2009-10, the Department assessed some of the State's most complex and important projects. For instance, the NSW Government gave concept approvals for the Bayswater B and Mount Piper power stations, the Macquarie University campus redevelopment and Marulan gas-fired power station project. It also approved construction work to begin on the Cadia East mining project in the State's Central West, an expansion of the Kooragang coal loader in Newcastle, western Sydney's Quakers Hill to Vineyard rail upgrade project and the North Coast's Tintenbar to Ewingsdale Pacific Highway upgrade project. These are all highly significant projects, many of which will have benefits for regional communities and provide infrastructure for our community.

It should be noted that community and relevant stakeholders, including local councils, play a crucial role in the Part 3A assessment system. The Department's staff benefit from the local knowledge and expertise of council officers at key steps in the assessment process. Furthermore, the Department considered more than 20,000 submissions received in response to exhibited Part 3A proposals. There is little doubt that the feedback received from local councils and the community during the assessment process generally improves the final outcome.

Incredibly, the combined investment value of the 400 projects approved by the Department (\$19 billion) during 2009-10 was comparable to the investment value of the 70,000 development applications approved by the State's councils during 2008-09 (some \$18.5 billion). The average capital investment of a new Part 3A proposal determined during 2009-10 (excluding modifications) was \$167 million. This shows that the NSW Government is typically dealing with major development proposals of regional or State significance.

This report also illustrates the rigour, accountability and transparency of the Department's assessment work. This includes an increasing use of the Planning Assessment Commission either to review or determine projects, along with making submissions publicly-available for the first time and also liaising with local councils and State and Commonwealth agencies during the assessment process.

The report also illustrates the auditing and compliance work undertaken by the Department on projects approved in previous years. This is an important function, which ensures projects are constructed and implemented in line with their approval conditions. I hope you find it of interest.

Tony Kelly

A handwritten signature in black ink that reads "Tony Kelly". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Minister for Planning

Introduction

The Major Development Monitor 2009-10 outlines the work of the NSW Department of Planning, Planning Assessment Commission and Minister for Planning in assessing and determining development proposals.

It has a particular focus on the operation of the major projects assessment system. This system comprises Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Major Development State Environmental Planning Policy (Major Development SEPP).

The major projects assessments system has some unique aspects, compared to the assessment system used by local councils. These unique aspects ensure that the system:

- Achieves a truly integrated assessment outcome, under which a variety of different (and sometimes competing) issues can be considered by the one assessment authority;
- Has been tailor-made to deal with the complexity of major projects of regional or State significance;
- Sets rigorous requirements, which need to be met before any project can be placed on public exhibition;
- Requires developers to publicly respond to submissions lodged during the exhibition period – often leading to major amendments;
- Defines in the one location the types of projects which come to the NSW Government for decision (previously some 85 different instruments outlined the government's assessment role).

The Department continues to assess some projects, including Sydney Harbour, advertising signs on major roads and alpine projects, under Part 4 of the EP&A Act.

THE PART 3A ASSESSMENT SYSTEM IN 2009-10: HOW IT WORKED

138

projects declared to be assessed under Part 3A

152

Director-General's requirements issued for projects. Developers needed to address these requirements for a project's environmental assessment to be placed on public exhibition

136

environmental assessments declared as adequate – able to proceed to public exhibition

48

environmental assessments declared as inadequate – not able to proceed to public exhibition unless amended

147

project environmental assessments placed on public exhibition for a minimum of 30 days

20,819

submissions received to exhibited projects

127

submission or preferred project reports responding to submissions and generally resulting in improved outcomes were received from proponents

125

new Part 3A projects determined.

120

modifications determined through Part 3A process

\$19.1

billion overall approvals

Major development proposals lodged during 2009-10

PROJECTS DECLARED VIA MAJOR DEVELOPMENT SEPP

The Major Development SEPP defines in the one location the types of projects, which come to the Department for assessment and determination, rather than the local council. Before the introduction of the Part 3A assessment system, some 85 different environmental planning instruments defined which projects came to the Department.

Projects to be assessed under Part 3A typically fall into the following categories:

- agriculture, timber, food and related industries
- mining, petroleum production, quarries and associated processing industries
- chemical, manufacturing and related industries
- general manufacturing, distribution and storage facilities
- tourism and recreational facilities
- health and public service facilities
- residential, commercial and retail projects
- transport, energy and water infrastructure
- resource and waste-related industries.

The Major Development SEPP typically sets a threshold, such as capital investment value or employment generation, above which a proposal in one of the categories listed above automatically comes to the Department as a major project.

As well, some proposals in regionally important locations, such as the coastal zone and specified urban sites including Sydney Olympic Park and Newcastle's Honeysuckle precinct, come directly to the Department through the Major Development SEPP.

Of the 138 projects lodged with the Department in 2009-10, some 125 (or 91 per cent of projects) met the relevant criteria outlined in the Major Development SEPP. Other projects were either accepted via:

- A specific order (see page 6)
- Because they met the general order published in 2005 under which NSW Government agency projects which require an environmental impact statement under Part 5 of the EP&A Act are considered major projects, or
- Were identified as major projects in previous concept plan approvals.



TABLE 1: Part 3A projects lodged by sector and sub-sector 2009-10

Project sector and sub-sector	Number of concept plans or project applications
INDUSTRY	
Intensive livestock industries	0
Produce and food processing	0
Timber and paper plants	0
Chemical manufacturing	0
Distribution and storage	9
Other manufacturing	2
Extractive industries	5
Metal, mineral and extractive processing	2
Coal mining	13
Metal mining	2
Mineral mining	0
Petroleum extraction	0
Remediation	2
Resource recovery or waste	5
TOURISM AND RECREATION	
Major sporting facilities	0
Tourist, convention and entertainment facilities	3
Film, television, media or performing arts	0
Marinas	3
INFRASTRUCTURE	
Correctional facilities	0
Electricity generation projects	9
Electricity infrastructure	3
Pipelines	0
Port and wharf facilities	1
Rail and related transport	1
Roads	1
Sewerage and wastewater plants	4

Waterways and water supply works	1
Education	6
Hospitals and health related industries	8
Medical research & development	0
COASTAL PROJECTS	
Coastal area subdivision	7
Coastal tall buildings	0
Coastal area tourist development	0
Other coastal projects	3
RESIDENTIAL, COMMERCIAL & RETAIL	
Residential, commercial & retail	48
Totals	138

DISCRETIONARY PROJECTS

The Minister has an ongoing ability under the EP&A Act to declare any project to be subject to a Part 3A assessment. This power has existed since the inception of the EP&A Act in 1979.

This reflects the fact that the criteria in the Major Development SEPP, or related general orders, may not always be able to anticipate projects, which are genuinely of regional or State significance. A total of five orders of this type were made in 2009-10.

TABLE 2: Part 3A projects declared via order 2009-10

Project description	Date order decided	Reason why declared
North Sydney Zone Substation Redevelopment, Ward St, North Sydney	17/06/2010	Importance for energy reliance and capacity for economy of strategically-important North Sydney area
Metropolitan Transport Plan projects including the Western Express line, Haymarket to Circular Quay and Lilyfield to Dulwich Hill light rail lines, the North-West Rail Link	12/03/2010	Importance to Sydney transport infrastructure
M5 West Widening Project	10/03/2010	Importance to Sydney transport infrastructure
Mount Piper Ash Placement Project	20/10/2009	Importance to State's energy production
Water and Waste Servicing of the West Dapto release area	07/09/2010	Importance of project to assist Illawarra's main urban release area

The Department also continues to exercise its discretion in declaring projects, which technically may meet the criteria to be considered a Part 3A project, but have other issues including being prohibited in the relevant zone or significantly exceeding development controls. This has particularly been the case in regard to residential, retail and commercial projects under Clause 13 of the Major Development SEPP.

For instance, during 2009-10, the Department and Minister did not declare plans for the Coogee Bay Hotel site a major project and in August 2010 referred plans to the NSW Government Architect for further review. This followed concerns about the height, bulk, scale, and impact of the proposal. Furthermore, plans for the Bickham coal mine were not allowed to proceed to assessment following a review conducted by the Planning Assessment Commission.

The Department is consulting with key stakeholders about a draft guideline to provide further clarity about the Department's approach to declare residential, retail and commercial developments, which are prohibited or significantly exceed planning controls.

Part 4 proposals lodged

In addition, some 64 projects were lodged with the Department for assessment under Part 4 of the EP&A Act. These were predominantly proposals in the alpine resorts, on some sites alongside Sydney Harbour or advertising sign proposals alongside major roads, which were better suited to be assessed under the Part 4 assessment system.

CRITICAL INFRASTRUCTURE

Some proposals, which are declared major projects can also be declared as critical infrastructure projects. The critical infrastructure provisions:

- ensure the timely and efficient delivery of essential infrastructure projects;
- allow the government and the planning system to rapidly and readily respond to the changing needs of the State;
- provide certainty in the delivery of these projects;
- provide for rigorous scrutiny to ensure environmental outcomes are appropriate; and
- focus on delivering outcomes essential to the NSW community.

The environmental assessment process for critical infrastructure projects is the same as for any other major project. That is, the project is subject to public exhibition and a full assessment by the Department. However, as the project has been declared essential to the State, the law does not support a merit appeal in relation to the determination of a critical infrastructure project and there is no procedural appeal without the Minister's support.

During 2009-10, the following new projects were declared critical infrastructure via an order in the NSW Government Gazette:

- The Murrumbidgee to Googong Water Transfer project;
- Yass Wind Farm;
- Sapphire Wind Farm;
- Flyers Creek Wind Farm;
- Ben Lomond Wind Farm;
- Boco Rock Wind Farm;
- Metropolitan Transport Plan projects, including the Western Express line, Haymarket to Circular Quay and Lilyfield to Dulwich Hill light rail lines, the North-West Rail Link and Stage B2 of the South-West Rail Link; and
- M5 West Widening.

In addition, two project classes were declared critical infrastructure because of their importance to the State. These were:

- Renewable energy generation facilities with a generation capacity of more than 30 megawatts; and
- Biofuel manufacturing facilities with a production capacity of more than 50 megalitres/year.

PACIFIC AND HUME HIGHWAY UPGRADES

The Department undertakes planning assessments of State agency road projects, which have the potential to have a significant environmental impact, along with other road projects, which the Minister determines are of regional or State significance. This often involves balancing the potential environmental and other impacts of these projects against their undoubted infrastructure value to the State.

These road projects often span multiple local government boundaries and raise environmental and property impact issues. The Department provides an independent assessment of these issues.

Since the Part 3A assessment system began in 2005, the Department has approved some 16 road projects. This includes seven new sections of the Pacific Highway totalling 123km and eight sections of the Hume Highway totalling 71.5km.

During 2009-10, approvals were granted by the Minister for Planning for the Holbrook, Tarcutta and Woomargama bypasses along the Hume Highway. Construction work on the Tarcutta and Woomargama bypasses are now underway.

The approval of the 9.5km Holbrook bypass in April 2010 represented the last step in the Hume Highway upgrade program and has cleared the way for a traffic light-free run from Sydney to Melbourne. Some 63 conditions were placed on the project, requiring safe crossings for native fauna, protection of Aboriginal heritage items, traffic noise mitigation measures and offsetting environmental impacts.

The Department has also played an important assessment role with the Pacific Highway upgrade. During 2009-10, the Department assessed and approved the Glenugie Upgrade and the Tintenbar to Ewingsdale sections of the Pacific Highway, along with determining a number of modifications to projects approved in previous years.

For the Tintenbar to Ewingsdale section, some 19km of existing highway will be replaced by a new four-lane carriageway. The approval for this section in January 2010 meant planning approvals were in place for a continuous, high standard four-lane highway between Ballina and the Queensland state border.

A total of 44 conditions were placed on the project, including requiring monitoring of traffic noise levels, installation of noise barriers at key locations and monitoring impacts on surface and ground water.

During 2009-10, construction work continued on Part 3A approvals given in previous years, including the Moorland to Herons Creek section and Bulahdelah bypass. This work is fixing some of the worst accident blackspots along the Pacific Highway.

The Part 3A assessment system was of particular benefit for these projects because it allowed a single consent authority – independent of the road builder – to consider and resolve all relevant issues in a timely manner. The resultant planning approvals for the Pacific and Hume Highway upgrades are now allowing motorists to enjoy safer and speedier travel.



Work underway on the Hume Highway's Tarcutta bypass



Work underway on the Pacific Highway's Moorland to Herons Creek project

FAST FACTS

PROJECT: 71.5km of Hume Highway and 123km of Pacific Highway approved under Part 3A – final Hume Highway upgrade approval given during 2009-10

KEY ISSUES RESOLVED: Flora and fauna, Aboriginal heritage, water, traffic noise and local business impacts

OUTCOME: Safer and speedier travel for motorists

Development decisions made during 2009-10

TABLE 3: Approvals overall 2009-10

	Approvals	Construction jobs	Operational jobs	Total jobs	Capital Investment Values
CONCEPT PLANS (PART 3A)					
Minister	17	20,980	11,235	32,215	\$10,089,352,631
Department	2	150	364	514	\$109,600,000
Planning Assessment Commission	2	1,580	1,155	2,735	\$311,265,000
TOTAL	21	22,710	12,754	35,464	\$10,510,217,631
PROJECT APPLICATIONS (PART 3A)					
Minister	49	9,929	15,474	25,403	\$8,477,546,695
Department	41	4,394	1,888	6,282	\$723,471,758
Planning Assessment Commission	14	1,855	5,776	7,631	\$1,167,643,343
TOTAL	104	16,178	23,138	39,316	\$10,368,661,796
PART 4 DEVELOPMENTS					
Department	55	68	19	87	\$10,851,600
TOTAL	55	68	19	87	\$10,851,600
MODIFICATIONS					
Part 3A modifications					
Minister	8	50	381	431	\$97,200,000
Department	112	418	468	886	\$808,070,206
TOTAL	120	468	849	1,317	\$905,270,206
Part 4 modifications					
Minister	9	23	0	23	\$8,000,000
Department	96	178	42	220	\$152,845,181
TOTAL	105	201	42	243	\$160,845,181
GRAND TOTAL	405	36,088	28,530	64,618	19,081,867,483

- Grand total excludes capital investment value and jobs for project application approvals where concept plans have already been approved, or where both a project application and a concept plan for the same project were approved in the same year
- Grand total also excludes one PAC determination referred to it by the Minister for a student housing Modification in Kensington, as this was not an assessment primarily undertaken by, or delegated by, the Department.

FAST FACTS

21 concept plan approvals
104 project application approvals
120 modification approvals
\$19.1 billion in overall approved projects
36,088 construction jobs
28,530 operational jobs

DETERMINATION ANALYSIS

Overall approval figures

During 2009-10, the Minister and the Department approved 405 projects and modifications, which had a total capital investment value of \$19.081 billion and the potential to create 64,618 jobs. Of these approvals, some 245 were assessed under Part 3A of the EP&A Act and 160 under Part 4 of the EP&A Act.

The overall capital investment value and number of potential jobs created through the NSW Government's development assessment work under both the Part 3A and Part 4 assessment systems during 2009-10 was the second highest since the Part 3A system commenced.

Furthermore, the overall capital investment value of determinations during 2009-10 of just over \$19 billion was comparable to the overall determination value for all applications assessed by all 152 local government bodies across the State. For example, in 2008-09, local councils determined some 71,638 development applications with a total capital investment value of \$18.5 billion. The fact that just over 400 projects (including modifications) assessed by the Department produce a similar overall capital investment value to

some 71,000 projects assessed by local government illustrates the sheer size and regional or State significance of the typical project assessed by the Department.

This is underlined by the fact that in 2009-10, the average capital investment value for newly-determined Part 3A proposals was some \$167 million. This average figure excludes modifications to existing proposals.

Part 3A system

The number of overall approved Part 3A projects increased from 233 in 2008-09 to 245 in 2009-10. Some 21 of these Part 3A approvals were for concept plans (which typically give a broad, over-arching/in-principle approval for a proposal) while 104 were for project applications (which typically allow construction work to begin). A further 120 Part 3A modifications were approved.

Approved Part 3A proposals had a total capital investment value of \$18.91 billion (making up the vast majority of the overall capital investment value from the Department's assessment work of \$19.081 billion).

During 2009-10, the overall capital investment value and potential job creation from approvals of new Part 3A projects (excluding modifications) was the highest since the Part 3A system came into place in 2005. This illustrates the increasing value of the Part 3A system to the State.

Since being introduced in August 2005 until the end of 2009-10, some 469 new proposals have been determined using the Part 3A assessment system, with a total capital investment value of \$58.24 billion and the potential to create 185,964 jobs. This figure excludes modifications considered under the Part 3A system.

TABLE 4: Part 3A projects historic capital investment value and jobs (excluding modifications)

Year	Determination	Capital investment value \$	Jobs
2005-06	25	2.3 billion	4,419
2006-07	106	13.51 billion	33,118
2007-08	82	7.8 billion	31,203
2008-09	129	16.63 billion	54,253
2009-10	127	18 billion	62,971
TOTAL	469	58.24 billion	185,964

Some 469 new proposals have been determined using Part 3A since August 2005, with a value of \$58.24 billion and with the potential to create 185,964 jobs

Approvals by bodies other than Minister

Since the inception of Part 3A, the Minister has been responsible for approving most new proposals (excluding modifications). However, during 2009-10, an increasing number of projects were approved either by the Department or the Planning Assessment Commission (PAC) as delegates of the Minister.

The number of Part 3A approvals by the Department for newly-lodged projects increased from six in 2008-09 to 43 in 2009-10. This follows the issuing of delegations by the Minister to the Department to determine a wide number of projects in 2009, reported in last year's Major Development Monitor.

Similarly, the number of determinations by the PAC increased from two to 17. This reflects the first full year of operation in which delegations by the Minister were in operation to refer determinations to the PAC.

The PAC had a particular role determining project applications where a reportable political donation was made. Of its 17 determinations, 16 were due to the fact that a reportable political donation had been made by either the proponent or an objector. The use of an independent expert commission to make decisions on these projects removes any suggestion of conflicts of interest in these determinations.

In total, the PAC has dealt with almost 20 per cent of Part 3A projects since it came into being, either by determination, review or advice.

TABLE 5: Determinations by the Planning Assessment Commission

Name of Project	Referral date	Determination date	Outcome
Bennelong Parkway Wentworth Point	17/6/10	22/06/10	Approved with conditions
Dick Smith Hoxton Park	31/5/10	3/06/10	Approved with conditions
Big W Hoxton Park	31/5/10	3/06/10	Approved with conditions
Stage 1 Infrastructure Hoxton Park	31/5/10	3/06/10	Approved with conditions
Concept Hoxton Park	31/5/10	3/06/10	Approved with conditions
CUB Mixed Use Block 2	20/5/10	18/06/10	Approved with conditions
CUB Commercial Blocks 1 & 4	20/5/10	26/05/10	Approved with conditions
CUB Basement	20/5/10	26/05/10	Approved with conditions
Costco Auburn	15/4/10	23/04/10	Approved with conditions
Bonar & Loftus Sts Arncliffe Residential	24/2/10	2/03/10	Approved with conditions
CUB Main Park	19/1/10	22/01/10	Approved with conditions
Newcastle Private Hospital	23/12/09	15/01/10	Approved with conditions
Redfern RSL	15/12/09	22/12/09	Approved with conditions
Knauf Insulation	9/11/09	14/10/09	Approved with conditions
Breakfast Point	20/8/09	27/08/09	Approved with conditions
Kensington student housing	28/7/09	25/09/09	Approved with conditions
Multi-unit housing Pymble	16/7/09	24/07/09	Approved with conditions

CARLTON AND UNITED BREWERIES SITE

In February 2010, the Planning Assessment Commission (PAC) gave approval for construction to begin on the \$6 million main park of the Central Park Sydney redevelopment, on the former Carlton and United Breweries site at Broadway. The approval followed an assessment by the Department of Planning. The approval allowed the first construction to begin at this major urban renewal precinct, which spans some 5.4 hectares and where eventually 1,550 residential units and 6,000 ongoing operational jobs will be based.

The park is almost 6,500 square metres in size and includes landscaping, tree planting and gardens as well as paved areas and a water feature. As part of the planning approval, the developer, Frasers Broadway, is required to ensure the materials and finishes of the main park are similar to other city parks.

In June 2010, the PAC also approved some \$600 million worth of urban renewal projects at the site. This included:

- A \$269 million mixed use retail, commercial and residential development to house up to 593 residential apartments, supermarket, restaurants, food court, speciality retail and commercial floor space;
- A \$274 million commercial development of 10-15 storeys; and
- Excavation and construction of a basement parking area for a number of buildings on-site.

A total of 294 conditions were imposed across the approvals, addressing a range of issues such as public domain works, heritage, landscaping, vegetation management, stormwater management and construction management.

The approval came just four years since the NSW Government took carriage of the site in the absence of any planning controls. The outcomes illustrate one of the benefits of the Part 3A assessment process in that sites (such as the former Carlton and United Brewery site) can initially be given a concept plan approval which outlines an over-arching scheme and provides certainty for the community and investors as to what can be constructed onsite. After this time, project applications can be lodged to allow construction to begin. It should also be noted that there were a very low number of public submissions to the project applications to this site, which could partially be attributed to the certainty provided by the concept plan approval.

Furthermore, the determination by the PAC resolved any perceived conflict of interest issues raised by the fact that a reportable political donation had been lodged in relation to the proposal.



Proposed mixed-use development with heliostat to reflect sunlight to public spaces



Construction work underway on the Central Park Sydney site

FAST FACTS

PROJECT :

Central Park Sydney main park and first buildings

KEY ISSUES RESOLVED :

Heritage, park design

OUTCOME :

Construction underway on five hectare site

Refusals

During 2009-10, two projects were refused. These were:

- Proposed development at the Stamford Plaza site, Double Bay; and
- Somersby Fields Quarry project, on the State's Central Coast.

The 2009-10 refusal rate for Part 3A projects (1.6 per cent of projects) was comparable with the overall refusal rate for council-assessed projects under Part 4 of the EP&A Act in 2008-09 (3 per cent of projects).

Furthermore, the Part 3A system has additional steps compared to the Part 4 system which allow the filtering out of inappropriate proposals (which may help explain the slightly lower refusal rate).

For instance, unlike the Part 4 assessment system it largely replaced, the Part 3A system ensures that the key issues specific to every proposal are publicly outlined early in the assessment process. These key

issues are listed in a statutory document known as the Director General's requirements. A developer, when submitting a proposal, must adequately address issues outlined in the requirements before the proposal is allowed to proceed to public exhibition.

During 2009-10, the Department deemed that just over a quarter of all environmental assessments submitted by proponents to be placed on public exhibition were inadequate (48 projects). This often required the developer to provide more comprehensive information and justification about key issues.

Furthermore, after the public exhibition period, the developer can be required to prepare a response to submissions or to amend its project to minimise impacts on the environment through a preferred project report. During 2009-10 some 127 of these documents were lodged with the Department.

Additionally, the Department or Minister may choose to enforce further major amendments to the project, along with strict conditions, as part of a project approval.

BONNYRIGG LIVING COMMUNITIES



New housing at the Bonnyrigg estate

In early 2009, the Minister approved a \$733 million concept plan for the 15-year renewal of the Bonnyrigg public housing estate in Fairfield. The approved concept plan supported the demolition of the current public housing dwellings and their replacement with 699 public and 1,633 private housing dwellings. This is part of a government move to turn Bonnyrigg into an integrated community, moving away from the old model of clustering social housing in one suburb.

The Minister also approved the first stage of construction which involved 106 homes (71 private and 35 social) and work on local sporting facilities, a new park and local roads.

In September 2010, the final residents of the social housing part of the first stage moved into their dwellings. Sales of the private homes in the estate are also progressing well.

The assessment of the project across the major 81 hectare site was undertaken on behalf of the Department by Fairfield City Council. The key issues raised in submissions related to urban design, traffic, parking, infrastructure provision and community services, management and mitigation of construction impacts. Council planners recommended a number of conditions to resolve these issues and ensure minimal impacts as a result of the proposal.

The assessment of the Bonnyrigg Living Communities outlined the value of the Part 3A assessment system in that it supported:

- Both an in-principle concept plan approval to guide development, and a more detailed first stage project application to begin construction, being assessed at the same time; and
- The Department being able to delegate its assessment function to the local council.

FAST FACTS

PROJECT:

Bonnyrigg Living Communities

KEY ISSUES RESOLVED:

Urban design, traffic

OUTCOME:

New homes and communities for western Sydney

NARRABRI COAL PROJECT



Miners at the Narrabri Coal Project site

The Narrabri coal project was approved via the Part 3A assessment system in November 2007. Mining at the site, in the State's north-west, commenced in June 2010. During the construction period for the mine, more than 120 people and 25 contracting businesses were employed.

A \$295 million extension to the coal project was approved by the Department in July 2010. This \$175 million development is expected to increase the mine's total workforce to more than 200 workers.

Over its lifetime, the mine will extract around \$17 billion worth of coal and contribute up to \$36 million a year in wages. The extraction of coal under the approved extension will be undertaken through long-wall mining techniques, with the extracted coal to be transported by rail to the Port of Newcastle.

The extension approval imposed 76 conditions, including detailed subsidence monitoring programs, real-time monitoring of noise impacts, implementation of a revised air-quality monitoring program and operation of a community consultative committee.

Furthermore, the proponent will be required to provide a biodiversity offset strategy which maintains or improves conservation values by permanently protecting high conservation land in perpetuity.

The Part 3A assessment system allowed a single assessment authority – the Department of Planning – to consider and resolve all relevant issues in these projects, streamlining outcomes.

FAST FACTS

PROJECT :

Narrabri coal project

KEY ISSUES RESOLVED :

Subsidence, ground and surface water, Aboriginal cultural heritage, biodiversity impacts

OUTCOME :

Up to \$36 million a year in wages for regional workers



Train leaves the Narrabri Coal Project site

TABLE 6: Determinations by sector and sub-sector 2009-10

Project sector and subsector	Assessment type						Employment generation		Capital investment value (\$)
	Part 3A CP	Part 3A PA	Part 3A mod	Part 4	Part 4 mod	Total	Construction jobs	Operational jobs	
INDUSTRY									
Intensive livestock industries					1	1	0	0	0
Produce and food processing			1		1	2	10	0	4,500,000
Timber and paper plants			1		1	2	0	0	0
Chemical manufacturing		2			1	3	125	30	473,000,000
Distribution and storage	2	6	3		1	12	1,455	1,460	265,019,000
Other manufacturing		1	1		1	3	601	400	130,300,000
Extractive industries	1	6	7		2	16	199	103	71,200,000
Metal, mineral and extractive processing		1			3	4	3	130	195,500,000
Coal mining		5	21		12	38	213	539	299,880,181
Metal mining		1	3		2	6	1,053	1,570	2,306,461,206
Mineral mining			1		1	2	0	0	0
Petroleum extraction		1			2	3	4	8	7,505,000
Remediation		3	4		4	11	32	22	41,075,000
Resource recovery or waste		3	1		3	7	200	199	110,205,444
TOURISM AND RECREATION									
Major sporting facilities		1	2			3	50	0	5,115,000
Tourist, convention and entertainment facilities		1	3	2	1	7	10	5	7,156,000
Film, television, media or performing arts					1	1	0	0	0
Marinas	1	2	3		2	8	849	71	112,600,000

TABLE 6: Determinations by sector and sub-sector 2009-10

Project sector and subsector	Assessment type						Employment generation		Capital investment value (\$)
	Part 3A CP	Part 3A PA	Part 3A mod	Part 4	Part 4 mod	Total	Construction jobs	Operational jobs	
INFRASTRUCTURE									
Correctional facilities		1	1			2	200	51	98,200,000
Electricity generation projects	3	7	3		2	15	3,166	183	5,666,800,000
Electricity infrastructure	2	2	1			5	320	18	870,000,000
Pipelines		3				3	68	3	63,000,000
Port and wharf facilities			2		2	4	250	8	500,000,000
Rail and related transport		2	4			6	1,250	0	430,000,000
Roads	1	5	7			13	1,550	10	1,199,000,000
Sewage and wastewater plants			3			3	0	0	0
Waterways and water supply works		1	2			3	40	5	96,000,000
Education	2	2	4			8	1,350	2,180	2,476,901,000
Hospitals and health related	2	5	6			13	15,020	7,589	1,063,419,829
Medical research & development	1	4	1			6	1,055	2,835	532,107,780
COASTAL PROJECTS									
Coastal area subdivision	1	11	5	1	8	26	2,793	271	465,181,869
Coastal tall buildings		4	2		2	8	659	718	115,200,000
Coastal area tourist development		2			4	6	95	33	30,208,000
Sydney Harbour Foreshore projects				5	29	34	30	34	5,260,500
Other coastal projects		1				1	10	7	1,930,000

TABLE 6: Determinations by sector and sub-sector 2009-10

Project sector and subsector	Assessment type						Employment generation		Capital investment value (\$)
	Part 3A CP	Part 3A PA	Part 3A mod	Part 4	Part 4 mod	Total	Construction jobs	Operational jobs	
RESIDENTIAL, COMMERCIAL & RETAIL									
Residential, commercial & retail	5	21	28	2	15	71	3,368	10,029	1,434,836,574
OTHER									
Advertising signage				6	1	7	0	0	1,335,000
Alpine projects				39	3	42	60	19	2,970,100
Totals	21	104	120	55	105	405	36,088	28,530	19,081,867,483

* mod- modifications, CP- concept plan, PA- project application

UNIVERSITY OF NEW SOUTH WALES (UNSW) VILLAGE



Students at the new UNSW Village

In January 2008, the Minister approved the \$85 million UNSW student housing development. The development opened its doors in January 2010 and has already achieved a 100 per cent occupancy rate.

The development provides much needed student housing and will be of benefit to the population of UNSW. It provides accommodation for over 1,000 UNSW students and has created 10 new jobs.

The assessment was undertaken on the Department's behalf by Randwick City Council. Conditions attached to the approval ensured the building's external presentation to High Street was appropriately designed, and the local environment is protected.

Part of the site is situated in a conservation area. The developer was required as a condition of approval to conduct essential short-term conservation works to surrounding heritage buildings.

FAST FACTS

PROJECT:

UNSW Village

KEY ISSUES RESOLVED:

Design, heritage

OUTCOME:

Accommodation for 1,000 students

TABLE 7: Residential approvals 2009-10

NAME OF PROJECT	LGA	CONCEPT PLAN APPROVAL			PROJECT APPLICATION APPROVAL			Date
		residential capacity approved			residential accomodation approved			
		Lots	Dwellings	Beds	Lots	Dwellings	beds	
Rise Estate, Bilambil Heights	Tweed		1604					29/06/2010
Seaside Boulevard Fern Bay	Port Stephens				408			28/06/2010
Bennelong Parkway, Homebush Bay	Auburn		447*					22/6/2010
West Parade, West Ryde	Ryde					138		18/06/2010
Carlton United Breweries site, Broadway	City of Sydney					593		18/6/2010
Wentworth Ave, Sunshine Bay	Eurobodalla				138			06/06/2010
Tarrant Rd, Salamanda Bay	Port Stephens				33			01/04/2010
Bonar St development, Arncliffe	Rockdale					305		03/03/2010
“Seascape Grove” Stage 1C Belle O’Connor St, South West Rocks	Kempsey				56			02/03/2010
Sunbeam Factory Campsie	Canterbury		454	50		58		04/02/2010
Seniors Housing Project, Toukley	Wyong					49		04/01/2010
University Of Technology Sydney: Student Housing	Sydney City						720	24/12/2009
Redfern RSL Redevelopment	Sydney City					84		22/12/2009
Hearnes Lake Road, Woolgoolga residential subdivision	Coffs Harbour				38			15/12/2009
Tweed Coast and Cabarita/Boganger mixed use development	Tweed					40		02/12/2009
Sandon Point residential development	Wollongong				181			29/11/2009
Casuarina Town Centre mixed use subdivision	Tweed	61			61			20/09/2009

TABLE 7: Residential approvals 2009-10

NAME OF PROJECT	LGA	CONCEPT PLAN APPROVAL			PROJECT APPLICATION APPROVAL			Date
		residential capacity approved			residential accomodation approved			
		Lots	Dwellings	Beds	Lots	Dwellings	beds	
Trinity Point Drive Mixed Use development	Lake Macquarie		75					05/09/2009
Highview Drive, Dolphin Point residential subdivision	Shoalhaven				104			08/08/2009
Macquarie University	Ryde			3,450				13/08/2009
3-5 Pymble Avenue, Pymble	Ku-ring-gai					25		24/07/2009
Waterfront Rd, Swan Bay	Port Stephens				4			24/07/2009
The Block Pemulwuy mixed used development, Redfern	City of Sydney					62*		30/06/2009
TOTAL		61	2,580	3,500	1,023	1,354	720	

* based on 100m2 per dwellings. Please refer to determination documents for complete analysis.

TABLE 8: Concept plans determined 2009-10 with biggest capital investment value

Project Site	Construction Jobs	Operational Jobs	Capital Investment Value	Date determined
Bayswater B Power Station Extension, near Muswellbrook	900	60	\$2,000,000,000	12/01/2010
Mount Piper Power station extension, Lithgow	950	50	\$2,000,000,000	12/01/2010
Macquarie University campus redevelopment	N/A	N/A	\$1,700,000,000	13/08/2009
Marulan Gas Fired power stations	500	32	\$809,000,000	26/10/2009
Sydney CityGrid project	290	18	\$800,000,000	20/09/2009
Wahroonga Estate redevelopment	11,000	5,000	\$573,310,000	31/03/2010
University of Technology Sydney redevelopment	1,350	80	\$426,901,000	23/12/2009
Casuarina Town Centre, Casuarina	250	250	\$386,000,000	20/09/2009

TABLE 8: Concept plans determined 2009-10 with biggest capital investment value

Project Site	Construction Jobs	Operational Jobs	Capital Investment Value	Date determined
Illawarra International Health Precinct, Huntley	3,500	2,089	\$316,000,000	31/01/2010
Former Sunbeam Factory mixed-use project, Campsie	120	500	\$297,800,000	4/02/2010

TABLE 9: Project applications and modifications with the biggest capital investment value 2009-10

Project Site	Construction Jobs	Operational Jobs	Capital Investment Value	Date determined
Cadia Gold/Copper Mine	900	60	\$2,200,000,000	12/01/2010
Sydney CityGrid Project, Sydney CBD	290	18	\$800,000,000	20/09/2009
Kooragang Coal Loader Expansion	250	8	\$500,000,000	31/05/2010
Orica Ammonium Nitrate Upgrade, Kooragang Island	100	20	\$450,000,000	1/12/2009
Quakers Hill to Vineyard rail clearway program	1,250	0	\$430,000,000	29/10/2009
Pacific Highway Upgrade - Tintenbar to Ewingsdale	500	N/A	\$368,000,000	29/01/2010
Centre for Obesity, Diabetes & Cardiovascular Disease building, University of Sydney	N/A	2,100	\$350,000,000	29/06/2010
Commercial and Hotel development, Berry and Walker Street, North Sydney	1,000	3,500	\$271,422,000	25/02/2010
Hume Highway duplication, Woomargama Bypass	250	N/A	\$260,000,000	31/01/2010
Hume Highway duplication, Holbrook Bypass	250	N/A	\$250,000,000	23/04/2010
Hume Highway duplication, Tarcutta Bypass	250	N/A	\$235,000,000	12/01/2010

TABLE 9: Project applications and modifications with the biggest capital investment value 2009-10

Project Site	Construction Jobs	Operational Jobs	Capital Investment Value	Date determined
Leafs Gully Gas-Fired power station, Campbelltown	140	5	\$200,000,000	11/08/2009
Kyoto Energy Park, Scone	466	15	\$190,000,000	31/01/2010

BLUETONGUE BREWERY



The \$120 million Bluetongue Brewery in Warnervale was approved by the NSW Government in December 2008 following an assessment by the Department of Planning. Brewing commenced in June 2010 and the first beer was enjoyed by special guest Jennifer Hawkins.

The brewery is strategically located at the gateway of the Hunter Valley food and wine region and is eventually designed to become a tourist attraction featuring beer tasting and brewery tours.

The brewery is consistent with the State Plan for developing employment lands in regional NSW, currently employing some 45 people.

Some 54 conditions were imposed on the new brewery. Flora and fauna impacts were avoided, minimised and offset through the protection of 1.73 hectares on the site and management of 1.9 hectares of adjacent vegetation. The conditions required a stormwater management plan to be developed and also that the brewery continually monitor and examine ways to reduce its water use.



Workers and Jennifer Hawkins toast the first beer from the Bluetongue Brewery at Warnervale

FAST FACTS

PROJECT :

Bluetongue Brewery

KEY ISSUES RESOLVED :

Wetland, flora and fauna, water use impacts

OUTCOME :

45 workers employed, beer flowing

APPROVALS BY REGIONS

The majority of projects assessed by the Department during 2009-10 were in regional areas. Some 216 projects were approved which were worth \$12.2 billion and had the potential to create some 24,000 jobs in regional areas. This compares to 189 projects worth some \$6.9 billion and the potential to create 40,500 jobs in metropolitan areas. The above figures have been adjusted to remove capital investment value and jobs where concept plans have already been approved

for a project, or where both a project application and a concept plan for the same project were approved in the same year.

The Department provides an important service in both metropolitan and regional areas by undertaking a specialist assessment of complex projects. This assessment expertise may not be available at the local council level. Furthermore, the potential benefits of these projects can be particularly significant in regional areas, establishing ongoing employment to assist the economy of nearby cities, towns and villages.

SYDNEY

TABLE 10: Determinations in the Sydney region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	13	24,632	4,679,699,000
Part 3A project application	45	27,151	4,402,674,145
Other projects	131	124	40,110,500

TABLE 11: Highest capital investment value projects in Sydney region

Project name	Capital investment value (\$)
Macquarie University campus concept plan	1,700,000,000
Sydney CityGrid Project concept plan	800,000,000
Sydney CityGrid Project project application	800,000,000
Wahroonga Estate redevelopment concept plan	573,310,000
Quakers Hill to Vineyard rail upgrading	430,000,000
University of Technology Sydney concept plan	426,901,000

HUNTER

TABLE 12: Determinations in the Hunter region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	2	1,830	2,108,000,000
Part 3A project application	22	6,582	1,397,038,734
Other projects	44	515	617,805,181

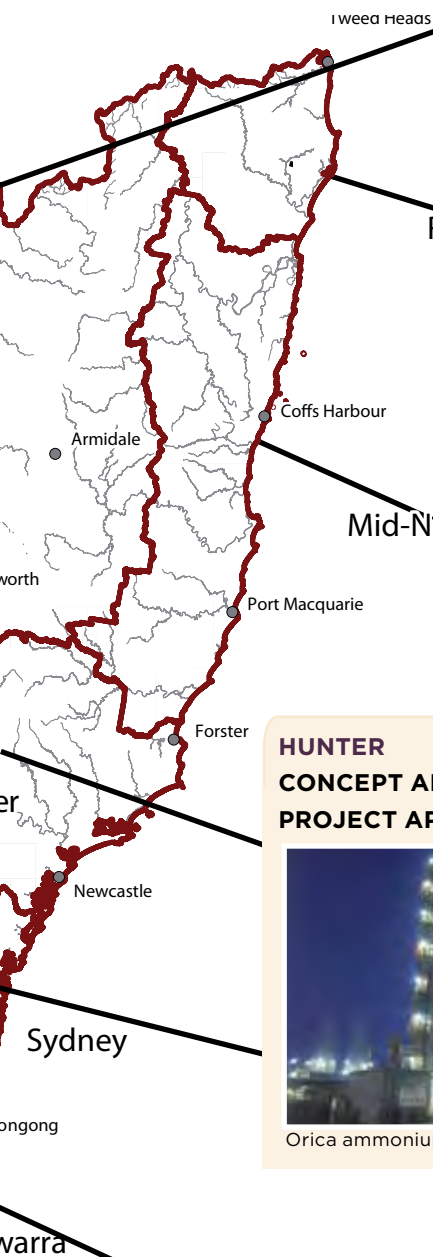
TABLE 13: Highest capital investment value projects in Hunter region

Project name	Capital investment value (\$)
Bayswater B Power Station concept plan	2,000,000,000
PWCS Kooragang Coal loader expansion	500,000,000
Orica ammonium nitrate upgrade	450,000,000
Kyoto Energy Park	190,000,000
Knauf Insulation project	167,500,000

DETERMINATIONS BY REGION

APPROVALS IN DIFFERENT REGIONS 2009-10





NORTHERN REGION PROJECT APPROVALS: \$167M



Narrabri coal mine

RICHMOND-TWEED CONCEPT APPROVALS: \$597M PROJECT APPROVALS: \$569M



Proposed Rise Estate



Proposed Casuarina town centre

MID- NORTH COAST PROJECT APPROVALS: \$73M



Proposed Settlement City shopping centre at Port Macquarie

HUNTER CONCEPT APPROVALS: \$2.108BN PROJECT APPROVALS: \$1.4BN



Orica ammonium nitrate upgrade

SYDNEY CONCEPT APPROVALS: \$4.7BN PROJECT APPROVALS: \$4.4BN



UTS Broadway concept plan approval

SOUTH EASTERN CONCEPT APPROVALS: \$809M PROJECT APPROVALS: \$644M



Proposed Murrumbidgee-Googong pipeline route

ILLAWARRA CONCEPT APPROVALS: \$316M PROJECT APPROVALS: \$69 M



Proposed Illawarra International Health Precinct

ILLAWARRA-SHOALHAVEN

TABLE 14: Determinations in the Illawarra-Shoalhaven region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	1	5,589	316,000,000
Part 3A project application	7	235	68,782,284
Other projects	8	61	133,000,000

TABLE 15: Highest capital investment value projects in the Illawarra-Shoalhaven region

Project name	Capital investment value (\$)
Illawarra International Health precinct concept plan	316,000,000
Bamarang Gas-Fired power station expansion	127,800,000
Greenwell Point and Goodnight Island Tourist and commercial development	25,000,000
Sandon Point residential development	22,044,344
Apex Gas project	7,445,000

RICHMOND-TWEED

TABLE 16: Determinations in the Richmond-Tweed region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	3	1,881	597,518,631
Part 3A project application	8	887	568,860,000
Other projects	16	2	2,400,000

TABLE 17: Highest capital investment value projects in the Richmond-Tweed region

Project name	Capital investment value (\$)
Casuarina Town Centre mixed use subdivision concept plan	386,000,000
Pacific Highway upgrade - Tintenbar to Ewingsdale	368,000,000
Rise Estate mixed use residential community concept plan	141,518,631
Lismore to Mullumbimby electricity network upgrade concept plan	70,000,000
Lismore to Mullumbimby electricity network upgrade project application	70,000,000
Richmond Valley power station construction	50,000,000

MID-NORTH COAST

TABLE 18: Determinations in the Richmond-Tweed region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	0	-	-
Part 3A project application	6	1,062	72,925,000
Other projects	8	12	2,320,000

TABLE 19: Highest capital investment value projects in the Mid North Coast region

Project name	Capital investment value (\$)
Settlement City Shopping Centre redevelopment	59,000,000
Pacific Highway Upgrade - Wells Crossing to Iluka Road	6,000,000
Seascope Grove residential subdivision stage 1C	3,500,000
Residential subdivision Woolgoolga	3,500,000
Residential Subdivision Sapphire Beach concept plan Modification	2,320,000

NORTHERN

TABLE 20: Determinations in the Northern region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	0	-	-
Part 3A project application	2	143	166,614,535
Other projects	6	39	73,500,000

TABLE 21: Highest capital investment value projects in the Northern region

Project name	Capital investment value (\$)
Glen Innes Wind Farm	150,000,000
Narrabri Mine Modification	71,000,000
Manilla Hospital redevelopment	16,614,535
Boggabri Mine Modification	2,500,000
Sunnyside coal mine (Gunnedah) project plan application	15,000,000

NORTH-WESTERN

TABLE 22: Determinations in the North-Western region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	0	-	-
Part 3A project application	0	-	-
Other projects	3	6	1,500,000

TABLE 23: Highest capital investment value projects in the North-Western region

Project name	Capital investment value (\$)
Moolarben Mine Modification	1,500,000

CENTRAL WEST

TABLE 24: Determinations in the Central West region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	1	1,000	2,000,000,000
Part 3A project application	2	1,940	2,214,600,000
Other projects	8	731	112,161,206

TABLE 25: Highest capital investment value projects in the Central-West region

Project name	Capital investment value (\$)
Cadia Gold/Copper Mine development	2,200,000,000
Mount Piper Power Station extension concept plan	2,000,000,000
Cowal Mine Modification	58,000,000
North Parkes Mine Modification	45,374,206
Orange waste project	14,600,000

SOUTH EASTERN

TABLE 26: Determinations in the South Eastern region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	1	532	809,000,000
Part 3A project application	7	471	644,167,098
Other projects	48	157	94,170,100

TABLE 27: Highest capital investment value projects in the South-Eastern region

Project name	Capital investment value (\$)
Marulan gas fired power stations concept plan	809,000,000
Energy Australia gas fired power station	266,000,000
Delta Electricity gas fired power station	266,000,000
Murrumbidgee to Googong water transfer project	96,000,000
Woodlawn Wind Farm Modification	90,000,000
Ardmore Park quarry	7,000,000
Additions to Tathra Motel	5,208,000

MURRUMBIDGEE

TABLE 28: Determinations in the Murrumbidgee region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	0	-	-
Part 3A project application	2	301	273,000,000
Other projects	1	0	

TABLE 29: Highest capital investment value projects in the Murrumbidgee region

Project name	Capital investment value (\$)
Hume Highway Duplication - Tarcutta Bypass	235,000,000
Young to Wagga Wagga Gas looping pipeline	38,000,000

MURRAY

TABLE 30: Determinations in the Murray region

Application type	Projects	Jobs	Capital investment value (\$)
Part 3A concept plan	0	-	-
Part 3A project application	3	544	560,000,000
Other	7	0	

TABLE 31: Highest capital investment value projects in the Murray region

Project name	Capital investment value (\$)
Hume Highway Duplication - Woomargama Bypass	260,000,000
Hume Highway Duplication - Holbrook Bypass	250,000,000
Buronga Distillate-fired power station construction	50,000,000

FAR WEST

* No projects in Far West region

STATE SIGNIFICANT SITES

The Minister can choose to finalise planning blueprints for places regarded as State significant sites. These blueprints placed into the Major Development SEPP may outline new land-use zones, development standards such as height and density and clarify who will be the consent authority for future development proposals on the site.

State significant site provisions in the Major Development SEPP carry over the Minister's longstanding ability to create new planning regimes for sites deemed to be of State or regional significance. They provide an effective and timely way to create

planning certainty with regard to sites which the NSW Government regards as important for the State as a whole. Often, proposals lodged under Part 3A of the EP&A Act are considered at the same time as rezoning and other statutory planning changes, streamlining planning outcomes.

During 2009-10, the Department recommended the gazettal of six State significant sites under the Major Development SEPP. The gazetted sites could provide for more than 12,000 new dwellings and employment for potentially 43,000 people.

TABLE 32: State significant sites gazetted 2009-10

Site	Council	Published
Macquarie University	Ryde City	11/09/09
Sydney Olympic Park	Auburn City, Canada Bay and Parramatta	2/10/09
Sandon Point	Wollongong	27/11/09
Wahroonga Estate	Hornsby and Ku-ring-gai	18/12/09
Western Sydney Employment Lands	Blacktown, Fairfield, Penrith and Holroyd	2/10/09
'Rise' residential development	Tweed	Concept plan approved June 2010



Wahroonga Estate

DEXUS ESTATE

INDUSTRIAL PARK



The Dexus Industrial Team at Greystanes

Construction of buildings is underway on the \$150 million Dexus Estate Industrial Park at Greystanes following a December 2009 approval given by the Minister for Planning. The park at Greystanes in western Sydney is expected eventually to support 800 construction workers and accommodate 2,000 employees.

Construction of the first buildings is well underway on the 240,000 square metres of industrial development with two developments, Solaris Paper and Symbion Pharmacy Services, nearing completion. In July 2010 an agreement was signed with Fujitsu Australia to develop a three-storey 17,025 square metre warehouse with an initial lease term of 15 years.

The park is being developed into a modern complex of warehouses and offices on the site of the former Prospect quarry. The site is strategically located near to the M4 and M7 motorways in western Sydney.

The Part 3A assessment system has supported this important employment initiative. The development is part of an area declared a State significant site, which led to a rezoning to enable industrial development along with a concept plan approval, giving a broad overview of the type of development supported. These two initiatives sped up employment outcomes at the site.

The entire development, incorporating state-of-the-art design and sustainability features, is scheduled to finish in 2015. Issues examined closely during the assessment were visual impact and traffic management.

Because the development is located within a former quarry and surrounded by walls ranging from 40 to 60 metres in height, the Department's assessment found the buildings will not be visible from residential areas in Nelson's Ridge and views from the surrounding ridgeline will not be obstructed. A revised internal road layout has also opened up two significant view corridors within the site.

FAST FACTS

PROJECT :

Dexus Estate Industrial Park

KEY ISSUES RESOLVED :

Visual impact, traffic

OUTCOME :

2,800 new jobs in western Sydney

Public participation

The major projects assessment system increases community consultation and transparency. Table 33 shows the increased number of documents, which are made publicly available under Part 3A, compared to

the Part 4 assessment system, which it has largely replaced. In addition, community submissions are given a much higher status, with the proponents asked to respond to issues raised and if appropriate, amend the project to address issues.

TABLE 33: Comparison of publication requirements between Part 3A and Part 4

Documents	Part 3A (Major projects assessment system)	Part 4 (Assessment system replaced by Part 3A for major projects but still used by local councils)
Director General's requirements for environmental assessment for each project	Available on website	Not in Part 4 system
Detailed environmental assessment for public exhibition	Available on website and exhibited	Environmental impact statement for "designated development" and development application for "advertised development" exhibited Notification of other applications depends on council policy
Submissions published	Available on website	Depends on council policy
Assessment of proposal by Department	Available on website after determination	No publication requirement, depends on council policy
Determination	Available on website	Notification depends on type of application and council policy

From November 2008, the Department activated a specific major projects tracking system website. This website allows members of the public to track progress on Part 3A development proposals, and to search for projects by local government area or by sector.

The website is powered by a content management system, which makes it easier to upload project documentation and also to obtain statistics about proposals and the Department's assessment of them.

During 2009-10, the Department received some 21,000 submissions in regard to development proposals placed on public exhibition (an increase from 2008-09 when 9,800 submissions were received). The table below provides information on the breakdown of submissions for a variety of projects and exhibition periods.

Further, the Department has implemented a policy to make all public submissions on Part 3A projects (along with Part 4 projects and State significant sites) publicly available on its website from July 2010, further increasing the transparency of its assessment work.

TABLE 34: Submissions breakdown for exhibitions concluded in 2009-10

Assessment type	Total exhibitions	Exhibitions >= 30 days	Total number of submissions
Part 3A	155	155	20,516
Part 3A modification	26	9	303
Part 4	26	9	27
Part 4 Modification	27	7	209
State significant site	3	3	107
Voluntary planning agreement	1	1	8
TOTAL	238	184	21,170

TABLE 35: Projects with the highest number of submissions 2009-10

Project	Exhibition Concluded	Total Submission
Orchard Hills waste project	30/06/10	3767
Tillegra dam, Tillegra	13/11/09	2662
Calga quarry project, Calga	19/02/10	2600
CBD metro	12/10/09	2539
Bio-mass fired power station, Eden	22/04/2010	1826
M2 motorway upgrade	21/06/2010	910
Boondah Rd Warriewood Valley residential development	15/6/2010	545
Mount Piper power station extension	26/10/09	369
Bayswater B Power Station	26/10/09	366
Duralie Mine	22/03/10	340
Champions Quarry project, Lismore	23/04/10	330
Rippon Grange, Water Street Wahroonga	04/09/09	300
Wallarah 2 coal mine	02/06/10	251

MUSEUM OF CONTEMPORARY ART



Local, State and Federal Government representatives at the MCA sod-turning ceremony

Construction commenced in June 2010 on the \$53 million redevelopment of the Museum of Contemporary Art (MCA) at Circular Quay. The redevelopment will transform the MCA from a locally-loved arts institution into a world-class art and educational institution and increase its size by 50 per cent. It will also create 219 construction jobs plus 217 jobs over five years post-construction.

The Department's conditions for the July 2009 approval included amending the height of the building to maintain the views of the older part of the building, as well as changing the connection between the old and the new parts of the building to glass to maintain the views of the water at Circular Quay from George Street.

The Department also included conditions to improve public domain space surrounding the entrance of the MCA. The improvements to the public domain will include areas for public meeting or recreation, public art and the potential for use as a public event space.

The redevelopment is expected to be completed in early 2012.



Above: proposed MCA design

FAST FACTS

PROJECT:

Museum of Contemporary Art

KEY ISSUES RESOLVED:

View impacts, improving design and public domain

OUTCOME:

Important Sydney arts project underway

Planning Assessment Commission

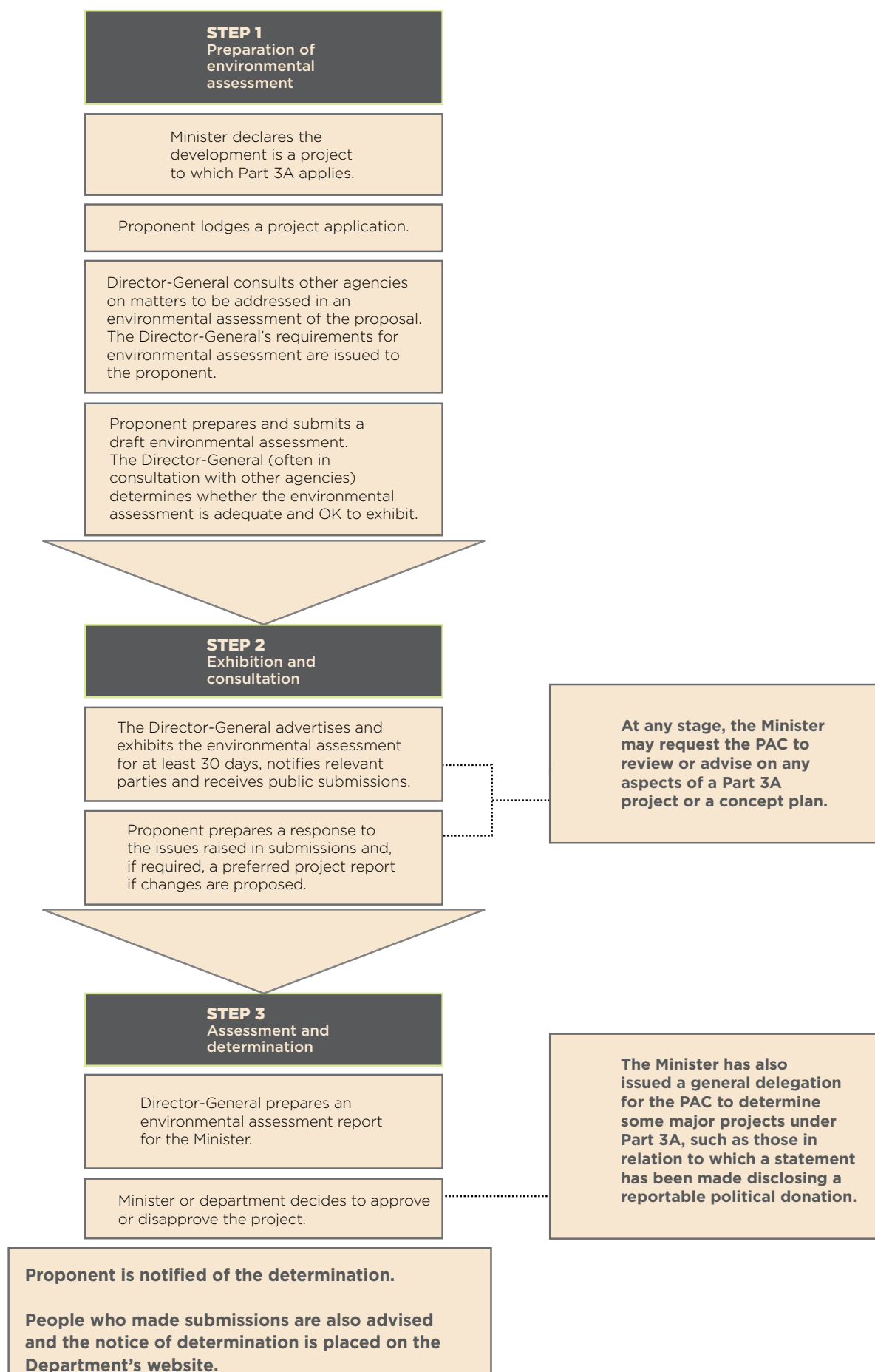
During 2009-10, the Planning Assessment Commission (PAC) played an important role conducting public hearings and providing expert advice for major projects.

The PAC conducted hearings for the following projects:

- Ardmore Park Quarries;
- Orange Waste Project;
- Bulli Seams Operations; and
- Bickham Coal Project

PART 3A PROJECT ASSESSMENT - TYPICAL STEPS

Under Part 3A of the Environmental Planning and Assessment Act 1979



How proposals were determined

DEPARTMENT'S ASSESSMENT ROLE

The Department of Planning assesses proposals of State and regional planning significance. These proposals have implications for the broader community and are often highly complex, requiring specialist assessment skills and resources available within the Department.

The Department has established assessment units skilled in particular development areas. These are as follows (in alphabetical order):

Government Land and Social Projects Assessments

which deals with proposals on government lands including Barangaroo and other Sydney Harbour sites, Sydney Olympic Park, Newcastle's Honeysuckle, Redfern-Waterloo, Western Sydney Parklands and the Moore Park precinct. It also deals with public and private social infrastructure project applications - for instance health, education, public housing and corrective services proposals.

Major Infrastructure Assessments, which deals with infrastructure projects such as road, rail and other transport facilities, energy generation (including wind power) and transmission and water and sewerage supply.

Metropolitan Assessments, which deals with major projects in the greater metropolitan area including Sydney, Newcastle, Gosford, Wyong and Wollongong. These are typically large retail, commercial and residential projects. It also oversees alpine assessments.

Mining and Industry Assessments, which deals with major industrial, agricultural, mining, extractive industry and waste developments.

Regional Assessments, which deals with regional coastal developments such as residential subdivisions, tall buildings, tourist development and marinas along the coastline north of Newcastle to the Queensland border and south of Wollongong to the Victorian border.

Strategic Assessments, which deals with proposed State significant sites and concept plans.

ASSESSMENT TIMES

The Department began monitoring the time it takes to assess major projects in February 2009, following the establishment of benchmarks in October 2008.

The benchmarks require 85 per cent of major projects to be finalised within three months, 95 per cent to be finalised in five months, and no project assessments to exceed eight months. The assessment time is calculated from the time the preferred project report is received from the developer to a final recommendation being made by the Department. A 30-day exhibition period is also included in the assessment time.

The Department is meeting the eight-month target, with no projects taking longer than this to complete. It is slightly missing the five-month target and has made good progress towards meeting the three-month target. For instance, by October 2010, the Department had assessed 73 per cent of projects from February 2009 within three months, up from the 71 per cent figure at the end of 2009-10.

To increase the number of projects delivered within three months, the Department has:

- Established a new project delivery unit to facilitate relationships with internal and external clients; coordinate internal project management expertise; monitor performance; manage projects; and promote a project management focus and culture;
- Established a major projects panel to review all major project applications before assessment begins, determine benchmark timeframes and assign project delivery managers to priority projects;
- Developed assessment guidelines and practice notes for applicants and assessment teams;
- Established electronic recording, monitoring and reporting of all agency and Department of Planning concurrences and referrals;
- Rolled out project management training internally.

TABLE 36: Assessment times against benchmarks from February 2009-June 2010 for Part 3A projects

Assessment time	3 months (%)	5 months (%)	8 months (%)
Result	71	90	100
Benchmark	85	95	100

CASE STUDY

The Project Delivery Unit was engaged to assist the Major Project Assessment Division during the assessment of a major project application. The unit:

- Identified and reported project risks;
- Reported and monitored timeframes;
- Coordinated and resolved interagency issues.

The project delivery manager initiated the project by developing and agreeing to a project plan with the assessment team. A key tool of the project plan was the use of a chart to map project tasks over time. The plan assisted in the determination of where to apply resources to ensure milestones were achieved throughout the project lifecycle.

The project plan identified a high impact project risk: design compliance to the requirements of two other State Government agencies, the Roads and Traffic Authority and the Department of Water and Energy. The project delivery manager managed this risk by applying resources early to the resolution of design

issues. The manager acted as a liaison between the stakeholders to manage the expectations of the proponent, the Department and the agencies.

The Project Delivery Unit's use of targeted project documentation improved the quality and efficiency of determining and monitoring project timeframes and risks. The early engagement of stakeholders to manage project risks by attending on site meetings, combined with an effective communication program, increased the successful amelioration of project risks.

PLANNING ASSESSMENT COMMISSION

The Planning Assessment Commission undertook an important role reviewing, at the Minister's request, the proposed outcomes on some development projects. This function provides an additional layer of scrutiny and independence in the planning system.

TABLE 37: Projects where the Planning Assessment Commission provided independent advice and review function on development proposals

Project	Issue	Advice date
Bickham Coal Project	Whether proposal should proceed to merit assessment, water-related risks and issues raised in submissions	3/5/2010
Residential subdivision, Dolphin Point, Shoalhaven	Review Department determination recommendation	9/7/2009
Parklea Markets expansion	Whether to accept as Part 3A project	29/7/2009
Jacfin warehouse project, Erskine Park	Review Department determination recommendation	21/9/2009
Ardmore Park quarries	Review Department determination recommendation, hold public meeting	1/9/2009
Cronulla marina extension project	Review Department determination recommendation	20/8/2009
Honeysuckle Central project	Review Department recommendation	26/8/2009
Trinity Point tourist, residential and marina development, Lake Macquarie	Review Department determination recommendation	27/8/2009
Eastern Creek waste project	Review Department determination recommendation	18/11/2009
Rippon Grange hospital, Wahroonga	Review Department determination recommendation	21/5/2010
Sandon Point concept plan Modification and project application	Review Department's determination recommendation	16/10/2009
Proposed redevelopment of Stamford Plaza site	Review Department's recommendation	25/09/2009
Redevelopment of Sunbeam factory, Campsie	Review Department determination recommendation	16/11/2009
Commercial, retail and hotel development at Walker and Berry Sts, North Sydney	Review Department's recommendation	8/2/2010

The above table excludes environmental planning instruments

INTERACTION WITH LOCAL GOVERNMENT AND OTHER AGENCIES

One of the advantages of the Part 3A assessment system is that it allows a single decision-maker to provide an integrated assessment of all relevant issues. However, the Department relies heavily on input from local government and other agencies to inform and guide its decisions.

The relevant local council can provide a vital local perspective and knowledge in the assessment process. At the start of the assessment process, the council is consulted in the development of the Director General's requirements outlining the key assessment issues. The council is of course invited to make comments during the public exhibition period. The Department has also published on its website a policy outlining when it is appropriate to consult with the council about draft approval conditions.

The Department also closely liaises with other State and Commonwealth agencies on relevant issues. It relies on the expertise of these agencies to guide assessment outcomes. In some cases the assessment of Part 3A applications is delegated to council officers who prepare the Director General's assessment report.

From July 2010, submissions on projects are made publicly available which allows input from councils and agencies into the process.

APPEALS AGAINST DEVELOPMENT DECISIONS

A proponent, or in some cases an objector, can appeal to the Land and Environment Court against a development decision by the Department or Minister. This could include an appeal against the validity of the procedures followed in the making of the decision, or an appeal on the merits of the decision.

It is a common misconception that merit appeals to the Land and Environment Court are not possible by objectors against Part 3A approvals. This is not the case. Merit appeals by objectors against Part 3A decisions are available when the approved project has been scheduled as 'designated development', which includes projects such as mining, marinas and chemical industries which have potential major impacts.

However, such merit appeals cannot proceed when the approval has been the subject of a review by the Planning Assessment Commission, when it relates to critical infrastructure or when a concept plan has already been approved for the project. A proponent has similar restrictions in bringing a merit appeal in the Land and Environment Court under Part 3A (a proponent may bring a merit appeal against the determination of a concept plan while an objector may not).

Furthermore, procedural appeals by objectors (or indeed any person) to challenge development decisions by either the Department or Minister on the basis of the procedures which led to the decision (as distinct from the merits of the proposal) are also available under the open-standing provisions of the Environmental Planning and Assessment Act 1979. The only limitation to procedural appeals is in relation to projects which have been declared critical infrastructure.

The Department's legal services branch manages appeals against decisions of the Department and Minister. During 2009-10, the Department and Minister won five out of eight appeals that progressed to a hearing. External legal costs associated with the preparation and/or running of the appeals that progressed to a hearing and the other matters listed in the table above amounted to approximately \$402,280 (excluding staff time).

TABLE 38: Legal results of appeals against development decisions 2009-10

Appeal Type	Won	Lost	Withdrawn/settled/ discontinued/consent orders	Appeals Pending as at 1 July 2010	Summary 2009-10
Consent authority (merit)	3	0	5	2	10
Procedural	2	3	3	6	14
TOTAL	5	3	8	8	24

Appeal types definitions used in the table:

A Consent Authority (Merit) case means to a case where the Minister or the Department is the approval authority and a proponent or objector takes issue with the merits of the decision.

A Procedural case means a case where any person takes issue with the procedures followed in the making of a decision.

COMMONWEALTH ASSESSMENT ROLE

Some types of projects approved under Part 3A also require approval under the Commonwealth Government's Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). These are projects which may have impacts on Commonwealth land, world or national heritage sites, internationally-recognised wetlands, listed threatened species and communities and migratory species.

The Commonwealth has accredited and regularly uses the Part 3A assessment system as the basis for its assessment processes. This avoids the need to duplicate the assessment process for two tiers of government.

The Department participates in a working group involving the Commonwealth Government and the Department of Environment, Climate Change and Water to ensure efficient practices in the delivery of Part 3A projects which also require EPBC Act approval.

TABLE 39: Projects for which the Department's Part 3A assessment process is being used by the Commonwealth Government

Project	Date Assessment Type Agreed
Maitland to Minimbah Third Railway Track	29/07/2009
Boco Rock Wind Farm	14/09/2009
Warkworth Coal Mine Extension	20/10/2009
NRE No.1 Colliery - Consolidation of Operations, Continuation of Underground Mining and Upgrade of Facilities	16/11/2009
Greta Train Support Facility	15/01/2010
Boggabri Coal Mine - Extension to existing Mine	05/02/2010
North Nowra Link Road	10/02/2010
Lismore to Dumaresq 330kV Transmission Line	18/02/2010
Gloucester Coal Seam Gas Project	17/05/2010
Dalton Gas Fired Power Station and Associated Facilities	11/06/2010
Rocglen Coal Mine	17/06/2010

Compliance and enforcement activities

TABLE 40: Compliance and enforcement activity 2009-10

SECTOR	Compliance Inspections and Audits	Enforcement Actions
Coal Mines	7	18
Quarries/extractive	8	16
Manufacturing/rural	30	40
Resources/waste	15	16
Infrastructure	6	5
Commercial/residential	20	19
TOTALS	86	114

Definitions of terms:

Compliance inspections and audits are evaluations of compliance with approval conditions through site visits and desk-top analyses. Potential breaches are investigated to confirm whether a breach has occurred and the nature and significance of identified breaches.

Enforcement actions are taken in response to breaches, with the nature of the action proportional to the significance of the breach.

Enforcement actions range from warning letters, Orders and penalty notices through to criminal prosecution for the most significant and serious offences.

Proponents have a legal obligation to comply with conditions of project approvals issued by the Minister for Planning. The Department monitors compliance of projects with their approval conditions and takes enforcement action where breaches are found.

A summary of the compliance monitoring and enforcement activity in 2009-10 is provided in Table 40.

COMPLIANCE MONITORING

The Department's primary compliance monitoring tools are compliance inspections and audits of approved projects. In 2009-10, the Department conducted 86 inspections and audits across a wide range of industry sectors. This represents more than double the number of inspections and audits undertaken in 2008-09 and arises from efficiency gains and additional Departmental resources allocated to compliance enforcement.

For the more significant projects such as major industries, mines and infrastructure projects, proponents are required to conduct extensive environmental monitoring and commission independent environmental auditors to audit compliance and environmental performance. This is an important part of the Part 3A assessment system.

The Department reviews the environmental monitoring reports and independent audits submitted by proponents and addresses any potential breaches that are identified. Further, the Department responds to reports, complaints and allegations concerning non-compliant activity, received from other agencies, councils and members of the public.

INVESTIGATIONS

The range of enforcement responses available to the Department and the numbers of enforcement actions taken by the Department in 2009-10 are shown in Table 41. The level of enforcement response reflects the level of seriousness of the particular breach and the circumstances of the alleged offender (for example, whether the offender deliberately committed the offence).

In 2009-10, the Department carried out 114 enforcement actions, ranging from negotiated outcomes and warning letters for the less serious offences, Orders and penalty notices for moderately serious offences and a prosecution for a highly significant offence. The number of enforcement actions taken in the reporting period represents a 46 per cent increase over the number of enforcement actions taken in the previous year.

TABLE 41: Compliance and enforcement activity 2009-10

ENFORCEMENT TYPE	Coal Mines	Quarries/ extractive	Manufacturing/ rural	Resources/ waste	Infrastructure	Commercial/ residential	Total
Negotiated outcomes	3	1	4	0	0	4	12
Warning letters	12	9	31	8	5	11	76
Notices	1	1	1	0	0	0	3
Enforceable undertakings	0	0	0	1	0	0	1
Orders	1	4	2	6	0	2	15
Penalty notices	0	1	2	1	0	2	6
Court Orders	0	0	0	0	0	0	0
Prosecutions	1	0	0	0	0	0	1

Definitions of terms:

Negotiated outcomes usually arise from meetings with proponents to agree on areas of rectification or improvement where potential breaches are identified.

Warning letters are usually issued in response to relatively minor breaches to identify areas of non-compliance and warn that further breaches may attract stronger enforcement action.

Notices are issued to require the provision of information and records as part of formal investigations into alleged breaches.

Enforceable undertakings are used to secure agreement that certain activities will be curtailed until a breach has been rectified or to refrain from conducting unlawful activities; may escalate to stronger enforcement action if the requested undertaking is not made or an undertaking is breached.

Orders are issued to require specific actions to rectify a non-compliance or otherwise to comply with conditions of approval. Draft Orders are usually issued to advise potential offenders of the Department's intention to issue an order and are often sufficient to secure acceptable outcomes without the need to issue orders.

Penalty Notices are issued in response to a range of "penalty notice" offences listed in the EP&A Regulations; usually relatively minor, one-off breaches that can be remedied quickly and easily; penalty notice fines issued by the Department typically amount to \$3000 for corporations.

Prosecutions involve criminal proceedings brought in response to significant alleged breaches that if proven, warrant substantial fines.

CASE STUDIES

Coal mine prosecution

In August 2010 the Department welcomed a Land and Environment Court decision to fine Moolarben Coal Mine for breaching planning laws at its operations near Ulan in the State's Central West. The Department prosecuted Moolarben for the unlawful clearing of

vegetation, including endangered native species, without planning approval. The clearing was carried out for the erection of a boundary fence.

Moolarben pleaded guilty and the court imposed a fine of \$70,000 with the company also required to pay the Government's court costs of \$55,000.

The judgment was an important outcome for the integrity of the Part 3A planning system.

The company is now required to rectify the situation by revegetating and setting aside similar vegetation in other areas for permanent protection.

In December 2008, the company began illegally clearing 4.1 hectares of vegetation, which included approximately 1.3 hectares of White Box Yellow Box Blakely's Red Gum Forest. Under a subsequent modification to the mine's approval, Moolarben is required to conserve 6.6 hectares, a far greater area than was illegally cleared. A further 10 hectares of already cleared land must also be revegetated with endangered vegetation.

FAST FACTS

Inspections and audits doubled from 2008-09

46 per cent increase in enforcement actions



Cleared vegetation at the Moolarben coal site

Waste facility penalty notice

The Department received advice from another State government regulatory agency concerning the management of landfill gas that was being recovered for power generation at a metropolitan putrescible waste management facility. Substantial odours were alleged to have been emitted from the facility and the Department investigated the allegations to determine if the activities at the facility were compliant with the Minister's planning approval. The Department found a landfill gas pipeline had been installed without approval and issued a penalty notice to the operator for the sum of \$3,000 and required an undertaking from the operator to curtail use of the pipeline until it was approved.

Residential apartment disabled access

The Department received a complaint from a resident of a recently completed residential apartment building approved by the Minister for Planning, alleging that wheelchair access was not compliant with relevant standards and that they were unsuccessful in requesting the proponent to fix the problem. The Department audited the building against the Building Code of Australia (BCA) and found that indeed the disabled access points were not compliant. The Department negotiated with the proponent to have the access points re-constructed in accordance with the BCA.

Marina inspection campaign

In 2009-10, the Department conducted inspections of seven marinas in the Sydney region that were operating under planning approvals and consents granted by the Minister. The campaign included compilation of inspection findings and follow-up enforcement of non-compliances. The inspections found no major non-compliance with conditions of approval, however in some cases annual environmental monitoring reports and annual environmental audits were not up to date. These matters were followed up with the proponents by negotiation and correspondence.



Sydney marina which was inspected

Proactive inspections of sensitive developments

The Department embarked on proactive inspection programs for a number of sensitive developments including the redevelopment of the former Carlton and United Breweries site at Broadway and the Barangaroo development at East Darling Harbour. The inspections are designed to monitor compliance with the Minister's approval conditions and address potential matters of concern before they escalate into non-compliance or otherwise result in unacceptable impacts on local communities.

Coal mine inspections

The Department undertakes regular inspections of coal mines, both on a strategic basis to inform the Department's assessment of applications for major extensions and in response to information received alleging non-compliant activities. In 2009-10, the Department conducted seven inspections of coal mines. Coal mine inspections are generally conducted in close consultation with the Department of the Environment, Climate Change and Water and Industry and Investment NSW, who regulate mines through environment protection licences and mining leases respectively.

In October 2010, the Department also opened a mine compliance office in Singleton, staffed by three officers. This office will strengthen compliance with conditions of consent in the coalfields and undertake independent audits.

Wind farm

A one-off monitoring session was undertaken at a wind farm in southern NSW to verify the noise levels from turbines measured by the proponent, hear noise levels first-hand and speak to local residents. Under the conditions of approval, the proponent is required to commission noise monitoring to determine compliance with the noise limits in the approval. The Department's monitoring found the noise levels reported by the proponent appeared to be accurate.



Department monitoring of wind farms

ALPINE RESORTS COMPLIANCE AND ASSESSMENT WORK

The Minister is the consent authority for development in the alpine resorts located within the Kosciuszko National Park. The resorts include Thredbo, Perisher Valley, Smiggins Holes, Blue Cow, Guthega, Charlotte Pass, Selwyn Snowfields and other smaller accommodation facilities.

After the tragic road collapse and landslide in Thredbo in 1997, Bret Walker SC conducted an inquiry into resort and road maintenance responsibilities. The Walker report made a recommendation, which was adopted by the NSW Government, to transfer planning responsibility for the alpine resorts to the Minister under Part 4 of the EP&A Act. In 2002, the Department established an alpine resort team in Jindabyne.

The State environmental planning policy for the alpine resorts area implements the NSW Government's decision to prepare a comprehensive plan to guide development in the uniquely valuable and fragile environment of the Kosciuszko National Park. It facilitates sustainable development in the alpine resorts, reflecting both the sensitivity of the land and the need to provide ongoing support for an industry that contributes over \$800 million to the State and more than 10,000 jobs annually.

In 2009-10, the alpine resorts team determined 42 development applications with a combined value of nearly \$3 million.

In addition to the assessment of development applications under Part 4 of the EP&A Act, the alpine resorts team also undertakes a building and environmental compliance role in the alpine resorts. This role includes exercising the Minister's responsibility as a certifying authority and principal certifying authority under Part 4A of the EP&A Act. During 2009-10, the team issued 13 construction certificates and 27 occupation certificates.

The alpine resorts team also establishes fire safety monitoring and compliance systems under Part 9 of the EP&A Regulation and generally ensures compliance with conditions of development consents. To ensure a whole-of-government approach to fire safety in the alpine resorts, the Department and the NSW Fire Brigades have initiated a co-ordinated compliance auditing program that involves building inspections and improving annual certification.

In June 2010, the first phase of fire safety inspections was undertaken by the Department and the Brigades. This resulted in a number of orders being submitted to operators in relation to maintenance of fire safety systems and fire safety awareness. A high number of buildings were sub-standard with respect to fire safety and could only achieve a reasonable level of compliance if they met the NSW Fire Brigades' orders.

This fire safety initiative has been welcomed by the major resort operators and has led to a greater awareness of fire safety in the alpine resorts.

CASE STUDY

Thredbo site

A developer, who illegally began construction of a ski lodge redevelopment located just 60m from the site of the Thredbo landslide, was fined \$24,500 in October 2009 following a successful prosecution in the Land and Environment Court by the Department.

The Department became the consent authority for building works in the State's southern alpine resorts following the 1997 landslide at Thredbo, which tragically killed 18 people.

On October 1 2009, Fancott Pty Ltd, the developer of the New Kirk Lodge, was convicted by the Land and Environment Court, fined \$24,500 and ordered to pay the Department's legal costs of \$26,600.

The Department issued development consent for the redevelopment of the lodge into apartments in November 2007. However, inspections by the Department revealed that building works were commenced before the development consent was issued, and also before a construction certificate was granted.



Construction work at the New Kirk Lodge

Construction certificates are issued by the Department, council or accredited certifiers after inspecting plans for proposed building works, and in some cases inspecting the development site, to ensure the works comply with the development consent and relevant building safety standards.

Although the Department did not contend in the court proceedings that the building works were done in an unsafe or shoddy way, the fact is that the necessary development consents and construction certificates were not in place to ensure that the work was carried out in a proper manner.

As a result, the Department considered it necessary to bring criminal proceedings in the court. The company also informed the Court that it has put in place measures to ensure such offences would not happen in the future and also that it was sorry for breaching the law.

APPENDIX A

TABLE 42: Approvals with a capital investment value of more than \$20 million, in order of capital investment value from highest to lowest

Project type (including section of EP&A Act under which approved)	Project description	Capital Investment Value	Date determined
3A PROJECT APPLICATION	Cadia Gold/Copper Mine, Cabonne and Blayney Shires	\$2,200,000,000	6/01/2010
3A CONCEPT PLAN	Bayswater B Power Station Extension	\$2,000,000,000	12/01/2010
3A CONCEPT PLAN	Mount Piper Power Station Extension	\$2,000,000,000	12/01/2010
3A CONCEPT PLAN	Macquarie University Campus	\$1,700,000,000	13/08/2009
3A CONCEPT PLAN	Marulan Gas Fired Power Stations Marulan	\$809,000,000	26/10/2009
3A CONCEPT PLAN	Sydney CityGrid Project	\$800,000,000	20/09/2009
3A PROJECT APPLICATION	Sydney CityGrid Project	\$800,000,000	20/09/2009
3A CONCEPT PLAN	Wahroonga Estate Redevelopment, Wahroonga	\$573,310,000	31/03/2010
3A MODIFICATION	PWCS Kooragang Coal Loader Extension, Kooragang Island	\$500,000,000	31/05/2010
3A PROJECT APPLICATION	Orica Ammonium Nitrate Upgrade, Kooragang Island	\$450,000,000	1/12/2009
3A PROJECT APPLICATION	Quakers Hill to Vineyard Rail Clearways Program	\$430,000,000	29/10/2009
3A CONCEPT PLAN	University of Technology Sydney Concept Plan Approval	\$426,901,000	23/12/2009
3A CONCEPT PLAN	Casuarina Town Centre, Casuarina	\$386,000,000	20/09/2009
3A PROJECT APPLICATION	Tintenbar to Ewingsdale Pacific Highway Upgrade	\$368,000,000	29/01/2010
3A PROJECT APPLICATION	Centre for Obesity, Diabetes and Cardiovascular Disease, University of Sydney	\$350,000,000	29/06/2010

TABLE 42: Approvals with a capital investment value of more than \$20 million, in order of capital investment value from highest to lowest

Project type (including section of EP&A Act under which approved)	Project description	Capital Investment Value	Date determined
3A CONCEPT PLAN	Illawarra International Health Precinct, Huntley	\$316,000,000	31/01/2010
3A CONCEPT PLAN	Former Sunbeam Factory Campsie Mixed-Use Redevelopment, Campsie	\$297,800,000	4/02/2010
3A PROJECT APPLICATION	Carlton United Breweries Site, Chippendale	\$273,685,437	26/05/2010
3A PROJECT APPLICATION	Commercial and Hotel Development, Berry and Walker Street, North Sydney	\$271,422,000	25/02/2010
3A PROJECT APPLICATION	Carlton United Breweries Site, Chippendale	\$269,246,606	18/06/2010
3A PROJECT APPLICATION	Marulan Gas Fired Power Stations	\$266,000,000	26/10/2009
3A CONCEPT PLAN	Prince of Wales Medical Research Institute, Randwick	\$264,900,000	31/01/2010
3A PROJECT APPLICATION	Woomargama Bypass, Hume Highway Duplication	\$260,000,000	31/01/2010
3A PROJECT APPLICATION	Holbrook Bypass, Hume Highway Duplication	\$250,000,000	23/04/2010
3A PROJECT APPLICATION	Tarcutta Bypass, Hume Highway Duplication	\$235,000,000	12/01/2010
3A PROJECT APPLICATION	Leafs Gully Gas-Fired Power Station, Campbelltown	\$200,000,000	11/08/2009
3A PROJECT APPLICATION	Kyoto Energy Park, Scone	\$190,000,000	31/01/2010
3A CONCEPT PLAN	Hoxton Park Industrial Project	\$181,945,000	3/06/2010
3A PROJECT APPLICATION	Knauf insulation project, Steel River industrial estate, Mayfield West	\$167,500,000	14/10/2009
3A PROJECT APPLICATION	Glen Innes Wind Farm	\$150,000,000	2/10/2009

TABLE 42: Approvals with a capital investment value of more than \$20 million, in order of capital investment value from highest to lowest

Project type (including section of EP&A Act under which approved)	Project description	Capital Investment Value	Date determined
3A PROJECT APPLICATION	Greystanes Southern Employment Lands, Prospect Quarry, Greystanes	\$150,000,000	8/11/2009
3A PROJECT APPLICATION	Commercial and retail project, North Sydney	\$144,779,000	25/05/2010
3A CONCEPT PLAN	"Rise" Estate; Marana St, Bilambil Heights	\$141,518,631	29/06/2010
3A PROJECT APPLICATION	Tomago Road Industrial Area (Redlake Enterprises)	\$130,000,000	7/08/2009
3A CONCEPT PLAN	Bennelong Parkway residential estate, Homebush Bay	\$129,320,000	22/06/2010
3A MODIFICATION	Bamarang Gas-Fired Power Station	\$127,800,000	1/06/2010
3A PROJECT APPLICATION	Former Sunbeam Factory mixed-use development, Campsie	\$120,800,000	4/02/2010
3A PROJECT APPLICATION	Prince of Wales Medical Research Institute, Randwick	\$117,900,000	31/01/2010
3A PROJECT APPLICATION	Bonar St residential project, Arncliffe	\$109,324,820	3/03/2010
3A CONCEPT PLAN	Trinity Point marina, Lake Macquarie	\$108,000,000	5/09/2009
3A PROJECT APPLICATION	Hoxton Park industrial project	\$103,000,000	3/06/2010
3A PROJECT APPLICATION	Westmead Childrens Medical Research Institute, Westmead	\$99,000,000	31/08/2009
3A PROJECT APPLICATION	Murrumbidgee to Googong Water Transfer Project	\$96,000,000	31/03/2010
3A PROJECT APPLICATION	Cessnock Correctional Centre	\$93,000,000	16/02/2010
4 MODIFICATION	Woodlawn Wind Farm	\$90,000,000	12/05/2010
3A PROJECT APPLICATION	Hunter Medical Research Institute, New Lambton Heights	\$84,557,780	18/03/2010

TABLE 42: Approvals with a capital investment value of more than \$20 million, in order of capital investment value from highest to lowest

Project type (including section of EP&A Act under which approved)	Project description	Capital Investment Value	Date determined
3A PROJECT APPLICATION	Darlinghurst Medical Research Precinct, Darlinghurst	\$82,650,000	12/01/2010
3A PROJECT APPLICATION	Austar Mine	\$80,000,000	6/09/2009
3A CONCEPT PLAN	Erskine Park Link Road Network, Western Sydney	\$80,000,000	11/08/2009
3A PROJECT APPLICATION	Darling Walk project, Darling Harbour	\$79,877,000	9/06/2010
3A MODIFICATION	Narrabri Mine	\$71,000,000	26/03/2010
3A CONCEPT PLAN	Lismore to Mullumbimby Electricity Network Upgrade, Lismore-Ballina-Byron,	\$70,000,000	6/09/2009
3A PROJECT APPLICATION	Lismore to Mullumbimby Electricity Network Upgrade, Lismore-Ballina-Byron	\$70,000,000	6/09/2009
3A PROJECT APPLICATION	University of Technology Sydney	\$69,900,000	24/12/2009
3A PROJECT APPLICATION	Penrith Health Campus; Derby Street, Penrith	\$64,400,000	20/02/2010
3A CONCEPT PLAN	Costco, Auburn	\$60,923,000	7/04/2010
3A PROJECT APPLICATION	Costco, Auburn	\$60,923,000	23/04/2010
3A PROJECT APPLICATION	Lucas Heights waste facility	\$60,000,000	28/06/2010
3A CONCEPT PLAN	Minchinbury Employment Park	\$60,000,000	28/06/2010
3A PROJECT APPLICATION	Seaside City retail project, Port Macquarie	\$59,000,000	5/06/2010
3A MODIFICATION	Cowal Mine	\$58,000,000	10/03/2010
3A CONCEPT PLAN	63-77 West Parade, West Ryde	\$55,000,000	18/06/2010

TABLE 42: Approvals with a capital investment value of more than \$20 million, in order of capital investment value from highest to lowest

Project type (including section of EP&A Act under which approved)	Project description	Capital Investment Value	Date determined
3A PROJECT APPLICATION	Lee Wharf, Honeysuckle	\$54,535,123	28/09/2009
3A PROJECT APPLICATION	Hoxton Park Industrial Project	\$54,000,000	3/06/2010
3A PROJECT APPLICATION	Seaside Boulevard, Fern Bay	\$52,098,910	28/06/2010
3A PROJECT APPLICATION	Site 9, Olympic Boulevard, Sydney Olympic Park	\$51,120,000	8/07/2009
3A PROJECT APPLICATION	Buronga Distillate-Fired Power Station, Buronga	\$50,000,000	6/09/2009
3A CONCEPT PLAN	Minchinbury Employment Park	\$60,000,000	29/06/2010
3A PROJECT APPLICATION	Richmond Valley Power Station and Casino Gas Project, Casino	\$50,000,000	3/06/2010
3A PROJECT APPLICATION	Seaside City retail project, Port Macquarie	\$59,000,000	5/06/2010
3A CONCEPT PLAN	Hansons Asphalt and Concrete Facility, Eastern Creek	\$49,600,000	3/06/2010
3A PROJECT APPLICATION	Hansons Asphalt and Concrete Facility, Eastern Creek	\$49,600,000	3/06/2010
3A MODIFICATION	Northparkes Mine	\$45,374,206	6/10/2009
3A PROJECT APPLICATION	Appin-West Cliff Mining Complex	\$45,000,000	17/08/2009
3A PROJECT APPLICATION	Rippon Grange, Water Street, Wahroonga	\$44,200,000	9/06/2010
3A PROJECT APPLICATION	Carlton United Breweries Site, Chippendale	\$42,042,480	26/05/2010
3A PROJECT APPLICATION	Young to Wagga Wagga Looping Pipeline	\$38,000,000	25/05/2010
3A PROJECT APPLICATION	Light Horse Waste Facility, Eastern Creek	\$35,595,444	22/11/2009
3A MODIFICATION	Duralie Mine	\$34,000,000	28/10/2009

TABLE 42: Approvals with a capital investment value of more than \$20 million, in order of capital investment value from highest to lowest

Project type (including section of EP&A Act under which approved)	Project description	Capital Investment Value	Date determined
3A PROJECT APPLICATION	Newcastle Private Hospital, New Lambton Heights	\$33,711,000	15/01/2010
3A PROJECT APPLICATION	Twin Towns Services Club, Tweed Heads	\$33,000,000	23/08/2009
3A PROJECT APPLICATION	Commercial office building, Sydney Olympic Park	\$32,000,000	23/05/2010
3A PROJECT APPLICATION	Orica Botany; Beauchamp Road, Port Botany	\$30,000,000	12/11/2009
3A PROJECT APPLICATION	Redfern RSL redevelopment, Redfern	\$28,000,000	22/12/2009
4 MODIFICATION	Tomago Aluminium Smelter	\$28,000,000	7/12/2009
3A PROJECT APPLICATION	Casuarina Town Centre, Casuarina	\$26,630,000	20/09/2009
3A PROJECT APPLICATION	Tourism facility, Greenwell Point	\$25,000,000	29/11/2009
3A PROJECT APPLICATION	Site 22 Edwin Flack Ave, Sydney Olympic Park	\$24,294,000	23/03/2010
3A PROJECT APPLICATION	Sandon Point Residential Development	\$22,044,344	29/11/2009



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