

Planning System Reform

About this Item

[Speakers](#) [Foley The Hon Luke](#); [Ajaka The Hon John](#); [Shoebridge Mr David](#); [Deputy-President \(The Hon Sarah Mitchell\)](#); [Green The Hon Paul](#); [Kaye Dr John](#)

[Business](#) [Business of the House, Division](#)

PLANNING SYSTEM REFORM

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Production of Documents: Order

The Hon. LUKE FOLEY (Leader of the Opposition) [4.40 p.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 July 2013, excluding any document that is publicly available on the Planning and Infrastructure NSW website as at the time of the passing of this resolution in the possession, custody or control of the Minister for Planning and Infrastructure, and the Department of Planning and Infrastructure relating to Winston Langley Burlington's planning proposal for the site of Bronte RSL at 109-113 Macpherson Street, Bronte:

(a) any document that records, relates or refers to meetings or any other communication between the Minister for Planning and Infrastructure or the Department of Planning and Infrastructure and the following:

- (i) the proponent, Winston Langley Burlington [WLB];
- (ii) any organisation representing the proponent;
- (iii) any person who has signed a general meeting request disclosure form acting on behalf of the proponent; and
- (iv) any lobbyist on the NSW Government Register of Lobbyists.

(b) any document that relates, records or refers to meetings or any other communication between the Department of Planning and Infrastructure, and the Minister for Planning and Infrastructure relating to this planning proposal; and

(c) any document that records or refers to the production of documents as a result of this order of the House.

Despite community and unanimous Waverley Council opposition, the State Government has moved to allow planning control changes at the old Bronte RSL site at the request of the developer. This motion seeks to get to the bottom of what has happened, including communication between the Minister, the department and developer, to try to get some answers for the local community on why this matter is blatantly at odds with the Government's election commitment to return planning powers to local communities.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.41 p.m.]: The Government opposes the motion. On 26 August 2013 Winston Langley Burlington lodged its planning proposal with Planning and Infrastructure for a pre-gateway review. An assessment was carried out to determine whether the proposal had planning merit and should be forwarded to an independent body for consideration. On 25 November 2013 the merit assessment report was released, which concluded that the planning proposal may have merit and was referred to the Planning Assessment Commission. On 22 January 2014 the commission met with representatives of Waverley Council and Winston Langley Burlington. On 30 January 2014 the commission released its advice stating that the Winston Langley Burlington planning proposal has strategic planning merit and, therefore, should proceed to the gateway for a determination.

On 4 February 2014 Waverley Council was invited to take the role of the relevant planning authority and submit the planning proposal for a gateway determination. On 6 March 2014 council and the proponent attended a meeting to discuss amendments to the planning proposal and timing of the next steps in the plan-making process. The proponent lodged a revised planning proposal with Waverley Council on 25 March 2014. Council is to lodge a revised planning proposal with Planning and Infrastructure for consideration by the local environmental plan panel at the gateway. Should the planning proposal be issued with a gateway determination, a public exhibition process will be undertaken. At that stage local residents will have the opportunity to make submissions on the proposal. Any gateway determination will be subject to conditions, including requiring that design and other issues raised by the Planning Assessment Commission are addressed. On that basis, there is no need for this motion. I ask all members to oppose it.

Mr DAVID SHOEBRIDGE [4.43 p.m.]: The Greens support the motion. The people of Bronte wonder how on earth this matter reached this stage. Despite convincing the likes of mayor Sally Betts and having a Liberal-dominated council stand up against it—and being one of the rare occasions on which I agree with Mayor Sally Betts on a planning matter—the community convinced the local planning panel staff that it is an overdevelopment. Time and again they think they win such cases, but this State's planning system so favours developers that they just walk around the backdoor, hand 20 grand to the Department of Planning and Infrastructure and get their own little spot rezoning.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! There is far too much audible conversation in the Chamber. Mr David Shoebridge has the call.

Mr DAVID SHOEBRIDGE: The process is disgraceful and has no place in New South Wales law. The current process is so offensive to good strategic planning it is remarkable that any elected representative could defend it. The people of Bronte want to know who said what to whom, and who has been talking to the Government. They have the right to know that. We support the motion.

The Hon. PAUL GREEN [4.45 p.m.]: The Christian Democratic Party will support the motion. As a former mayor, I know that these kinds of situations ring alarm bells. One of my colleagues in the other place used to say that when Labor was in power the only way to deal with these matters was to put it in the sunlight and see the outcome. I am always nervous when I see this happening. The community, the mayor and the local government member have protested against this proposal. This Government came to power after committing to returning a local voice to communities. No doubt the Government would agree that there is no harm in putting this matter in the sunlight.

The Hon. Sophie Cotsis: More than sunlight.

The Hon. PAUL GREEN: Ultraviolet light kills anything untoward. The Government already has noted the extensive process, so it has nothing to worry about by supporting this motion. I came along for the ride on this Government's commitment because it said, "Let's get back to the grass roots and give locals the voice about local developments." This case is a clear, concise and loud message from the locals, including the mayor and local member of Parliament, that this development should not proceed at this point because it is at odds with the dreams of the local Bronte community. We support the call for papers.

Dr JOHN KAYE [4.47 p.m.]: I join other members in supporting this motion. I am a local of the Bronte area and inform the House that the community is outraged at its treatment regarding this development. From the outset this development has stunk. A terrible odour surrounds it, the people involved, the way it has been oiled through the planning process and how every possible door has been opened despite overwhelming opposition. This Government was elected after saying that every community, whether in Sydney's east, west, north or south, would have access to control its own future. Yet this area of Bronte was rezoned and passed over to development against the community's wishes.

This development proposal will dramatically change a local shopping centre. The only way to restore community confidence in development is to expose this particular development to public accountability. If the Coalition decides to oppose this motion then its credentials that were laid down at the last election are on the line. It said it was going to return planning to the community. This community opposes that development and the community has a right to know what is happening on this site. I commend the motion to the House.

The Hon. LUKE FOLEY (Leader of the Opposition) [4.49 p.m.], in reply: I thank all members for their contribution and commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 22

Ms Barham Mr Borsak Mr Brown Mr Buckingham Ms Cotsis Mr Donnelly Dr Faruqi Mr Foley	Mr Green Dr Kaye Mr Moselmane Reverend Nile Mr Primrose Mr Searle Mr Secord Ms Sharpe	Mr Shoebridge Mr Veitch Ms Westwood Mr Whan <i>Tellers,</i> Ms Fazio Ms Voltz
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Noes, 17

Mr Ajaka Mr Blair Mr Clarke Ms Cusack Ms Ficarra Mr Gallacher	Miss Gardiner Mr Gay Mr Khan Mr Lynn Mr MacDonald Mrs Maclaren-Jones	Mr Mason-Cox Mrs Pavey Mr Pearce <i>Tellers,</i> Mr Colless Dr Phelps
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Mr Wong	Mr Harwin
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Question resolved in the affirmative.

Motion agreed to.