

# **PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

**Tuesday 4 March 2025**

**Examination of proposed expenditure for the portfolio area**

## **PLANNING AND PUBLIC SPACES**

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**The Committee met at 9:15.**

### **MEMBERS**

Ms Sue Higginson (Chair)  
Dr Amanda Cohn  
The Hon. Anthony D'Adam  
Ms Cate Faehrmann  
The Hon. Scott Farlow  
The Hon. Stephen Lawrence  
The Hon. Jacqui Munro  
The Hon. Cameron Murphy  
The Hon. John Ruddick (Deputy Chair)

### **PRESENT**

**The Hon. Paul Scully**, *Minister for Planning and Public Spaces*

## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

**Corrections should be marked on a photocopy of the proof and forwarded to:**

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**

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**The CHAIR:** Welcome to the second hearing of Portfolio Committee No. 7 – Planning and Environment for the additional round of the inquiry into budget estimates 2024-2025. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us here today. My name is Sue Higginson, and I'm the Chair of the Committee. I welcome Minister Scully and accompanying officials to this hearing today. Today the Committee will examine the proposed expenditure for the portfolio of Planning and Public Spaces.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing, so I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. Mr Martin and Mr Preshaw, you will be sworn prior to giving evidence. I remind all other witnesses that you do not need to be sworn as you have already been sworn before the Committee during this inquiry.

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**Ms KIERSTEN FISHBURN**, Secretary, Department of Planning, Housing and Infrastructure, on former affirmation

**Ms MONICA GIBSON**, Deputy Secretary, Planning, Land Use Strategy, Housing and Infrastructure, Department of Planning, Housing and Infrastructure, on former affirmation

**Mr DAVID GAINSFORD**, Deputy Secretary, Development Assessment and Sustainability, Department of Planning, Housing and Infrastructure, on former affirmation

**Mr CHRISTOPHER MARTIN**, Acting Deputy Secretary, Corporate Services, and Chief Financial Officer, Department of Planning, Housing and Infrastructure, sworn and examined

**Mr CLAY PRESRAW**, Executive Director, Energy, Resources and Industry, Department of Planning, Housing and Infrastructure, affirmed and examined

**Mr MAL LANYON, APM**, Acting Chief Executive Officer, NSW Reconstruction Authority, on former oath

**Mr ANDREW GRAHAM**, Chief Financial and Operating Officer, NSW Reconstruction Authority, on former affirmation

**Ms AMANDA LECK**, Head, Adaptation, Mitigation and Reconstruction Group, NSW Reconstruction Authority, on former affirmation

**Ms JOANNA QUILTY**, Head, Preparedness and Recovery Group, NSW Reconstruction Authority, on former affirmation

**Mr ALEX WENDLER**, Chief Executive Officer, Landcom, on former affirmation

**The CHAIR:** Welcome, and thank you for making the time to give evidence today. I note that there are witnesses in the overflow seating area. I would like to remind you that if you come forward to answer a question please remember to bring your nameplate with you and place it in front of you on the table. This assists Hansard in ensuring the correct witness is identified in the hearing transcript. And, of course, we know that making Hansard happy is our main function and purpose here.

Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Minister for the morning session from 9.15 a.m. to 1.00 p.m., with a 15-minute break at 11.00 a.m. In the afternoon we will hear from departmental witnesses, from 2.00 p.m. to 5.30 p.m., with a 15-minute break at 3.30 p.m. During these sessions there will be questions from the Opposition and the crossbench members only, and then there is 15 minutes allocated for Government questions, at 10.45 a.m., 12.45 p.m. and 5.15 p.m. I also note that there has been some discussion about possibly allowing some of the Reconstruction Authority members and officials to leave the session early because we all note that the northern part of the State is under a cyclone warning as we speak. We will commence with questions from the Opposition.

**The Hon. SCOTT FARLOW:** Thank you, Chair. Good morning, Minister.

**Mr PAUL SCULLY:** Good morning.

**The Hon. SCOTT FARLOW:** Minister, how many MPs have you had negotiations with to exempt areas of their electorates from the Low and Mid-Rise Housing Policy, despite them meeting the criteria?

**Mr PAUL SCULLY:** None. There hasn't been a negotiation process. The Government has gone through a process of identifying suitable locations, based on a range of factors. They have included the access to goods and services in a particular area; access to public transport, including consideration of the frequency of those services and the timeliness and the time to nearby centres; critical infrastructure capacity, including hazards and constraints—bushfire, flooding, other constraints that might happen; local housing targets; and the desire of the Government to rebalance Sydney's housing growth. So it's not a negotiation process. We identified those areas where it's most suitable for housing, given the capacity to take up infrastructure, and the most likely to be feasible in terms of helping to deliver on our housing accord targets.

**The Hon. SCOTT FARLOW:** Minister, the member for Pittwater, Jacqui Scruby, posted, "Planning victory. We get to keep control over most planning and development. Pittwater escapes blanket planning laws for four- to six-storey developments. Mona Vale is the only town centre earmarked for new low- to mid-rise development under New South Wales Government reforms, despite nearly all of our villages meeting the criteria—"

**Mr PAUL SCULLY:** Most of the villages don't, in fact, meet the criteria.

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**The Hon. SCOTT FARLOW:** —As an Independent, I negotiated with the Minns Government to deliver this win for the Pittwater community." What negotiations did the Minns Government have with the member for Pittwater over the inclusion of sites in her electorate?

**Mr PAUL SCULLY:** I met with the member for Pittwater. She expressed her views about her desires and her portrayal of her community desires. That was that. There wasn't a negotiation. What people may put in terms of their public commentary on the low- and mid-rise reform, I can't be held accountable for. I see that there was some interesting, half-baked public commentary in *The Sydney Morning Herald* today from someone about low- and mid-rise reform—

**The Hon. SCOTT FARLOW:** Might be known as the truth, perhaps.

**Mr PAUL SCULLY:** —which, I'm sure, we will come to in due course. People will say what they say. However, this was not a negotiation process. This was a process of identifying the most suitable centres, based around the capacity and access to goods and services, the capacity of transport and the frequency of services, the capacity of underlying infrastructure and any hazards and constraints that might take place, the housing accord targets that have been set across local government areas and across the entire State for the very first time—as you'd recall—and, of course, where there is the most capacity to take on some of those changes and deliver the homes that people expect.

**The Hon. SCOTT FARLOW:** Minister, what sites within the Pittwater electorate did the member for Pittwater request be exempted from the policy?

**Mr PAUL SCULLY:** I'm not going to go through the details of conversations I might have with other members of Parliament. Suffice to say that she expressed some views about the appropriateness of some areas versus others and wanted to express her community's views. It's open to any member to approach me to express their views on what planning they feel should or should not take place in their particular area. It's one input, but this was not a negotiation.

**The Hon. SCOTT FARLOW:** You don't characterise it as a negotiation, but you do characterise it as an input. From that discussion with the member for Pittwater, what action did you take with respect to the low- and mid-rise policy and its application within her electorate?

**Mr PAUL SCULLY:** There was no direct action that came from it. I considered her views.

**The Hon. SCOTT FARLOW:** You considered her views? Did you have any discussions with the department about the inclusion of certain sites within her electorate?

**Mr PAUL SCULLY:** No.

**The Hon. SCOTT FARLOW:** Did that, perhaps, colour your judgement, so to speak, when determining the final sites for inclusion?

**Mr PAUL SCULLY:** The only thing that coloured my judgement was the suitability of sites, their access to goods and services, whether or not they had public transport available and the frequency of that, the times that were taken to come through, the reflection on the site constraints and underlying capacity of infrastructure to deliver on it, the housing accord targets and the capacity to come through. One hundred and seventy-one sites were recommended in the department's analysis, and I viewed those to be suitable and took forward that recommendation to the drafting of a SEPP and ultimately to the Cabinet and the Government.

**The Hon. SCOTT FARLOW:** Minister, the member for Pittwater has also, along with the member for Wakehurst, called for the pausing of the program within their electorates until bus services are fixed within that community, and that is, obviously, an issue the Government is conscious of. I believe the Minister for Transport did meet with those members and other Liberal members representing electorates along that bus route as well. Is that something that the Government is considering?

**Mr PAUL SCULLY:** The SEPP came into effect last Friday.

**The Hon. SCOTT FARLOW:** You are not going to accede to their request in pausing the application of the SEPP?

**Mr PAUL SCULLY:** I don't think pausing the position of that necessarily addresses the transport concerns and the bus concerns. However, I understand that the Minister for Transport has had discussions about bus services in those areas with those relevant members, as you just indicated, and with other Liberal members in the area. However, if there's new information that is brought to my attention that we need to take into consideration, then we take the new information into consideration. However, at this point in time, I don't think a SEPP that's been in place for four days now—there's a lot of work, as you would appreciate, that once there are

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changes in a SEPP that takes place, and those changes are going through councils at the moment to have their systems brought into line to accommodate anything that might come through with those SEPP changes. I think that's important to continue. However, if there's new information that comes to light following discussions with the Minister for Transport, of course I'll take that into consideration.

**The Hon. SCOTT FARLOW:** How many potentially suitable town centres were provided to Northern Beaches Council in the Pittwater electorate as part of the initial list prior to the council's workshop with the department?

**Mr PAUL SCULLY:** I wasn't directly involved in those. That was a discussion between officers of the department and officers of the council. Ms Gibson may be able to shed some more light on that, but she may also not have that information in front of her.

**MONICA GIBSON:** How about I get that, and we can provide that?

**The Hon. SCOTT FARLOW:** We will come back to that in the afternoon. Minister, you said there was an opportunity for members to come and give their views to you with respect to the—

**Mr PAUL SCULLY:** Members give their view to me all the time.

**The Hon. SCOTT FARLOW:** I'm sure they do. How many members did come and give their views to you with respect to the low- and mid-rise set—or the changes, I should say, as a result?

**Mr PAUL SCULLY:** I haven't taken count of that. People often come to me with more specific planning queries rather than policy ones. I had a number of members come to me encouraging certain sites in their areas, but I didn't keep a count.

**The Hon. SCOTT FARLOW:** Was the member for East Hills one of those members who came to you and provided you with insights into the operation of the SEPP on their electorate?

**Mr PAUL SCULLY:** No.

**The Hon. SCOTT FARLOW:** No?

**Mr PAUL SCULLY:** Not to the best of my recollection, no.

**The Hon. SCOTT FARLOW:** So how is it that the East Hills electorate is the land that the LMR forgot? Effectively, there's—

**Mr PAUL SCULLY:** That's an interesting question. Can you just outline why you think it's a good idea to have it there? You've made some comments today, so could you just expand on that?

**The Hon. SCOTT FARLOW:** I'm here to mark your homework. I'm not here to do it for you.

**Mr PAUL SCULLY:** I'm also trying to understand yours. I mean, I do note today, if we're talking about homework, that the Minister for Education has announced 150 numeracy checks around the place, so perhaps I can make it 151 and add you to it, because your adding up is pretty poor at the moment. If I take it at your word here in what's reported in *The Sydney Morning*—

**The Hon. SCOTT FARLOW:** How many LMR centres exist in the East Hills electorate? Let's try your numeracy on that.

**Mr PAUL SCULLY:** Hang on, do you want an answer to the question or not? You've said here that—I think your view is that East Hills is right because there's multiple stations involved. Is that a fair interpretation of your assessment?

**The Hon. SCOTT FARLOW:** Tell me, are there stations in the East Hills electorate?

**Mr PAUL SCULLY:** There are stations in the East Hills electorate, correct. There are town centres. There are houses in the East Hills electorate. Is that a fair characterisation of your view, that you think because there's stations there—

**The Hon. SCOTT FARLOW:** What, that there are stations in the East Hills electorate?

**Mr PAUL SCULLY:** —that automatically—

**The Hon. SCOTT FARLOW:** Yes, Minister, there are stations in the East Hills electorate. I invite you to go to Revesby or Padstow or Panania or East Hills, in fact.

**Mr PAUL SCULLY:** I will come to that. You do realise that not every station is suitable? Yes, no?

**The Hon. SCOTT FARLOW:** Tell us your criteria, then, in terms of—

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**Mr PAUL SCULLY:** No, no—yes or no? You do realise that not every—

**The Hon. SCOTT FARLOW:** Tell us your criteria.

**Mr PAUL SCULLY:** You do realise that not every station is suitable?

**The Hon. SCOTT FARLOW:** All of the stations in East Hills are not suitable? Is that correct?

**Mr PAUL SCULLY:** I think it might be worthwhile Ms Gibson outlining some of the considerations, but one of the big considerations there is the hazards. Running through that part of the world is a large, high-pressure gas main with an exclusion zone around it. Ms Gibson might be able to shed some more light on the detail of that.

**MONICA GIBSON:** As the Minister's previously outlined, some of the matters for identifying the appropriate sites for low- and mid-rise included whether there were hazards and known hazards in that area. There is a high-pressure gas main that runs through that area. It follows the rail line. It connects the port and will likely join to the new airport. It has some exclusions around that—a buffer setback where additional housing is not appropriate. That was a very big reason why a number of the stations along the East Hills line weren't okay. There were also some other reasons. Some of those centres there don't have full range of goods and services in the commercial area, and that was also a very key part of the low- and mid-rise reforms.

**Mr PAUL SCULLY:** Just to add to what Ms Gibson said, with that gas line comes an exclusion zone. That exclusion zone limits the capacity of people to dig and do underground car parking, which is an important part of this. So you've got—I think it's about a 400-metre exclusion zone, which takes out a fair bit of the area that you might be looking at. However, East Hills is not entirely excluded. You will be thrilled to know that East Hills is in a council area—one of the 124—where permissibility for dual occupancies and semi-detached dwellings was introduced on 1 July last year. And already we're starting to see an uptick in the number of applications for dual occupancies coming through, which is good news. More houses—you should be excited!

**The Hon. SCOTT FARLOW:** I'm sure Mr Murphy would agree that it's good news. I know his fondness for dual occupancies that he's put forward in the House before. But with respect—

**Mr PAUL SCULLY:** He's got fondness of housing for people, and making sure that people have good access to housing. That, I think, is one of his great character traits.

**The Hon. SCOTT FARLOW:** I'm glad you're working for the Fergs to get their support.

**Mr PAUL SCULLY:** I'm working for Housing. I will work with you if you wish, Mr Farlow.

**The Hon. SCOTT FARLOW:** I always like to work with you, Minister. And, Minister—

**Mr PAUL SCULLY:** That's right, exactly. That's why I'm happy to concentrate and give you some understanding of where your "analysis" falls down.

**The Hon. SCOTT FARLOW:** It's "Deidre Chambers, what a coincidence!" when it comes to one of Labor's most marginal seats with the East Hills exclusion and the rules that come through.

**Mr PAUL SCULLY:** Really? Is it a coincidence that there's 80 sites that are in Labor seats? Is it a coincidence that that's the case? Is it a coincidence that that's far more than the number of sites that are in Liberal-held areas, which is 69?

**The Hon. SCOTT FARLOW:** We could quibble over the one, but—

**Mr PAUL SCULLY:** Is it coincidence it's far more than nine in Green and 13 in Independent areas? The majority, the overwhelming majority, are in Labor electorates. In fact, many of them are in my own. It's great.

**The Hon. SCOTT FARLOW:** There's two in your electorate.

**Mr PAUL SCULLY:** That's right, and there's one on the edge.

**The Hon. SCOTT FARLOW:** There's two.

**Mr PAUL SCULLY:** There's one on the edge—

**The Hon. SCOTT FARLOW:** You share one.

**Mr PAUL SCULLY:** —and Dapto is about 50 metres outside it.

**The Hon. SCOTT FARLOW:** A stone's throw away. You can't say that you're leading the charge on this—

**Mr PAUL SCULLY:** I didn't say I was leading the charge.

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**The Hon. SCOTT FARLOW:** Have a look at the member for North Shore; she's got seven in her electorate.

**Mr PAUL SCULLY:** I said a number of them are in my electorate.

**The Hon. SCOTT FARLOW:** A number? Two.

**The Hon. JACQUI MUNRO:** How many are in marginal Labor electorates?

**Mr PAUL SCULLY:** Two is greater than zero.

**The Hon. SCOTT FARLOW:** You've got more than East Hills; we'll give you that. You've got more than East Hills, you've got more than Penrith, you've got more than Riverstone, and you've got more than a series of Labor marginal seats. You've got more than Parramatta.

**Mr PAUL SCULLY:** Well, Parramatta's an interesting case. In Parramatta we'd actually have to downgrade a lot of areas in order to have them meet the low- and mid-rise housing reform. Why would you want to downgrade areas with light rail, with metro, with heavy rail, with good bus access just because you're trying to prove a political point? I don't understand why you would want to downgrade an area that's good for housing.

**The Hon. SCOTT FARLOW:** Well, to the point in terms of Parramatta, how many sites did the department exhibit or go to a workshop with Parramatta council on?

**Mr PAUL SCULLY:** Much like the Northern Beaches, I think we'd have to take that on notice.

**KIERSTEN FISHBURN:** We'll take that on notice and come back in the afternoon.

**The Hon. SCOTT FARLOW:** With respect to other exclusions, you of course have got the aircraft noise exclusion, as well.

**Mr PAUL SCULLY:** Yes.

**The Hon. SCOTT FARLOW:** Why did you list those sites that would be excluded by an ANEC contour?

**Mr PAUL SCULLY:** Well, let's go into that in a little bit more detail. I think this is an easy claim to make that doesn't stand up to as much critical examination as what it wants. As members would be aware, the Australian Noise Exposure Forecast system is a measure of aircraft noise around airports. We have a number of areas, a number of planning instruments, in which certain contours are excluded. A number of councils have a similar sort of thing. So what has happened is, where there has been a 20-plus contour, there's been some exclusions. So the low- and mid-rise policy introduced some exclusions where there's greater hazards and constraints, as we've discussed. High-pressure gas mains that service the industrial heart of Sydney, and where you can't build around them because of an exclusion zone—we excluded that. That included some consistency with respect of the ANEF areas.

The exclusion applies to some individual lots, rather than the whole location, so it's wrong to characterise that as a whole area being excluded. But you've also got to understand that there's substantial other benefits that come along from those areas being included. Let's take, for instance, I don't know, we'll pick one at random here—Newtown station and town centre. Even though there is some exclusion or some areas impacted by the ANEF, we've increased permissibility. We've made terraces and town houses permissible in the R2 zone. We've increased the maximum floor-space ratio. We've got consistent minimum lot sizes and widths for development. There are a range of other things that come into effect that will allow that development to take place and allow houses to be delivered in those areas. I know it's easy and you're in the game because, I don't know, you're a little disappointed that you couldn't deliver these sorts of reforms in government.

**The Hon. SCOTT FARLOW:** Your talking points for the day.

**Mr PAUL SCULLY:** You had 12 years. You failed consistently.

**The Hon. SCOTT FARLOW:** You're failing every day.

**Mr PAUL SCULLY:** We've been able to do it. I can understand your disappointment with that. I understand that, but you've got to understand that there's more than just the application in some areas. This is about whole permissibility. This is about restoring choice of housing types, which I would have thought the Liberal Party, being the party of choice that it still claims to be, would be right on board with.

**The Hon. SCOTT FARLOW:** Minister, it seems like there's not much choice in some of those areas. I want you to walk me through this in terms of how does this all apply if the area is excluded or if individual lots are excluded.



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**Mr PAUL SCULLY:** There is still general permissibility, as I said. Let's take Drummoyne town centre—I know an interest of yours in the past. The changes in the SEPP make apartments permissible in R3. They weren't able to be built. Medium-density zone identified by the council—couldn't build an apartment on land zoned for apartments. It increases the maximum FSR and height and it removes the limitations of minimum lot size and width for apartments. It makes it happen.

**The Hon. SCOTT FARLOW:** Minister, again, I'm trying to understand. How does this work if the area is excluded because of the contour?

**Mr PAUL SCULLY:** No, the area is not excluded. I think you—

**The Hon. SCOTT FARLOW:** But an individual lot is excluded.

**Mr PAUL SCULLY:** —either didn't listen or misheard me before. When there are some lots that are excluded, yes—

**The Hon. SCOTT FARLOW:** So a lot is excluded—

**Mr PAUL SCULLY:** But that doesn't mean that everything is excluded. This is the point. There are controls.

**The Hon. SCOTT FARLOW:** But if the lot is under the noise contour, it is excluded. Is that correct?

**Mr PAUL SCULLY:** Some are, yes. That may mean—

**The Hon. SCOTT FARLOW:** For instance, my previous interest in Drummoyne—I lived in a six-storey apartment building in Drummoyne that was under the contour.

**Mr PAUL SCULLY:** Sorry, can you repeat the question? I think you're confused.

**The Hon. SCOTT FARLOW:** My previous interest in Drummoyne that you alluded to—when I lived in Drummoyne, I lived in a six-storey apartment—

**Mr PAUL SCULLY:** So does Mr Fang, I understand.

**The Hon. SCOTT FARLOW:** Mr Fang does live in Drummoyne as well.

**The CHAIR:** He's the member for Drummoyne, I think.

**Mr PAUL SCULLY:** Would be.

**The Hon. SCOTT FARLOW:** Minister, at that point I lived in a six-storey apartment block that was under the flight path and under the contour. Would that be included or excluded?

**Mr PAUL SCULLY:** So you could build a six-storey apartment block in some areas of Drummoyne. What this has done has made that a consistent approach.

**The Hon. SCOTT FARLOW:** But under your plans, you can't. It's excluded.

**Mr PAUL SCULLY:** No, that's not the case. It might be worth Ms Gibson giving you some of the technical details so that you can understand it.

**The Hon. SCOTT FARLOW:** Minister, are you familiar with the PropCode analysis in terms of what the impact of this policy has been?

**Mr PAUL SCULLY:** I have seen it. I've seen the analysis that was done before the instrument was published, yes, which I find fascinating—that you could do a thorough examination before an instrument was actually publicly available.

**The Hon. SCOTT FARLOW:** So, Minister, you dispute those characterisations within the analysis?

**Mr PAUL SCULLY:** I'm saying that there are some things in there that may not have been fully understood from what was publicly available at the time that analysis was undertaken. It's a bit like when you claim that you're looking only at Sydney, say, for some of the analysis and trying to put a political lens over it when one doesn't exist.

**The Hon. SCOTT FARLOW:** Well, you've got 13 seats outside of Sydney and we've got one, so it's not really—you're comparing apples with oranges.

**Mr PAUL SCULLY:** You've got one and a bit, because the member for Kiama still votes with you a lot.

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**The Hon. SCOTT FARLOW:** The member for Kiama is an independent and I think—

**Mr PAUL SCULLY:** I think he's still a lot closer to you than you'll ever be to us.

**The Hon. SCOTT FARLOW:** —you're well aware of that, Minister.

**Mr PAUL SCULLY:** Sorry, so you're saying that you're continuing the approach that you had in government that you'll exclude areas because you don't have seats. When the former Premier Berejiklian—

**The Hon. SCOTT FARLOW:** I'm saying that we should compare apples with apples—

**Mr PAUL SCULLY:** No, hang on a sec. I'm trying to understand your analysis here.

**The Hon. SCOTT FARLOW:** —rather than apples with oranges.

**Mr PAUL SCULLY:** No, you're comparing apples and pears at the moment.

**The Hon. SCOTT FARLOW:** You're trying to beef up your figures on 13 seats versus one—13 seats of which nine have a train line and one which has no train line. That's what you're trying to base your figures on.

**Mr PAUL SCULLY:** Why didn't you just reduce your analysis down to, say, I don't know, the Lower North Shore and then say, "A hundred per cent of areas are in Liberal-held seats and this is gross political oversight and interference in planning"?

**The Hon. SCOTT FARLOW:** Minister, I can compare one Labor seat with one Liberal seat very easily on this. We might do that a little bit later.

**Mr PAUL SCULLY:** It is just ridiculous.

**The Hon. JOHN RUDDICK:** Minister, you're coming up to your second anniversary as the planning Minister and the centrepiece of your policy has been the transport oriented developments, the TODs. Where are we up to with that?

**Mr PAUL SCULLY:** We are starting to see some good and strong interest. While you mention the second anniversary, I just would like to put on the record that since April 2023 in New South Wales there have been nearly 200,000 dwellings that have been approved. I think that, by any measure, that will make a substantial difference to the way things are done in New South Wales. At the moment in the TOD areas, we've obviously got the seven accelerated precincts and we've got the 37, some of which are still coming through the system.

Between them, we've got SSDs and DAs of 56 at the moment and between those two we've got about 6½ thousand homes. They're at various stages in the assessment process. We've had some that are assessed and approved. For instance, there have been two SSDs approved in the accelerated precincts—between them, 470 dwellings. There have been 17 DAs approved in the TOD SEPP locations so far and we've got more coming through the system. The other thing we're starting to see is more reports of lot consolidation and land transactions, which are a big precursor to what you might find with respect of the TOD sites. In a lot of those locations, particularly the TOD SEPP locations, you're always going to have a period where you would have needed to do some lot consolidation. We're seeing increasing numbers of both land transactions and neighbours clubbing together to sell a consolidated lot.

**The Hon. JOHN RUDDICK:** But am I correct in thinking that, as of today, physical construction hasn't begun anywhere with the TODs? We're still going through a lot of paperwork.

**Mr PAUL SCULLY:** I couldn't tell you if physical constructions have started on those that are approved and have the planning approval. I would have to take that detail on notice. But, as with all planning change—planning changes, unlike a cash stimulus or something like that, don't necessarily produce a result overnight. You don't announce a change to a SEPP, introduce it and then the next day you get an apartment building. It's often the case that you go through a process where people have to buy the land. They have to do their planning. They have to get it into the relevant consent authority. They have to get their approval. They need to get their construction certificate to get underway. At the same time, they've got to organise finance. Often they've got to do pre-sales and the like. So there is a time consideration in some of these sorts of things, but we're starting to see those coming out of the ground. I think you'd be excited to see our results for our affordable housing SEPP bonus changes, which I'm sure we might come to in time.

**The Hon. JOHN RUDDICK:** Am I correct in thinking that the Government has committed to building in New South Wales 377,000 new homes by 2029 as part of the—

**Mr PAUL SCULLY:** Correct.

**The Hon. JOHN RUDDICK:** That's about 75,000 new homes per year.

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**Mr PAUL SCULLY:** Yes.

**The Hon. JOHN RUDDICK:** You just mentioned that, since you've come to office, we've had 200,000 new—

**Mr PAUL SCULLY:** Approvals.

**The Hon. JOHN RUDDICK:** New approvals, okay. The data I've got, which I think is from the HIA, says that, as of June last year, unit approvals were down 18.8 per cent in this State and house approvals were down 19 per cent.

**Mr PAUL SCULLY:** In June last year they probably were. In June last year we were dealing with a period where interest rates were still high, which restricted both the borrowing of proponents as well as those who might wish to buy and capped the amount that they were able to borrow. You had material construction costs that were still increasing—and they're still increasing but at a much lower rate. They had increased by about 30 per cent for most things at that stage. You've had land prices that have gone up. There probably were about that number at that stage but I'm talking about a much more recent number.

**The Hon. JOHN RUDDICK:** That's encouraging to hear. So you're saying since the middle of last year there has been an uptick? I can't find statistics for that period.

**Mr PAUL SCULLY:** Yes, it's been noticeable and noticeable in terms of what's coming through into the Planning Portal as well. There's a lag in some of these numbers, as you might understand. The ABS reports approvals on a monthly basis, but they're usually about two months behind. Whereas we see things, and we can get a bit more information—not perfect information, because sometimes you can't drill down into the exact number of dwellings in a particular proposal. But, because we've got the Planning Portal, we're able to interrogate that a little bit more.

**The Hon. JOHN RUDDICK:** A few weeks ago in a social media post the Housing Industry Association noted, "the outlook for home building in New South Wales remained much weaker compared to other States." In October last year the Victorian Premier said that they had built 61,000 new homes in the year up until September 2024. New South Wales, at the same time, only had about 46,000. New South Wales has a bigger population. Why is the HIA saying that things are much weaker in New South Wales? What do you think is the primary cause of this?

**Mr PAUL SCULLY:** Primarily it's land prices. Land prices in New South Wales are much higher. It's also the fact that some of our planning reforms hadn't filtered and worked their way through the system. Land prices in New South Wales are substantially higher than they are in Victoria. We've also got topographical challenges, particularly in the Sydney Basin, that you don't have as much in Victoria. We've also got a system that we inherited that was confused and confusing, which denied permissibility of a whole host of housing types that led to the fact that we have less housing diversity now than we had 100 years ago.

We've been progressively putting in place a series of planning reforms, which we feel will contribute to the delivery of the housing accord targets but also continue long after them. Our planning reforms aren't aimed solely at delivering the target. They're aimed at delivering homes in New South Wales because substantially, over a number of years, particularly the last decade, we haven't been building enough homes in New South Wales. I don't think anyone can dispute those facts. People may want to dispute the reason why. I think the previous Government made some changes that effectively turned the tap off on a lot of that for their own political reasons.

**The Hon. JOHN RUDDICK:** A lot of commentators in this field say that the primary cause is planning bottlenecks.

**Mr PAUL SCULLY:** That's why we're undertaking planning reform on a broad scale.

**The Hon. JOHN RUDDICK:** Good, because that's what I was leading to. I know you do have a reputation as a can-do Minister, so I'm guessing that you would be frustrated by the planning bottlenecks. Do we have a team in place who can think about how on earth can we streamline this and make things happen a lot quicker than they are happening?

**Mr PAUL SCULLY:** We've got a couple of things that are going on that the Committee might be interested in. We've got a series of planning reforms. We've got the affordable housing bonus scheme, which was put in place in December 2023. Between those alone there are 88 State significant developments. These are large developments. There's the potential for nearly 24,000 dwellings between those, of which nearly 6,000 are potential affordable dwellings. Not all of those may be approved; I'm not prejudging any of them. That's something that's been in place for a little over 12 months—really starting to drive results and see results out of that. We then came through and we've done the master planning around the TOD accelerated precincts to allow greater heights and

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densities in those well-located areas—really sensible commonsense planning reforms. We've got the TOD SEPP locations, again locating homes around transport networks—in those cases, train stations—to drive those housing outcomes, making sure people are not only connected but also their homes are connected to jobs.

We then introduced the pattern book after an international design competition where we had nearly as much interest from people wanting to design the future of housing in Sydney as the Government of many years ago had from people wanting to design the Opera House. The pattern book is not a new approach, but it's a good approach. The first pattern book was in Mrs Macquarie's luggage when she came to Australia. I've seen a copy of it. There have been other variations of pattern books. If you drive around Surry Hills, you'll see that the terraces of Sydney are based on a variation of a pattern book design.

We've recently introduced two other things, and we may come back to this because I notice the bell has chimed. We've introduced the Housing Delivery Authority. We've introduced our low- and mid-rise planning reforms. Importantly, we've introduced the Housing Taskforce, which is helping to clear the arteries, if you like, of the planning system. In addition, we're providing some assistance to local government, both through publishing the details of their performance and through supporting them with technology solutions and training solutions so that we can get more approvals through local government as well, because local government still picks up the lion's share of that assessment task.

**The Hon. JOHN RUDDICK:** What did you say the name of that group was that was trying to streamline things more?

**Mr PAUL SCULLY:** The Housing Taskforce. They're doing an excellent job, by the way.

**The CHAIR:** Minister, you referred to "clearing the arteries". I'm concerned about what you might have thought the bits stuck in the arteries were.

**Mr PAUL SCULLY:** The previous Government, generally.

**The CHAIR:** I'm okay with that, as long as it's not communities, good process and the reality of the time it takes to get good outcomes.

**Mr PAUL SCULLY:** We've kept that. We've not up-ended the community consultation process, the public exhibition process or anything like that. We have streamlined some things that were clunky just because of the various responsibilities. The New South Wales department of planning, as an entity, hadn't been directly involved in many residential planning assessments in the past. We're now taking a more direct involvement because of the situation we find ourselves in.

**The CHAIR:** Just on that, the Housing Delivery Authority was created almost overnight. It does bypass the local democratic processes. It fast-tracks thousands of homes in a matter of hours.

**Mr PAUL SCULLY:** Well—

**The CHAIR:** I mean, really, that's what you've been boasting about—that this is the process.

**Mr PAUL SCULLY:** I think that needs some clarification.

**The CHAIR:** Can I just ask you, Minister, do you honestly believe that a panel of good people—

**Mr PAUL SCULLY:** They are good people.

**The CHAIR:** —but, at the end of the day, bureaucrats, signing off on projects in two-hour meetings is honestly good planning, or is it really about clearing political obstacles at the expense of quality liveable community?

**Mr PAUL SCULLY:** I think it's worth clarifying for the Committee how it works, because that's not actually how it works. The Housing Delivery Authority was deliberately put in place as a choice. A proponent still has a choice to go to their relevant council, and I know that a number of councils are actively encouraging people to come to them with those similar projects, on the basis that they can assess them in time. They're committing to increasing their speed. That's one path you can go down. The HDA, however, is—I don't know—a gatekeeper if you will. We've set up a simple process for large residential or mixed-use proposals to come through. People can complete a simple expression of interest—not a planning proposal but an expression of interest. The expression of interest is then assessed. Ms Fishburn obviously, as one of the panel members, will be able to shed some more light on that, but you can also read the minutes and the transcripts of the discussion because they're online, completely transparent and up-front. Once a proposal is accepted as State significant development by the Housing Delivery Authority—

**KIERSTEN FISHBURN:** Recommended.

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**Mr PAUL SCULLY:** It's then recommended to me that I consider it for declaration of State significant development. If I agree with the recommendation of the HDA and declare it as State significant development—which I have done for 29 projects so far—then a declaration is made. Once that declaration is made, there's a scoping meeting with the proponent around the scoping of the project, and then the issuing of the secretary's environmental assessment requirements, SEARs. These are industry-specific SEARs that have been developed by Mr Gainsford's team to get those through. Proponents then have nine months to produce their fully detailed proposal. If they don't make that nine-month period, then the SEARs lapse—they're revoked—which means effectively it loses its status as State significant development for all intents and purposes. Once that planning proposal is received, there's an assessment and there's a public exhibition period and the like—it's a full assessment—and it goes forward. The HDA's assessment is only a check on whether or not something should go forward as a State significant development. It's not an approval. The HDA has not got the capacity to do that approval.

**The CHAIR:** It appears that your matrix on the success is the number of approvals.

**Mr PAUL SCULLY:** No, our matrix on success is the number of completions. We're focused on completions because that's where you live—

**The CHAIR:** At this stage, you're here boasting that you've got 200,000 dwellings approved.

**Mr PAUL SCULLY:** I just thought it was an interesting fact for the Committee; it wasn't a boast. I just thought it was an interesting fact for the Committee that would be useful.

**The CHAIR:** Sorry, I'll take the word "boast" out. You're here explaining or describing that you've got these dwellings approved. I'm still concerned. How is this anything but, essentially, a program of deregulating the planning system to get a number of approvals? Where do we get the genuine guarantees that what you are claiming to achieve is genuine, liveable communities that have the sustainability in-built for the long term?

**Mr PAUL SCULLY:** It's a very fair and genuine question, and I appreciate it. Ms Fishburn may want to add some more to this. If a proposal comes forward, for instance—and this is a complete hypothetical. Let's say a proposal comes forward for a 100-dwelling apartment building. Someone submits to the HDA and gives a high-level overview. The HDA considers it, in conjunction with information that it receives from the department, and it gets declared a State significant development. They then get their proposal in, and it goes through the process. In the assessment part, there is still consideration of the Apartment Design Guide. There's still a requirement to do the setbacks, the solar examination and all the other design requirements that you might be required to do if you were going down the council path.

This is not upending the assessment process. This is not giving any shortcuts or cutting any corners or anything like that. If you then get an approval, you're required to start work within 12 months. When you start work, then the oversight comes under the purview of the Building Commissioner to make sure we're getting those build qualities. It's also why, in the pattern book, the Government, through the Government Architect, insisted on sustainability criteria for part of that. It's part of the reason why the Government increased the BASIX standards so that new builds are more energy efficient, environmentally friendly and cheaper to run for people, which is now being used openly as advertising for a lot of volume home builders. It's great. It's why Landcom continues to do its good work in driving the market forward in terms of improving design.

We're very conscious of the fact that we do not want to, at any point, sacrifice quality for quantity. Yes, we have a big task to do. There is no denying that. It is uniform across the Parliament—just about—that people recognise that we can't continue to do the same things that we've been doing before and expect a better outcome for residents of New South Wales. But we're not throwing out the baby with the bath water.

**The CHAIR:** I'll ask you now about a topic that I've asked you about in every estimates—the merits appeals rights processes for, in particular, coalmine projects. There are projects like, for example, Moolarben, which is coming up. The concern is that these sorts of projects are not treated the same as other big projects, like renewable projects, when it comes to preserving merit appeal rights. You did note the recommendation in the planning inquiry that a clear, transparent and consistent process or guide be developed in relation to the exercise of your discretion. Are you aware of the Net Zero Commission's advice on coal projects in relation to climate impacts, and that the Net Zero Commission has put in its annual report a major concern about climate change and these coal projects—the ones that you will have before you—in determining whether a project is referred to a public hearing or a public meeting? Will you take this into consideration when you are exercising your discretion to refer a project to the IPC for public meeting or public hearing?

**Mr PAUL SCULLY:** I'm aware of the Net Zero Commission's views. I'm not aware and haven't committed to memory the section in the annual report. I admit that I haven't done that. I'm aware of it.

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**The CHAIR:** Will you take it into account?

**Mr PAUL SCULLY:** I take a whole host of things into consideration, and that would be one of them.

**The CHAIR:** Do you accept that coal projects right now should be receiving the maximum amount of scrutiny and particularly public input in relation to their contribution to climate impacts and climate breakdown?

**Mr PAUL SCULLY:** I don't think there's any attempt by the Government to have any project avoid scrutiny.

**The CHAIR:** But do you accept and know front of mind that if you refer a project to the IPC for a public hearing, as opposed to a public meeting, which is equally as good a process, that would avoid further scrutiny?

**Mr PAUL SCULLY:** There's difference in the process. As we've discussed multiple times in the past and as I've said to this Committee multiple times before, I'll consider those matters as individual projects come to me to make a decision.

**The Hon. JACQUI MUNRO:** Minister, we've spoken about the PropCode modelling already. The Inner West LGA have only had an FSR uplift of 1,393 homes, which is just 5.6 per cent of properties within mapped LMR areas that are seeing an uplift. Is this an arrangement to calm down Mayor Darcy Byrne?

**Mr PAUL SCULLY:** I think Mayor Byrne is going through the process of a whole-of-LGA unifying of their LEP, which may even come out with more. He has previously undertaken to do some work with respect to a couple of TOD locations. Those have come into effect without any issue. Unless you've got some information that I'm unaware of, you need to calm me down.

**The Hon. JACQUI MUNRO:** Mayor Byrne actually called the rezoning absurd.

**Mr PAUL SCULLY:** Which rezoning is that?

**The Hon. JACQUI MUNRO:** This LMR rezoning.

**Mr PAUL SCULLY:** I missed that comment.

**The Hon. JACQUI MUNRO:** He called it absurd last March.

**Mr PAUL SCULLY:** Not last week, when we announced it.

**The Hon. JACQUI MUNRO:** What do you mean? He called this rezoning absurd. This is part of the problem.

**Mr PAUL SCULLY:** That was his response to an expression of interest. He hasn't made any negative comments that I'm aware of since the actual instrument has been drafted.

**The Hon. JACQUI MUNRO:** I'm sure he hasn't because he's only had a 5.6 per cent uplift.

**Mr PAUL SCULLY:** You can try to make all you want out of this, but the fact is that this is something that your Government was unable to achieve. There will be more homes in 171 locations, from the Hunter through to the Shoalhaven, as a result of this. Ms Gibson may be able to shed some more light on the specifics of the Inner West—

**The Hon. JACQUI MUNRO:** Minister, this is about the missing middle of your policy.

**Mr PAUL SCULLY:** I think you'll find that the Inner West is also going through a substantial piece of work in respect of their LEP, which could drive even further outcomes.

**The Hon. JACQUI MUNRO:** This is actually 20,000 properties that are being excluded from the LMR in the Inner West LGA.

**Mr PAUL SCULLY:** But that doesn't mean nothing can happen on the site.

**The Hon. JACQUI MUNRO:** It means that your Government isn't focused on making something happen on that site.

**Mr PAUL SCULLY:** Before we go around in circles—Kylie Minogue was spinning around last night; we don't need to.

**The Hon. JACQUI MUNRO:** I'm glad there are no hotpants in here.

**Mr PAUL SCULLY:** Perhaps it's worthwhile Ms Gibson explaining some of the intricacies of the flight paths.

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**The Hon. JACQUI MUNRO:** We've gone through the flight paths already, and we can talk about that in the afternoon.

**Mr PAUL SCULLY:** You're talking about exclusions in the Inner West. I haven't got them all committed to memory as to whether there's flood or other land affectations. There's not bushfire. Mr Farlow had some clarification about his concerns about East Hills that, one, the first stage of the policy applied—

**The Hon. JACQUI MUNRO:** We've already heard about that.

**Mr PAUL SCULLY:** —and, two, there's a high-pressure gas main with an exclusion zone around it that prevents some things from happening. I think it might be worthwhile us going into some detail in respect of the Inner West, given your interest.

**The Hon. JACQUI MUNRO:** I'm happy to do that later, and I am absolutely interested.

**Mr PAUL SCULLY:** Right, we'll leave that till later then.

**The Hon. JACQUI MUNRO:** The reality is that places like Sutherland, where you've got almost 10,000 homes—9,899 homes of uplift—

**Mr PAUL SCULLY:** In a large LGA, yes.

**The Hon. JACQUI MUNRO:** And then you have the City of Sydney, which has 57 homes. The northern beaches has—

**Mr PAUL SCULLY:** Sorry, where did your 57 homes come from? Sorry, there's been so many confusing and misplaced analyses by the Opposition.

**The Hon. JACQUI MUNRO:** You say that you have seen the PropCode analysis. We've got a 10,000 home uplift in Sutherland.

**Mr PAUL SCULLY:** Our analysis is different from that. Perhaps it's worthwhile, before we go too far, go into circles and waste everyone's time, that Ms Gibson can provide some clarification. I'm happy to come back to your line of questioning, but I think it's worthwhile getting agreed facts, like there's 171 locations for this, 80 of those in Labor electorates. That should be an agreed fact.

**The Hon. JACQUI MUNRO:** Can I clarify that 57 homes in the City of Sydney is roughly accurate?

**Mr PAUL SCULLY:** No, our analysis suggests otherwise, and Ms Gibson can shed some more light on that.

**MONICA GIBSON:** We are aware of the post on LinkedIn from Mr Sullivan from PropCode. There were a number of assumptions that we can interpret from what he has said that are very different to our assumptions and our workings.

**The Hon. JACQUI MUNRO:** Just to ensure that we're making the most of time, what is your analysis? What do you think the City of Sydney will be getting in terms of new homes under the rezoning?

**MONICA GIBSON:** The specifics for each local government area and our analysis is currently subject to Cabinet in confidence. We have outlined in each of the five-year housing targets for council what would be planned homes and what would be uplift from the planning controls. The uplift from the planning controls in the City of Sydney is very substantial. I'll check the number in a second, but that was a very large number, and that is coming from a combination of the low- and mid-rise reforms as well as other things on key sites within the City of Sydney. It's 5,000 from the planning reforms. Similarly, in the Inner West, a substantial increase as a result of the planning reforms.

The Minister's numbers are right to hand. A lot of those areas are places where the low- and mid-rise reform will have set some new expectations and some new standards on mid-rise housing that's been excluded from the zones in those areas, where the residential R1 zone and the residential R2 zone. In the City of Sydney, the use of the Residential R3 and R4 zones, quite limited in application, but we've looked at that as we've done our planning work. There are a number of TOD locations as well in the Inner West, where the additional controls are applying. We also have the TOD accelerated precinct at Bays West that we're also working through that will apply, mostly in the Inner West LGA.

**The Hon. SCOTT FARLOW:** Ms Gibson, those housing targets were provided to councils last year before this policy was finalised. Have you provided any revisions to council as to what number? I imagine there have been changes compared to last year as to what's been finalised.

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**MONICA GIBSON:** We gave them the housing target number last year, and that number included what we could see within their existing pipeline and what we could see coming through as the projected homes from our planning reforms.

**The Hon. JACQUI MUNRO:** In these calculations, we've got places like Cronulla, Woollooware, Caringbah, Miranda, Gymea, Kirrawee and Engadine stations all included despite them being more than 30 minutes away from a major town centre and more than 30 kilometres.

**Mr PAUL SCULLY:** I don't know; I'd consider Miranda and Sutherland to be pretty substantial town centres. I don't know why we should look down our nose at those areas.

**The Hon. JACQUI MUNRO:** If you actually refer to your own policy, Minister—

**Mr PAUL SCULLY:** They're close to Wollongong too, 30 minutes.

**The Hon. JACQUI MUNRO:** Minister, your own policy says that proximity to major centres is a travel time of less than 30 minutes to major centres, which include Sydney CBD, North Sydney, Parramatta, Penrith, Liverpool, Campbelltown, Chatswood, Gosford, Wollongong and Newcastle, none of which are within 30 minutes of the Sutherland shire.

**Mr PAUL SCULLY:** Hurstville.

**The Hon. JACQUI MUNRO:** Hurstville is not listed here.

**Mr PAUL SCULLY:** Well, it's a major centre. It's on our list.

**The Hon. JACQUI MUNRO:** It's not in this policy. Minister, you are actually responsible for making planning laws.

**Mr PAUL SCULLY:** Are you suggesting that Cronulla is not a major centre? Are you suggesting that Miranda does not have access to goods and services?

**The Hon. JACQUI MUNRO:** This document suggests that.

**Mr PAUL SCULLY:** Do you suggest that Sutherland hasn't got good access to places?

**The Hon. JACQUI MUNRO:** Would you like me to table this document, Minister? I mean, it's just unbelievable that you wouldn't—

**Mr PAUL SCULLY:** It's a publicly available document. You can table it if you wish.

**The Hon. JACQUI MUNRO:** But this is your policy. This is the *Low- and Mid-Rise Housing Policy Refinement Paper*. This list, what is considered a town centre—

**Mr PAUL SCULLY:** It was not the final paper, was it? It's not the final paper?

**The Hon. JACQUI MUNRO:** Where is Hurstville and Cronulla in the final paper?

**Mr PAUL SCULLY:** Ms Gibson was just taking you through that.

**MONICA GIBSON:** Hurstville is one of the major centres which has higher order services.

**The Hon. JACQUI MUNRO:** Is that listed somewhere?

**MONICA GIBSON:** It is in the policy refinement document that was shared with council, which does not form the final policy. As the Minister's pointed out, that's what's included in the State environmental planning policy that was published on Friday. Hurstville is one of those major-order centres and, while my Sydney geography is not perfect and I'm still learning—the Novocastrian in me is still making sure that I know where all of these places are from visiting them.

**The Hon. JACQUI MUNRO:** Cronulla to Hurstville might be 30 minutes on a good day.

**MONICA GIBSON:** Taking the feedback from council, taking the feedback from Transport for NSW and identifying specific bus routes that go directly between centres rather than just travelling round in more circuitous routes between suburbs was a really key part of the refinement on what would be the appropriate locations for low- and mid-rise housing.

**The Hon. JACQUI MUNRO:** So we've got a different list of major centres, and one of the other requirements in an early explanation of intended effect document was that fewer than 20 per cent of new dwellings were built within 10 kilometres of the CBD. What is the number of dwellings that you expect to be built within 10 kilometres of the CBD under the LMR?



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**Mr PAUL SCULLY:** Over what timeline?

**The Hon. JACQUI MUNRO:** You're using five years at the moment.

**Mr PAUL SCULLY:** I think we've been using five and we've been using 15, but the exact numbers we can take on notice.

**MONICA GIBSON:** We definitely have to take that on notice and calculate by council area, not by as the crow flies.

**The Hon. SCOTT FARLOW:** Also, with respect to the LMR, the 112,000 is still for five years, not 15. Is that correct?

**Mr PAUL SCULLY:** That's what we expect to be delivered out of that within five years, yes.

**The Hon. SCOTT FARLOW:** Returning back to the noise exposure concept and the concerns with respect to density, the Housing Delivery Authority has recently recommended the development for 200 apartments at 40-76 William Street, Leichhardt, be declared a State significant development under 4.36 (3) in its entirety within the 20 ANEC contour. Why have you got one rule for a proposal like that, but then an exclusion for the rest of those areas under that 20 ANEC contour?

**Mr PAUL SCULLY:** I think it would be worthwhile going to our planners, who can give you how that can be assessed and how that can be dealt with. I don't know if Ms Gibson or Mr Gainsford is in a better place to answer.

**DAVID GAINSFORD:** Mr Farlow, as the Minister was talking about earlier with regard to the Housing Delivery Authority, at the point that those projects are declared State significant development, they will go through the normal State significant development process with the issuing of SEARs, as the Minister was talking to before, and then a full assessment of all of the issues associated with that development, which no doubt in that sort of circumstance will include issues to deal with aircraft noise and noise per se in terms of that development.

**The Hon. SCOTT FARLOW:** With respect to that, is that an assessment which is done on that development, or is it done on the entirety of the contributory density in that area?

**DAVID GAINSFORD:** Mr Farlow, I don't have the details at hand specifically about the planning controls related to that site. I would need to take some advice, but there are some projects that have been declared as State significant developments that are proposing rezonings and looking at changes to existing controls. One of the things that we've said about the Housing Delivery Authority is that local environment plans apply. So, in the absence of a rezoning, we would be applying those requirements within the LEP. If there are requirements that have been put forward by the applicant to change those controls, it would also go through a concurrent rezoning process.

**The Hon. SCOTT FARLOW:** Now with respect to the exclusions that have been mentioned previously, whether it be flooding or bushfire-prone land, are they shown on the maps if they are subject to flooding or are bushfire-prone land? Are they exhibited on the LMR map?

**Mr PAUL SCULLY:** Who's that directed to, sorry?

**The Hon. SCOTT FARLOW:** It's directed to you, Minister, but I note that Ms Gibson is looking, and you might want to flick it off.

**Mr PAUL SCULLY:** I don't produce the maps, so it's a bit hard for me to answer in exact detail.

**MONICA GIBSON:** That's right. The LMR maps that you're referring to are indicative maps that we have produced to show where the low- and mid-rise controls might apply, but they are determined through the SEPP by councils making an assessment based on walking distance and on council information about flooding and bushfire. Apart from a couple of locations—the Blue Mountains, Wollondilly, Hawkesbury—where those LGAs are fully excluded and have that exemption because of those hazards—

**Mr PAUL SCULLY:** Noting that two out of those three are held by the Coalition, just for your analysis in future.

**The Hon. SCOTT FARLOW:** Unfortunately, actually, Wollondilly isn't anymore.

**Mr PAUL SCULLY:** Hawkesbury, I think, is your seat, isn't it?

**The Hon. SCOTT FARLOW:** Hawkesbury, yes. That's one out of three.

**Mr PAUL SCULLY:** Sorry, I was thinking of Bathurst. I apologise.

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**The Hon. SCOTT FARLOW:** We've got one each. You've got the Blue Mountains.

**Mr PAUL SCULLY:** Fifty per cent.

**MONICA GIBSON:** There are no SEPP maps on low- and mid-rise.

**The Hon. SCOTT FARLOW:** I think you need the maths class. It's about 33 per cent between us.

**Mr PAUL SCULLY:** Two out of four is 50 per cent.

**The Hon. SCOTT FARLOW:** Bathurst as well is included. Okay. How does Bathurst end up in there?

**Mr PAUL SCULLY:** We can come to that after this one.

**The Hon. SCOTT FARLOW:** Okay, out of the Six Cities.

**MONICA GIBSON:** The SEPP doesn't contain maps. The maps that you have seen are ones that have been produced by us to show some indicative information, but the detail about where the low- and mid-rise reforms apply is described in words in the SEPP rather than in a map. That enables council to work through the walking distance, because the 800 metres and 400 metres are walking distance, not a geographical distance. That allows for us to account for things like a major highway that doesn't have easy crossing or for steeper streets where it's not a short walk up a hill. It also accounts for the detailed work that council has on flooding and bushfire mapping, which they hold as local planning controls.

**The Hon. SCOTT FARLOW:** Thank you, Ms Gibson. That's very helpful. In terms of the application of this, there still is a process for council to go through now and determine where the LMR actually applies. Is that correct?

**MONICA GIBSON:** Council, as the consent authority—which we expect will be for the vast majority of these applications—will have access to the information to determine where the policy applies.

**The Hon. SCOTT FARLOW:** Previously with the TOD SEPP, there was an overlay that existed on the Planning Portal Spatial Viewer. Will that exist for this policy as well or not?

**MONICA GIBSON:** We have provided a website where people can type in their address to check if it's within the area, and they can also see how that might apply within their suburb.

**The Hon. SCOTT FARLOW:** That is the LMR map that has been published?

**MONICA GIBSON:** That's right.

**Mr PAUL SCULLY:** Yes.

**The Hon. SCOTT FARLOW:** But that is not the final map, so to speak, because councils still need to make a determination as to whether the LMR actually applies in those areas or not?

**MONICA GIBSON:** Yes, that's right.

**The Hon. SCOTT FARLOW:** So people could be logging on now, thinking it does or doesn't apply to them and then—

**Mr PAUL SCULLY:** No, hang on. I think there's a bit of confusion here. Councils don't take our SEPP and then interpret it. Councils apply the SEPP to those locations. There's not a reinterpretation of the SEPP by council, which—I don't know, I got the sense that that was what you might have been suggesting.

**The Hon. SCOTT FARLOW:** From what I understand from what Ms Gibson said, council has to determine what areas are actually included. You're not providing them with a map, saying, "This site is included; this site isn't"?

**Mr PAUL SCULLY:** No.

**The Hon. SCOTT FARLOW:** That's a determination for council to make, based on the SEPP.

**Mr PAUL SCULLY:** But council can't determine themselves out of the arrangements either.

**The Hon. SCOTT FARLOW:** I understand that council can't have a blanket arrangement, but in terms of its application on an individual site, there is some degree of flexibility for council in making that determination.

**Mr PAUL SCULLY:** With the more detailed information that they might have, yes.

**The Hon. SCOTT FARLOW:** Ms Gibson, did you have anything further to add?

**Mr PAUL SCULLY:** On Bathurst, it's because the zoning is downwind of the sewerage treatment plant.

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**The Hon. SCOTT FARLOW:** On Mount Panorama?

**Mr PAUL SCULLY:** That's right. It's not an optimal site.

**The Hon. SCOTT FARLOW:** Which I hear on the radio today may become a cultural heritage protection site.

**Mr PAUL SCULLY:** Well, there have been some great battles on Mount Panorama over the years—excellent racing. Car racing is a very important sport in New South Wales.

**The Hon. SCOTT FARLOW:** I know, and I know your love of the Speedway as well, Minister.

**Mr PAUL SCULLY:** It is going great.

**The Hon. SCOTT FARLOW:** We'll leave that on record, and we'll see if that necessarily is the case.

**Mr PAUL SCULLY:** Well, it's open, which is a big difference from what the previous Government had.

**The Hon. SCOTT FARLOW:** Minister, you have again today stated your confidence in 112,000 homes being delivered as a result of this policy over the next five years. How are you going to be tracking that?

**Mr PAUL SCULLY:** Under the housing accord arrangements, the official data that tracks it is through ABS reports, because it's—

**The Hon. SCOTT FARLOW:** But in terms of tracking as a result of this policy, though—

**Mr PAUL SCULLY:** If I could finish. The official data, in terms of tracking the overall completion of the 377,000, is done through ABS data. That's what has been agreed by Premiers, Chief Ministers and the Prime Minister, with respect to the accord. We track various things through the Planning Portal at all times. So we'll be tracking the numbers that come through in terms of, say, I don't know, dual-occupancy applications to consider that part of the reform. We track the number of State significant development applications that come through using the affordable housing bonus scheme. It's an ongoing watch that we get through data that we're able to extract from the Planning Portal.

**The Hon. SCOTT FARLOW:** Minister, will you be publishing this data at all?

**Mr PAUL SCULLY:** It gets published as the ABS reports it. The ABS collects much of its data via the data sources that we have available. We provide and share data with the ABS. We're not going through a process—well, we don't intend to go through a process where there's number confusion created. I appreciate number confusion can be a big thing. It's a topical area today. We don't want to add too many more numbers into the mix.

**The Hon. SCOTT FARLOW:** You're fairly confused? It's not hard to confuse in East Hills.

**Mr PAUL SCULLY:** Our focus is on 377,000 by mid-2029, and that will be tracked by the ABS.

**The Hon. SCOTT FARLOW:** When will you be achieving 73,000, which was at least what the Coalition achieved at its height back in 2018? When do you anticipate you'll get to that figure?

**Mr PAUL SCULLY:** I think you'll find that, as a result of improved confidence and decreases in interest rates and the moderation of construction costs and the like, you'll start to see more dwelling applications come through. I think there has obviously been some strong interest in the Housing Delivery Authority, which has got expressions of interest for tens of thousands of homes through it at the moment. We've seen an increase of 37 per cent in the number of DAs this year, compared to the last couple of years. But I don't think anyone should fall into the trap that this is going to be, say, 377,000 divided by five, therefore, is the output, and if in one month of that or one quarter of that, if it doesn't work out as that exact maths, that you run up the white flag and say that we've failed or that New South Wales has failed. I hope that in the 2027 election a debate over whether or not we're going to continue to proceed with the housing target isn't a contest between the two major parties. I hope that the Coalition has signed up to achieving that. Are you signed up to the accord as well?

**The Hon. SCOTT FARLOW:** Minister, we can have that debate in 2027.

**Mr PAUL SCULLY:** So you're not signed up to the housing accord?

**The Hon. SCOTT FARLOW:** Minister, we actually signed up to the housing accord, the original one.

**Mr PAUL SCULLY:** Are you signed up to the 377,000?

**The Hon. SCOTT FARLOW:** If you actually remember, it was the Coalition Government that signed up to the original one. It was your Government that went, without any advice from your department, and signed up to an even bigger one.

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**Mr PAUL SCULLY:** So you're not signed up? Interesting. You're not signed up to the 377,000. I would be intrigued by what your housing policies might be in the future.

**The Hon. JOHN RUDDICK:** Minister, are you concerned about the large volume of disputes between developers and councils that end up in the Land and Environment Court?

**Mr PAUL SCULLY:** I think there are probably some ways that I'm hoping that ongoing planning reform, system reform and process reform are able to moderate the number of those disputes going to the Land and Environment Court. I think there are some parts of the system that we could examine to see if we can't end up with similar sorts of outcomes in the process, in terms of improving approvals, making things more permissible—which we've done—but also perhaps how planning panels operate, that may allow us to achieve some of those outcomes.

**The Hon. JOHN RUDDICK:** I often meet with developers, and they will tell me that they just factor in that this is what's going to happen. They're going to put in an application, council is going to muck around, waste time and basically not be favourable to it, so it just goes straight to the Land and Environment Court. This is not an efficient use of the court or the Planing Portal.

**Mr PAUL SCULLY:** It's not. It's part of the reason why I introduced the new statement of expectations: to drive down council assessment times. It's why we're introducing and trialling things like artificial intelligence in the system. It's why we'll continue to pursue planning reforms to improve the system. Sometimes these things are anecdotal, and I don't know the size of this. There's no dataset that I can interrogate to get to the size of this. But I think, anecdotally, there are people on both sides of that equation where the mediation part of the Land and Environment Court process forces everyone together to sort it out. If we can get to that point where we're sorting problems out before we have to take it that far, then I think that's a good outcome for New South Wales. The Opposition has offered bipartisanship in further planning reform. I hope that's one of the areas that we might be able to discuss in detail and get some agreement on.

**The Hon. JOHN RUDDICK:** I'm assuming that there has been a spectrum of responses from the affected local councils to the TOD?

**Mr PAUL SCULLY:** All of them are signed up. The only outstanding one is Ku-ring-gai, and we're working through a process with them at the moment.

**The Hon. JOHN RUDDICK:** I'm pleased with that. Would you say that most of those councils are enthusiastic or just tolerant of what you're doing, or do you think they are cooperating as much as possible?

**Mr PAUL SCULLY:** I couldn't go to the individual councillors in terms of that. There are a few too many of them. We've got this in a lot of areas. But I would say that in terms of the feedback directly to me, more of it is positive than negative. I think most councils—and most councillors, in fairness—recognise that they've got to do more in terms of not only housing generally, as a conceptual thing, but they know that they've got a target that they're expected to meet and that their communities expect them to meet.

**The Hon. JOHN RUDDICK:** Last year you and the Premier did warn local councils that if they didn't meet the housing targets there would be penalties or withdrawn funding. Are we saying that, basically, we haven't had to follow through with that threat, except for possibly Ku-ring-gai?

**Mr PAUL SCULLY:** For Ku-ring-gai there has been no threat. Ku-ring-gai took us to court in terms of the transport oriented development SEPP. I'm loath to commentate too much on that, given there is still an overarching legal action that is there. However, I have a watchlist of councils that I'm looking at to see whether their performance would be considered as adequate or in need of improvement. I expect that some of those councils will be hearing from me in the not too distant future.

I would also like to point out, though, that there are a number of councils who are doing quite a good job in terms of what they're doing. There are a number that are approving a lot. By that I don't mean necessarily in number; I mean the proportion that might be coming to them, because local government areas are of varying sizes and varying level of application. But you've got the areas like Wollondilly, Blue Mountains, Cessnock and Port Stephens that are among some really solid performers in terms of the number of days that they take to consider an assessment.

**The Hon. JOHN RUDDICK:** That's encouraging.

**Mr PAUL SCULLY:** We can all do better, though, always.

**The Hon. JOHN RUDDICK:** Yes, we can follow the example in Argentina, where they have had a 200 per cent increase in housing supply and they have been in power for half the amount of time you have, Minister. Owner-builders often complain about the unbelievable red tape and difficulty with finance as well, but

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we could liberate them. We could say to people, "If you own your house, do what you want with it if you are going to improve it or knock it down." Some mistakes will be made, but overall there would be a lot of activity. People would be working hard because they're building their own home. Has the Government thought about ways that we can make it easier for owner-builders?

**Mr PAUL SCULLY:** I think we have to make it easier for everyone in terms of the planning system. We're only going to produce the homes that we need if we make the entire system better. But a lot of owner-builders would probably—and, again, it's a bit of a generalisation because I obviously can't speak to all of them—be in areas where the codes SEPP might well apply. So long as they're building within the envelope that's outlined in the codes SEPP, they could be considered either exempt or compliant with their development, depending on what they do.

**The Hon. JOHN RUDDICK:** Let me pitch this idea to you, Minister. I believe we should move from merit assessments to compliance assessments. This means that if the proposal complies with the rules, it is automatically approved. This will remove the requirement for each proposal to be subject to planning assessment, and they will be assessed against the building controls. What is your response to that concept?

**Mr PAUL SCULLY:** I think there probably are some opportunities to use maybe not that exact approach in all cases but a similar approach that may be able to be done. For instance, there are examples in the system where a carport or something like that might be just slightly outside of the setback required on one side, and so that can't go through a code assessment but would need to go through a full development application. There are probably some improvements to the system that would allow that to happen. I would be reluctant to have a non-merits-based assessment process in, say, a huge multistorey building. I think that there are just some elements of that, in terms of general urban planning design and other aspects, that there should still be some assessment.

**The Hon. JOHN RUDDICK:** I often hear people complain about home owners who have an old tree in their backyard or their front yard and they are worried about it being knocked over in a storm, which is topical today. I think we would be better off letting the home owners make the decision about whether the tree should be removed or not, but sometimes they are having lots of difficulties with council. Is this something where the State Government can step in and tell the councils to let the home owners have their tree management as they see fit?

**Mr PAUL SCULLY:** The tree management stuff isn't really within my purview as the Minister. I think that would be a question of process probably better directed to the Minister for Local Government in terms of how local government might apply their test assessment or the like with respect to a tree.

**The Hon. JOHN RUDDICK:** Minister, when I ask the Government about the housing supply, the standard response—probably a little bit less from yourself, but from others that I ask—is "The Government is spending this money and we've set up this commission and we're doing this." There's all this government activity. I think we could solve the housing crisis very quickly in Sydney and New South Wales. We just get the government out of the way and let the property owners do what they want to do. Have we thought about adopting a more laissez-faire approach?

**Mr PAUL SCULLY:** Perhaps laissez faire would be the wrong approach. What we're looking at and what we're doing is driving a more streamlined and efficient approach. We've still got to look at the way cities operate—whether they're small regional cities that are often overlooked in some people's discussion of planning, or whether they're capitals and great global cities like Sydney—and the look, feel, shape and functionality of the city. Perhaps letting everyone off the leash all at once may ultimately be detrimental to that. However, we do need a better system in New South Wales.

**The Hon. JOHN RUDDICK:** Do you agree it would solve the supply crisis, though?

**Mr PAUL SCULLY:** But could you create an unintended consequence?

**The Hon. JOHN RUDDICK:** There would be some downside, but prices would come down, rents would come down and people would be able to buy a house. A few mistakes would be made, but mistakes are made under the current system.

**Mr PAUL SCULLY:** There are some examples overseas. It's worthwhile touching on that. Recently the Centre for Independent Studies published a report on Auckland. Auckland did changes similar to our low- and mid-rise planning reforms, not identical but quite similar. Auckland was one of the most expensive cities to rent and to buy in New Zealand when that process was started. Several years on from that process, it has had a massive slowing in the rate of growth in rents and now is one of the cheapest cities to rent in.

**The Hon. JOHN RUDDICK:** Success—but New Zealand is going a lot harder than you.

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**Mr PAUL SCULLY:** We're on a unity ticket in terms of trying to improve things, but I think our approach is to improve the system rather than let it rip.

**The CHAIR:** Minister, I just want to take you to the Court of Appeal decision that found that the Bowdens silver mine approval was null and void. How many times has your office or the department met with the mining proponent, their lawyers or their lobbyists?

**Mr PAUL SCULLY:** I'd have to take that on notice.

**The CHAIR:** Since that case, how many times has your office or the department met with the residents of Mudgee, particularly those people who are opposed to the mine and concerned?

**Mr PAUL SCULLY:** Sorry, is that office and department?

**The CHAIR:** Yes.

**Mr PAUL SCULLY:** Again, I'd have to take that on notice.

**The CHAIR:** You can take it on notice. The current Bowdens modelling for lead exposure is very confusing. It's quite opaque and it's quite unclear. That is an issue pointed out by Australia's leading lead poisoning specialist, Professor Mark Taylor. But, as we know, the mine plans to exploit 95,000 tonnes of lead within two kays from a primary school. Will you insist or will you require your department insist that the proponent release their full modelling, given the community's concern around the clear risk of lead poisoning and its proximity to a primary school?

**Mr PAUL SCULLY:** It might be worthwhile just getting an update from Mr Gainsford or Mr Preshaw as to what's happened and what's there.

**The CHAIR:** I can happily take it up. I'll take that up with them afterwards.

**Mr PAUL SCULLY:** I don't know whether it's commercial in confidence, so I'd have to take that on notice. There might be elements that can't be published.

**The CHAIR:** Thank you. I will certainly take it up with the good officers after the break. Minister, are you aware that the Independent Expert Advisory Panel for Mining provides advice to the department of planning and you as the—

**Mr PAUL SCULLY:** I am aware of that, yes.

**The CHAIR:** Are you aware that there are serious concerns about its independence? For example, several members of that panel are from EMM Consulting, which works very closely with coal companies and is a member of the Minerals Council.

**Mr PAUL SCULLY:** Prior to your question/statement, no-one has raised any questions of the independence directly with me. I'm unaware whether that's been raised with any of the departmental officers or not.

**The CHAIR:** Minister, how can the public trust the independence of a mining advisory panel where members are actively working for coal consultancies like EMM?

**Mr PAUL SCULLY:** You're presenting this information. I'm hearing it for the first time right now, so I think I—

**The CHAIR:** Would you mind taking it on notice, then, please, Minister?

**Mr PAUL SCULLY:** I'll have a look at it in fuller detail.

**The CHAIR:** Why doesn't the Independent Expert Advisory Panel for Mining website disclose the industry affiliations of its members, particularly those working for EMM? How many members of the mining advisory panel currently or previously worked for mining companies or their consultants? And, finally, given that EMM's recent work for coal companies ignored emissions reduction trajectories, do you still consider their advice reliable on environmental matters?

**Mr PAUL SCULLY:** I haven't had any reason to doubt the advice I've been getting from the independent expert panel—

**The CHAIR:** Does what I've told you give you reason to be concerned?

**Mr PAUL SCULLY:** If I could just finish, Chair. As I said, I haven't had any reason. I haven't had anyone draw to my attention any concerns about that. I'm happy to have a look at the claims that you've just put in front of the Committee.

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**The CHAIR:** Thank you.

**KIERSTEN FISHBURN:** Chair, it hasn't been raised with the department either, but I should stress we do have conflict-of-interest declarations for those panel members, as we do for all our other panel members, so we can have a look at that.

**Mr PAUL SCULLY:** It would also be unsurprising—and I say this not related to this particular Committee or anyone on it—that anyone appointed to an expert panel didn't have extensive experience in a range of parts of a particular industry. That is, arguably, why they're part of an expert panel as opposed to an amateur panel.

**The CHAIR:** I think the issue is—

**Mr PAUL SCULLY:** But you've made some claims, and I will happily have a look at them in more detail.

**The CHAIR:** Thank you, Minister. I absolutely understand that that's the nature of, particularly, these technical industries, but the concern right now is that EMM is actually generating environmental assessments for coal companies right now that have approvals before you right now, and they have downplayed the emissions reduction capacities and the trajectories for those projects.

**Mr PAUL SCULLY:** As I said to you, this is the first time this matter has been raised with me.

**The CHAIR:** Thank you. You'll take it on notice.

**Mr PAUL SCULLY:** I'm happy to have a look at the claims that have been put before the Committee.

**The CHAIR:** Could I just take you, Minister, to an issue, the Coffs Harbour Jetty Foreshore project. Are you aware that currently the rezoning pathways that's being looked at—and I did raise this with Ms Fishburn in a different budget estimates but was advised to bring it to this one. There are significant errors and omissions in the evaluation document for the rezoning pathways, and that is that the document has not disclosed that 50 per cent of the land is currently zoned RE1, public recreation. The document is terribly misleading and makes—

**Mr PAUL SCULLY:** Whose document are you referring to?

**The CHAIR:** This is the evaluation document, the suitability and readiness assessment document that goes before the rezoning panel. I am very concerned that Property and Development NSW has misled that panel by not accurately reflecting what the land is currently zoned. You would remember that there was a referendum about what was proposed on that land, which took place during the last local council elections, that returned a result of 68.8 per cent of the community saying they didn't want the privatised housing, multistorey development that the Government was proposing there. Now there is a new development proposal. It's before your rezoning panel, and it's grossly misleading. What do you say to that? And what can the community now do about that? What is the process of integrity? How can the community make an appeal about this misleading application that is before you?

**Mr PAUL SCULLY:** I can't see the document that you're looking at, at the moment. I'm not sure. You've characterised it as misleading. That's a characterisation of yours. However, Ms Fishburn is in a much better position to provide some more detail and is probably ready for it, given that you raised it in a previous estimates hearing.

**The CHAIR:** I'm happy to take that up with you after—

**Mr PAUL SCULLY:** I think we've had a line of questioning, so—

**The CHAIR:** Fair enough. Go on, please.

**KIERSTEN FISHBURN:** Firstly, nothing has been submitted to the Minister at this point. There was a decision made that the Coffs Harbour jetty project could go through a State-assessed rezoning pathway. This is distinctive from it going through a council rezoning pathway. The reason that decision was made was because of the complexity of the site and the scale of it. It wasn't a merit assessment on the nature of the project. It was simply a decision to bring it into the department for the departmental officers to undertake the work to prepare it for public exhibition.

**The CHAIR:** Was there consideration at that point around the fact that the council at the time did not agree to the proposal that was being put forward?

**KIERSTEN FISHBURN:** The consideration was due to the complexity of the project. Obviously, council's position was known by the department and known by myself, but that was not a deciding factor in

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relation to the project. It is a complicated project. It has multiple Government landowners attached to it, which adds a particular layer of complexity. It is also a very significant site for the local Aboriginal community as well, which also adds to the level of complexity. I can confirm, because myself and Ms Gibson met with council, that council's position has materially changed since the council election. Nonetheless, I would still argue that it is best served for the State to undertake the work to get this out on public exhibition. To answer a further one of your questions—and I'm sorry, I'm answering for the Minister, but it literally has not come to the Minister's desk at this point—there will be a full public exhibition process.

**The CHAIR:** Can you address the primary contention—and it's not just my assertion—that the documents so far are grossly misleading, in the fact that they don't disclose that 50 per cent of the land is zoned RE1 for public recreation? What can happen in the process now, rather than go out to public exhibition where you will have thousands or hundreds of those members of the community that voted no in the last council election to any of this kind of development? What burden is now on them to try to rectify this gross error, and what do you suggest? What can they do? Minister, I'm raising it with you because there is a way of avoiding this burden, rectifying the error early and not putting it on the poor community that, let's face it, has made its case very clearly over years and years about what it does want on the jetty foreshore—and it's not this privatised development that won't generate great public benefit.

**KIERSTEN FISHBURN:** I can commit to make sure, before anything goes on public exhibition, the underlying zoning is accurate. I need to take it on notice, because I'm not entirely sure that some of the characterisation is also accurate. But we will make sure that what the current underlying zoning is, and what the proposed zoning is, is quite apparent to the public.

**The CHAIR:** In relation to that proposal, could you please also check—and I know, Minister, the community would be very grateful if you do take this as a matter of concern—whether or not it is a project that is even suitable to be going through the panel process, the State significant rezoning panel process, given what we say are the errors so far. In particular, there is no genuine proposal for social or affordable housing. How does it, in earnest, fit within the process that is being undertaken at the moment for analysis?

**Mr PAUL SCULLY:** The process isn't limited to social or affordable housing. We extended that process in I think September of last year—

**KIERSTEN FISHBURN:** Yes.

**Mr PAUL SCULLY:** —so we could deal with them to clear some blockages. But I think Ms Fishburn's undertaken to have a look and make sure that it's clear with respect to the underlying zoning of that land. The planning system doesn't have a choice about whether it likes to assess something or not. It assesses something that's before it. In this case, I think the department is best placed to deal with this situation, subject to any other new information that would be to the contrary.

**KIERSTEN FISHBURN:** I just reiterate that complexity is one of the key considerations as to whether something is dealt with by the department or dealt with by local government, and the complexity of landholders here is quite distinctive, and that is one of my primary considerations.

**The CHAIR:** It is Government time, and they're indicating they don't currently have any questions. I'm sure they're banking them all for the next session. On that basis, we'll take a short recess and we'll return at 11.15.

**(Andrew Graham, Amanda Leck and Joanna Quilty withdrew.)**

**(Short adjournment)**

**The CHAIR:** Welcome back. I make note that we have released a couple of the witnesses from the hearing.

**Mr PAUL SCULLY:** Sounds like such an interesting turn of phrase—"released" them.

**The CHAIR:** We've released them; they're free to go. That is some of the officers of the Reconstruction Authority that were down as witnesses before this hearing, but the Committee has agreed to let Mr Graham, Ms Leck and Ms Quilty go and continue preparation works for the cyclone activity that's happening in the north of the State.

**Mr PAUL SCULLY:** Chair, can I just thank you and the Committee members for releasing them. They're gearing up. We're still watching cautiously, but Mr Lanyon is here. I'm sure that in 99.9 per cent of circumstances he'll be across it anyway.

**MAL LANYON:** Thank you for your consideration.



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**The CHAIR:** We're back to the Opposition for questions.

**The Hon. SCOTT FARLOW:** The Minister for Sport, Minister Kamper, last week told budget estimates that he thought the proposal for Moore Park Golf Course and Golf NSW to maintain 18 holes and allow for additional public space was a "good proposal" so he discussed it with you. What has been your response to that proposal?

**Mr PAUL SCULLY:** I have a number of discussions with my colleagues but I'm not about to go through the ins and outs of them here. I've seen the proposal from the golf collective and it'll be one of the considerations when we develop the plans for Moore Park.

**The Hon. SCOTT FARLOW:** So you are considering that proposal for 18 holes to be retained at Moore Park?

**Mr PAUL SCULLY:** Along with the 8,000 other submissions that came through. Considering the comments from the Alliance of Moore Park Sports about reimagining—it presents a once-in-a-generation opportunity. There is a range of people who are golfers who said that nine holes would be sufficient for them. There's a range of considerations. The Government's policy position, though, is clear.

**The Hon. SCOTT FARLOW:** This is where it's contradictory a little bit. You say the Government's policy position is clear and that policy position to date has been to change this into a nine-hole golf course. Yet you said—

**Mr PAUL SCULLY:** No, the policy position has been to retrieve up to 20 hectares of land for public open space and to reimagine golf. I'm not a golf course designer. I don't know that anyone in the room is. If, in the available space once that happens, someone can design an 18-hole golf course, then I'm sure that will be considered.

**The Hon. SCOTT FARLOW:** The Moore Park collective's proposal is based on a golf course designer. It does reimagine the space. It does provide—not 20 hectares but 18 hectares of open space and it provides 18 holes of golf.

**Mr PAUL SCULLY:** There's a difference there. I understand that that includes 9½ hectares of existing parkland, 7½ hectares of current golf course, 1.3 hectares of the ES Marks childcare centre building and 2.7 hectares of green connection in the southern portion of the golf course. I'm not here today to make an announcement. You can try and pick holes and make something of it—a conspiracy theory, if you like, where no conspiracy theory is. The reality is that the Greater Sydney Parklands will go through its process of design.

**The Hon. SCOTT FARLOW:** Minister, I'm not trying to pick out conspiracy theories or come up with any configuration. I'm trying—

**Mr PAUL SCULLY:** You're parsing a set of words here in a particular way.

**The Hon. SCOTT FARLOW:** —to understand, Minister, your thinking with respect to an alternative proposal that from the outset provides a win-win for more public open space and the retention of the 18-hole golf course.

**Mr PAUL SCULLY:** Potentially it does. As I said, I'm not here today to make policy decisions. Greater Sydney Parklands will go through all of that as well as the 315 written submissions that we received and take that into consideration, along with what's reasonable and possible on that site.

**The Hon. SCOTT FARLOW:** Minister, with respect to the Moore Park proposal, what's the budgeted cost for the Government in delivering the changes to Moore Park South?

**Mr PAUL SCULLY:** The Government has allocated \$2.6 million in the last budget to design and planning works.

**The Hon. SCOTT FARLOW:** How much will it cost to actually deliver the changes at Moore Park South?

**Mr PAUL SCULLY:** That depends on the design.

**The Hon. SCOTT FARLOW:** When do you hope to finalise that?

**Mr PAUL SCULLY:** The design work is underway. The business case is being finalised, so we're hoping to have some early looks at that in the not-too-distant future. I can't put an exact timeline on it.

**The Hon. SCOTT FARLOW:** There have been media reports that the Minns Labor Government's repurposing of the golf course could cost up to \$200 million. Is that true?

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**Mr PAUL SCULLY:** I've heard this number bandied around. From what I can see, it's a bit made up. I think there was some very early, literally "pluck a number out of the air" type number that it came up with. What we should be concentrating on is what the number comes up at with respect of the design and planning work. We want good work to be done on that, and that should be the consideration. However, that said, we can spend as little or as much as we like. That will depend on the process and approvals of ERC and other budget considerations et cetera, et cetera. However, the \$200 million—I have not seen that as an official figure that lists out what exactly you could get for that. I think that is the broadest of broadbrush estimates of what something could cost if you were to do some elements.

**The Hon. SCOTT FARLOW:** So that is a figure that has been kicked around—the \$200 million—at an early stage?

**Mr PAUL SCULLY:** As I said, I understand that was an early figure in a very early briefing document that was somehow leaked.

**The Hon. SCOTT FARLOW:** I've got to say I haven't seen that document, so you can't blame me for that one.

**Mr PAUL SCULLY:** I haven't seen it either so I can't blame me either.

**The Hon. SCOTT FARLOW:** With respect to how this will be funded in terms of any repurposing of Moore Park South, where will the proceeds come from to fund it?

**Mr PAUL SCULLY:** As you'd expect with any budget consideration, that process will be discussed at the Expenditure Review Committee and decided as part of the budget process.

**The Hon. SCOTT FARLOW:** Would you be considering using the Housing and Productivity Contribution proceeds to pay for this?

**Mr PAUL SCULLY:** Any expenditure with respect to Moore Park South and the reimagining of that area will be a matter for ERC and the budget process.

**The Hon. SCOTT FARLOW:** Minister, with respect to the current proceeds from the golf course at Moore Park, how much does that bring in on an annual basis to Greater Sydney Parklands?

**Mr PAUL SCULLY:** In terms of the lease?

**The Hon. SCOTT FARLOW:** In terms of the lease of Moore Park Golf Course, so across the golf course and the driving range.

**Mr PAUL SCULLY:** I haven't got that number in front of me. I can take it on notice.

**The Hon. SCOTT FARLOW:** Are there any alternative proposals with respect to how that money will be made up and that shortfall if the golf course is repurposed to nine?

**Mr PAUL SCULLY:** As I said, any considerations around the future of the golf course and final plans will be subject to the work of the Greater Sydney Parklands with respect of the planning and design work, the considerations of the Expenditure Review Committee and the like.

**The Hon. SCOTT FARLOW:** Minister, you said that the business case is being undertaken at present. Has that been finalised?

**Mr PAUL SCULLY:** Not to the best of my knowledge. I haven't received it.

**The Hon. SCOTT FARLOW:** Who is undertaking that business case?

**Mr PAUL SCULLY:** The work on the design and everything like that is being undertaken and coordinated by the Greater Sydney Parklands.

**KIERSTEN FISHBURN:** That's correct.

**The Hon. SCOTT FARLOW:** Is that being contracted out? Is Hassell Limited the contractor for that?

**Mr PAUL SCULLY:** Off the top of my head I don't know.

**KIERSTEN FISHBURN:** Yes, I can answer some of those questions. The design team is led by Hassell. As you know, they're very experienced urban designers, architects.

**Mr PAUL SCULLY:** They're doing some work for the pattern book at the moment.

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**KIERSTEN FISHBURN:** They are too. They have landscape architecture experience, heritage, engineering, transport planning. We do have a golf architect for the project as well, subcontracted to Hassell, who is Golf by Design. I'm not a golfing person, but I understand—

**The Hon. SCOTT FARLOW:** You haven't got Greg Norman.

**KIERSTEN FISHBURN:** —they have significant credibility and have worked with Moore Park Golf previously so they understand the site context.

**The Hon. SCOTT FARLOW:** In terms of the business case, I take it that Hassell Limited might be doing the design works for the golf course but probably don't have the scope for the business case. Is that being contracted out to a consultancy or is that being undertaken in house?

**KIERSTEN FISHBURN:** I'll have to take that one on notice. I suspect some of the work would be contracted out, just because Greater Sydney Parklands' expertise is in managing parks and delivering parks, not in developing business cases, but I'll take that on notice. I'll ask my COO if we can get some information.

**The Hon. SCOTT FARLOW:** With respect to the timeline for this proposal now, when does the Government anticipate moving forward with any reimagination or repurposing of Moore Park South?

**Mr PAUL SCULLY:** We're not doing anything in advance of when the term of the lease expires. As I said, we've allocated \$2.6 million to do the detailed design work and we'll continue to do that work. Any decisions beyond that are matters for Government when that information is received.

**The Hon. SCOTT FARLOW:** Minister, are you working through Greater Sydney Parklands with Moore Park Golf in terms of any transition of their membership if the golf course is to be repurposed? Does that fall in your purview?

**Mr PAUL SCULLY:** I think the membership is separate from the golf course. I think the golf club has a separate membership from the course, if I remember correctly. I stand to be corrected on that one. I'm not aligned with the details but membership would be a matter for the club, as it would be with any other club.

**The Hon. SCOTT FARLOW:** Would you be looking at any alternative arrangements for members there who can no longer play on an 18-hole golf course and looking for any alternative options for them?

**Mr PAUL SCULLY:** There is a range of options within a few kilometres of Moore Park Golf Course where there are 18-hole courses. The eligibility of individuals for the membership of those clubs would be a matter for those clubs. Are you wanting the Government to—I don't know—pay the membership of people who want to move or something?

**The Hon. SCOTT FARLOW:** No, Minister—

**Mr PAUL SCULLY:** I'm not sure what you expect the Government to do.

**The Hon. SCOTT FARLOW:** The challenge in this, of course, is that Moore Park is a public golf course.

**Mr PAUL SCULLY:** Correct.

**The Hon. SCOTT FARLOW:** It is a low-fee public golf course, in comparison to somewhere like The Lakes, for instance, down the road, where there's a \$40,000 joining fee. Golf in Australia has some advantages in being relatively egalitarian due to the public golf courses and their availability.

**Mr PAUL SCULLY:** Even though you just said it's not.

**The Hon. SCOTT FARLOW:** Well, no. Because you have things like Moore Park Golf Course means that it can be quite egalitarian, rather than sending people off to The Lakes or The Australian or the New South Wales.

**Mr PAUL SCULLY:** There are lots of golf courses all throughout New South Wales. If people are taking up the sport—and I've played at many courses and would like to play it more if time ever allowed, but it doesn't. Hopefully in the distant future I'll get that opportunity. I don't think it's the Government's role to be somehow facilitating alternate membership for people or something like that. I'm not sure if that was the suggestion.

**The Hon. SCOTT FARLOW:** I'm wondering what the future is for golfers at Moore Park if they—

**Mr PAUL SCULLY:** There'd be a re-imagined golf offering. People will make their decisions, as they do today.

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**The Hon. SCOTT FARLOW:** Simply, in a sense, playing 18 holes and playing nine holes—if you need to play 18 holes on a nine-hole golf course—

**Mr PAUL SCULLY:** You do two laps.

**The Hon. SCOTT FARLOW:** —you've got double the amount of usage. You're going to have half the people kicked off the course, effectively, if that were the case.

**Mr PAUL SCULLY:** Sorry, I think you're conflating membership with activity. You're asking what's the Government doing about members. You don't have to be a member to play on the course. That's like any other course that is not restricted exclusively to members. There may be one; I'm not 100 per cent on every golf course's rules. But there will be activity. There will be re-imagined golf. There will be a driving range, as we've publicly committed to. I think you just have to wait on this one, Mr Farlow, and see, as the design and everything plays itself out, how that's going to happen. I appreciate and I understand your strong interest in it.

**The Hon. SCOTT FARLOW:** Minister, with respect to that design and the like, I understand you're not going to make any decisions or—

**Mr PAUL SCULLY:** I'm not doing the design myself either.

**The Hon. SCOTT FARLOW:** —you're not going to change anything in terms of the golf course before its lease expires on that piece of land. When should we expect to see the designs finalised for that course?

**Mr PAUL SCULLY:** We're going through—as I said, the Government committed in the last budget \$2.6 million to do the design and planning work. When the Government has more to say about the detail of that, we'll say it.

**The Hon. SCOTT FARLOW:** So you have no timeline.

**Mr PAUL SCULLY:** I have no specific date in mind with respect to that, no. That doesn't mean there's not a timeline. There is a finite period within which any budget expenditure has to be used. As to when there might be announcements, I can't sit here and give you an exact date.

**The Hon. JACQUI MUNRO:** Minister, has the \$6 million that the Housing and Productivity Contribution raised from its inception in October 2023 to June 2024 been in accordance with the Government's projections?

**Mr PAUL SCULLY:** As you might expect, the amount that has been raised was always going to be a maturity in a scale as development happened. You might recall when it was introduced, it was introduced at a discounted rate, and that discount continued for a couple of years. And development has been slower. I don't think anyone's made any secret of that. However, as more development comes through, as more people pay that contribution, there will be a greater pool of funds with which we can invest. However, I would also note that's not the only pool of funds that's available for investment in infrastructure to support housing and jobs.

**The Hon. JACQUI MUNRO:** Was it in accordance with the Government's expectations or not?

**Mr PAUL SCULLY:** I can't remember what the exact forecast was at the date you're referring to. I'd have to double-check that. But, as I said, it was always going to take some time to mature and come through the system with transition measures and the like.

**KIERSTEN FISHBURN:** Treasury undertook the forecasting so we'd need to—

**Mr PAUL SCULLY:** Yes, we'd have to confirm with Treasury.

**The Hon. JACQUI MUNRO:** That would be helpful

**Mr PAUL SCULLY:** That might be one for the Treasurer when he gets here.

**The Hon. JACQUI MUNRO:** Will you take that on notice to provide to the Committee?

**Mr PAUL SCULLY:** I can take on notice as to whether or not it was within the bounds forecast.

**The Hon. JACQUI MUNRO:** What was the projection that Treasury gave the department about the contribution for the 2024-25 budget?

**Mr PAUL SCULLY:** I don't know off the top of my head.

**KIERSTEN FISHBURN:** I'd have to take it on notice.

**Mr PAUL SCULLY:** We would have take that on notice and talk to Treasury.

**The Hon. JACQUI MUNRO:** Minister, you're an economist; are you familiar with the Laffer curve?

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**Mr PAUL SCULLY:** Yes.

**The Hon. JACQUI MUNRO:** Excellent. I'm wondering if you think that the current tax rate with this contribution is an optimal rate for receiving revenue for the Government.

**Mr PAUL SCULLY:** I dispute your characterisation of it as a tax. I appreciate that's the way the Opposition has wanted to do this ever since you proposed it in the election and voted against it after the election.

**The Hon. SCOTT FARLOW:** I think you characterised it as a tax in February of 2023.

**Mr PAUL SCULLY:** But it's not a tax; it's a contribution. It's a contribution for infrastructure—

**The Hon. JACQUI MUNRO:** A contribution that developers have to pay.

**Mr PAUL SCULLY:** —to support housing and jobs.

**The Hon. JACQUI MUNRO:** But a contribution that somebody has to pay is a tax.

**Mr PAUL SCULLY:** No, not always. There are exclusions around social housing and affordable housing. I appreciate it seems that the Opposition's approach to this is to call it a tax and then simultaneously criticise the Government for not having any way to provide revenue and provide funds in which to invest in infrastructure. I appreciate it; a bet each way is important in opposition.

**The Hon. JACQUI MUNRO:** The problem is, Minister, you're complaining about supply and the cost of constructing houses, yet there is an additional \$12,000.

**Mr PAUL SCULLY:** You think \$12,000 is going to make all the difference?

**The Hon. JACQUI MUNRO:** There is an additional \$12,000 that developers have to pay for these dwellings.

**Mr PAUL SCULLY:** Sure.

**The Hon. JACQUI MUNRO:** So you're saying that there is no impact. Is that what you're saying—that developers don't take this into account?

**Mr PAUL SCULLY:** No, I'm not saying that there's no impact. I'm not saying that at all. One, I question the veracity of the claim that removal of the Housing and Productivity Contribution would suddenly change the feasibility model entirely. Secondly, I'd also counter with a question, if you like, to ask what would you do to generate the revenue necessary to make the investments in and contribute to schools, hospitals, local roads, footpaths and the like?

**The Hon. JACQUI MUNRO:** Minister, you're in government so you actually have the ability to do this.

**Mr PAUL SCULLY:** Sure, but you're criticising one option, and my option is to do this.

**The Hon. JACQUI MUNRO:** Your Government is overseeing the lowest approvals in housing for 12 years. Are you saying that this \$12,000 tax doesn't have an impact on the supply of housing?

**Mr PAUL SCULLY:** Again, I dispute your characterisation of it as a tax, but let's have a look at how it's impacting—

**The Hon. JACQUI MUNRO:** You can call it a contribution, Minister. The question remains.

**Mr PAUL SCULLY:** I do, because it is.

**The Hon. JACQUI MUNRO:** But the question remains.

**Mr PAUL SCULLY:** Let's go through it; you're saying it's impacting on approvals and proposals, right?

**The Hon. JACQUI MUNRO:** I'm asking you if it is.

**Mr PAUL SCULLY:** Let me just run you through some of the numbers. Between July and February this year, there were 39,733 development approvals. According to Planning Portal data, there's a further 68,000 dwellings under assessment right now in New South Wales. That's up 37 per cent year on year. There are 72,000 dwellings under construction. That's at September, so I appreciate it's a little dated, but that's the number. We've got 14,665—again a September number—that are approved but not commenced. That number is dropping as there has been more commencement. So your argument that the Housing and Productivity Contribution is stopping commencements—that doesn't mean it's happening.

**The Hon. JACQUI MUNRO:** No, I'm saying it's slowing commencement.

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**Mr PAUL SCULLY:** There has been 11,771 commencements—again, as of September, so I appreciate that's a little bit dated now, but that's the ABS number. There has been a further nearly 23,000 construction approvals granted in the first six months of the housing accord. I think there's actually more fundamental problems in terms of—

**The Hon. JACQUI MUNRO:** Minister, if that is the case, could you list the projects that have been started or contributed to by the contribution that your Government is collecting?

**Mr PAUL SCULLY:** All of those that have started after the date of commencement of the Housing and Productivity Contributions—

**The Hon. JACQUI MUNRO:** But what projects have been funded by those contributions? If you're getting all these contributions, what is the money being—you don't know.

**Mr PAUL SCULLY:** That wasn't an outline of contributions. That was an outline of the development pipeline.

**The Hon. JACQUI MUNRO:** I understand, but if you're getting contributions at the construction certificate phase, you must be collecting money. What projects have been started using that contribution?

**Mr PAUL SCULLY:** We have reserved \$520 million to go at least partly towards the infrastructure contributions around the accelerated transport oriented development precincts. We've also committed to collect \$1 billion in terms of—

**The Hon. JACQUI MUNRO:** Could I just clarify that? How much have you collected from the contribution so far?

**Mr PAUL SCULLY:** I would have to take that on notice. I don't have that number in front of me.

**The Hon. JACQUI MUNRO:** That would be good. What is the contribution being used for in terms of projects that are being funded?

**Mr PAUL SCULLY:** The projects that it's going towards are exactly the things that we said it would go towards. We're working through the finalisation—

**The Hon. JACQUI MUNRO:** Do you have some specific projects that you could list, please, Minister?

**Mr PAUL SCULLY:** We're working through the finalisation of the infrastructure opportunities plan but, at the same time, as I said, it's not the only source.

**The Hon. JACQUI MUNRO:** Can I really clarify this? I understand you're not saying that it's the only source, but you just said that you're going through a list of infrastructure projects that you're approving. None of that money has actually gone towards starting any projects yet, and you haven't determined what those projects are.

**Mr PAUL SCULLY:** I can't say whether one dollar of that has gone—

**The Hon. JACQUI MUNRO:** Will you let me finish the question, Minister?

**Mr PAUL SCULLY:** Sure. I haven't been able to finish an answer before.

**The Hon. JACQUI MUNRO:** That's not true. I have given you the courtesy of giving answers. I'm just trying to clarify that there are no projects listed that directly relate to the contributions that have been collected so far.

**Mr PAUL SCULLY:** I did not say that. What I did say is that I don't have a list in front of me of any projects there might be.

**The Hon. JACQUI MUNRO:** Is there a list?

**Mr PAUL SCULLY:** I'll take that on notice as to whether there's a list. But I would point out that since March 2023—you have to understand that you're concentrating on one part of that Act.

**The Hon. JACQUI MUNRO:** Yes, I am.

**Mr PAUL SCULLY:** There's also the savings and transition measures around the State infrastructure contributions, which is part of that one Act. It was also part of your plan that you took to the last election.

**The Hon. JACQUI MUNRO:** But if these contributions are making \$6 million a year and they're also a disincentive for developers, what's the point of them?

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**Mr PAUL SCULLY:** There's a couple of things to unpack in that. Much like the same scheme that you took to the election, which we modified and improved, there are the two elements to it. There's still the State infrastructure contribution, some of which is still being collected, because they haven't been replaced by the Housing and Productivity Commission. That was part of the savings and transition measures. Since March 2023 a total of \$769 million, which is about \$1 million a day, has been committed to councils and State agencies to deliver that infrastructure.

**The Hon. JACQUI MUNRO:** But what does that have to do with the contribution?

**Mr PAUL SCULLY:** Some \$565 million has already been paid to councils or agencies as part of that, and 190 projects have already been completed.

**The Hon. JACQUI MUNRO:** But that doesn't relate to the contribution, Minister.

**Mr PAUL SCULLY:** You can't just pick and choose. I appreciate that picking and choosing is de rigueur for the day here.

**The Hon. JACQUI MUNRO:** It's actually about policy rigour, Minister.

**Mr PAUL SCULLY:** Picking and choosing LMR sites, picking and choosing TOD sites and picking and choosing elements of this policy—both parts of it work together. You can't just pretend that there was nothing prior to the Housing and Productivity Commission. You can't just draw a ring around it and say, "That's done; that never existed. We'll forget about that forever more."

**The Hon. JACQUI MUNRO:** Maybe it never needed to exist.

**Mr PAUL SCULLY:** Is that why you proposed it at the last election?

**Dr AMANDA COHN:** The draft guidelines for synthetic turf in public open space were on public exhibition last year around March and April. When are those guidelines going to be finalised?

**Mr PAUL SCULLY:** The Government's finalising the guidelines. I haven't got a specific date as to when that will be finalised.

**Dr AMANDA COHN:** Can you give us an approximate date?

**Mr PAUL SCULLY:** In the future. I wouldn't expect that it's terribly far away, but it's still got to go through some of the processes to finalise it.

**Dr AMANDA COHN:** I hope you can appreciate that there's significant community interest in this—

**Mr PAUL SCULLY:** There is.

**Dr AMANDA COHN:** —particularly as these kinds of synthetic turf installations are still going in while the guidelines are being finalised.

**Mr PAUL SCULLY:** I think it's important to recognise that they will only be guidelines—not only guidelines, but they will be guidelines. They're not rules necessarily. They're things that people will need to take into consideration, given the work of the chief scientist in putting together a very lengthy report, which was sat on by the previous Government. It only started to be looked at seriously—I don't think anyone had printed anything in the previous Government, let alone read it. It was a long report and it was a detailed report. The guidelines will guide decision-makers on what factors should be taken into consideration. A lot of that is being done by many councils at the moment when they're considering it. We'll have more to say in the not-too-distant future, I'd expect, on that one. I just can't give you an exact date. I'm sorry.

**Dr AMANDA COHN:** I've been told that it's not the standard practice of the department to make submissions to guidelines or discussion papers public. But in this instance, given the level of community interest, would you consider making the submissions to the draft guidelines public?

**Mr PAUL SCULLY:** Yes, I'll consider it.

**Dr AMANDA COHN:** Stakeholders were told by the department in May last year that the submissions would be provided online. They were actually given a time frame: They said they were going to be uploaded mid next week—back May 2024.

**Mr PAUL SCULLY:** I'll take your word for that.

**Dr AMANDA COHN:** Since then, I wrote to you and got a response from your Parliamentary Secretary, which I was grateful to receive. That response said that the submissions weren't going to be published. I'm just trying to understand. In my view—

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**Mr PAUL SCULLY:** I've just agreed to consider it, so I'll consider it. What a departmental officer says—I don't know every word that is uttered. The Government's position will be made clear. As I said, I'll consider it.

**The CHAIR:** Minister, I understand that Santos, in relation to its gas project out there—the white elephant sitting out there—is now pursuing a modification to its projects to include possibly carbon capture and storage technology, aligning with its own corporate net zero by 2040 target. Are you aware or is the department aware of any modification applications, or have you had any discussions with Santos about this carbon capture and storage proposal?

**Mr PAUL SCULLY:** I'm not aware of any modification. I'm looking at Mr Preshaw, who's shaking his head. He would be aware of it if there was one. There doesn't appear to be one that has been received by the department.

**The CHAIR:** Nothing?

**CLAY PRESHAW:** Not at this stage. We can come back this afternoon, if you want, with more details.

**The CHAIR:** That would be great. Minister, do you have any kind of regulatory framework in relation to carbon capture and storage?

**Mr PAUL SCULLY:** I'm not aware of a regulatory framework within the planning system as such. Mr Preshaw might be able to add some comment on how anything might be considered.

**The CHAIR:** Is it just not on the radar at this point?

**CLAY PRESHAW:** It's more of a project-by-project possibility, as opposed to a policy position that we might have.

**The CHAIR:** We might come back to it and discuss it this afternoon.

**CLAY PRESHAW:** Yes, we can come back to that.

**The CHAIR:** Minister, could you update us on the renewable energy projects in the system?

**Mr PAUL SCULLY:** There are lots; it's really good.

**The CHAIR:** I would love to get the updated figures. How many wind, solar and battery projects have been approved since March 2024?

**Mr PAUL SCULLY:** As an overall amount, I know that we've approved more in generation capacity in the past two years than in the entire previous term of the previous Government, including a really exciting project in Broken Hill the other day—the compressed air energy storage system. That's a really interesting project. Mal, perhaps if it had been there last year, you might have had less to do with that energy outage. But I believe—I'm just getting the statistics—that there are 125 State significant renewable energy generation and storage projects approved in New South Wales. This includes 40 approved solar, wind and battery projects within the renewable energy zone, worth about \$2.1 billion in capital investment.

There's quite a pipeline coming forward. Currently, 145 renewable energy storage generation and transmission projects are under assessment with the department. This includes—Mr Gainsford's going to be very busy—50 solar, 37 wind, 49 battery storage, seven pumped hydro and four transmission projects. As you would appreciate, they're at various stages of their planning pipelines, but they've all had SEARs, so the secretary's environmental assessment requirements have been issued for those.

**The CHAIR:** The 125 that you referred to, when was that from? When was your starting date for those?

**Mr PAUL SCULLY:** I'll clarify that.

**KIERSTEN FISHBURN:** It's about 20 years past, I think, the very early assessment. But the grand majority were in the past 18 months or two years.

**Mr PAUL SCULLY:** For instance, in the 2024 calendar year there were 20 projects in generation storage and transmission that were approved. Again, I inherited a bunch of stuff: a housing shortage, an industrial land shortage and a clunky and quite inefficient renewable energy and energy assessment system. Mr Preshaw and Mr Gainsford have done some excellent work together in making sure that we have a system that can work in meeting the Government's desires with respect of not only our climate targets—our emission targets—but also in the fact that we've got to rebuild and expand the energy delivery system in New South Wales. This is essential if we're going to not only replace the generation capacity of our ageing coal-fired power fleet but also increase the



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amount of capacity that we've got for energy security and grid stability and to meet the growing demand as we move to broader scale electrification of transport, households and more businesses.

**The CHAIR:** In relation to that, going back to coal approvals, there are a bunch more coal projects in the pipeline for expansions.

**Mr PAUL SCULLY:** Correct.

**The CHAIR:** Given the situation we are in now in terms of the trajectory of not meeting our emissions reduction targets—that's been made known by the Minister for Climate Change, and she's expressed concern about the 2030 target—is there any suggestion from you, Minister, that you would create some kind of threshold of emissions that would trigger a coal project being denied?

**Mr PAUL SCULLY:** There hasn't been any discussion or policy decision with that respect within government.

**The CHAIR:** Is that what it would take? A government position or you as Minister for—

**Mr PAUL SCULLY:** Let's look at it in its broadest context, in a global context, if you like. Is someone who's willing to buy or looking to buy coal from New South Wales going to stop buying coal if no coal is available from New South Wales, or are they going to go somewhere else? Arguably, they're going to go somewhere else.

**The CHAIR:** I think that we refer to that in law as the drug dealer defence.

**Mr PAUL SCULLY:** No, no.

**The CHAIR:** I'm quite serious. That is what it's referred to.

**Mr PAUL SCULLY:** Okay, yes, sure.

**The CHAIR:** That you would just get your drugs from somewhere else when you are in fact the drug dealer.

**Mr PAUL SCULLY:** Yes, but we've also got to be considerate of the fact that this has widescale implications for a whole host of people's jobs and livelihoods and capacity for New South Wales to keep the lights on. Also the fact that not all coal is thermal coal. Metallurgical coal, as much as people might not like it, but right now—

**The CHAIR:** I'm talking specifically, Minister, about the coal projects that are in the pipeline that are thermal coal.

**Mr PAUL SCULLY:** Yes, a number of those are metallurgical coal.

**The CHAIR:** No, the ones that are thermal coal.

**Mr PAUL SCULLY:** Well, you just said coal projects. I think it's important, if we're going to talk about coal—

**The CHAIR:** I said it in the context of meeting our emissions reduction targets.

**Mr PAUL SCULLY:** When metallurgical coal is turned into coking coal for the production of steel in that reduction process—which I'm very familiar with because I proudly represent the Port Kembla Steelworks, the biggest and the only continuously operating steelworks in New South Wales. Sorry, Whyalla. But there's a task to do there as well. The Government has legislated for the first time the emissions reduction targets, and we will diligently work towards achieving those in New South Wales.

**The CHAIR:** So the proposition then that you, as planning Minister, who would actually ultimately get an opportunity to reduce our emissions directly from some of the worst contributions to emissions—you're saying that you won't take any risk-based initiative to say that there is a threshold and at that threshold you wouldn't approve?

**Mr PAUL SCULLY:** Look, it's actually a really important part of the planning system that I don't sit around prejudging proposals before they get through. There is a merits assessment that needs to go through. I'm legally applied to uphold that part of the planning law in my administration of the Act.

**The CHAIR:** No, I hear what you're saying. You know I'm very familiar with the merit assessment process. What I think I'm trying to ascertain is what does it take for, say, the Net Zero Commission, for communities of New South Wales, for the work of the Reconstruction Authority that's having to deal with climate-induced disaster after climate-induced disaster—at what point would the planning Minister in New South

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Wales say that, actually, the risk from these fossil fuel projects now is far too great and the risk outweighs any economic benefit to the State of New South Wales?

**Mr PAUL SCULLY:** I think that sort of policy change would have to be something discussed and decided upon by the entire Cabinet. I don't think I can single handedly take on that.

**The CHAIR:** Thank you. That's really helpful.

**Mr PAUL SCULLY:** I think of my own community. My own community, where I grew up, was about 250 metres from the entrance to a metallurgical coalmine. It was also within a couple of kilometres—give or take—of four other pit entrances. Mount Kembla had a number of pits when I was growing up. It's got one now. It's likely to end at some point in the not too distant future. That pit supports several hundred employees directly and several thousand employees indirectly.

The reason the steelworks was set up at Port Kembla was because of Mount Kembla. So down the road there is 3,500—or thereabouts—people who are directly employed in the steelworks and about 15,000 people who are supported by that. You can't divorce yourself from the consideration of the impact of that. Governments need to work on multiple prongs to be able to deal with that. I'll continue to work with my community. I know my colleagues in the Hunter and the Government overall will continue to work with those communities to make sure that there are jobs and opportunities in those areas into the future. It's why the upper House is doing some important work on post-mining land re-use.

**The CHAIR:** Minister, sorry, thank you. I'm going to stop you there. And, thank you, I'm totally with the Government in terms of the work that we're doing to transition but, as we say, you can't just keep pouring fire onto the problem. Every time a coal project comes before you, you have the opportunity to say, "No more."

**Mr PAUL SCULLY:** Sure.

**The CHAIR:** This is not about dealing with post mining.

**Mr PAUL SCULLY:** Well, actually it is.

**The CHAIR:** This is about dealing with fuelling the climate crisis. You think of your community.

**Mr PAUL SCULLY:** I think you've also got to take into account—

**The CHAIR:** Minister, you think of your community. I think of mine right now literally again bracing themselves for another extreme weather event. The evidence is undeniable.

**Mr PAUL SCULLY:** I am aware. I do look after the Reconstruction Authority. We're planning a lot more—

**The CHAIR:** We are actually talking about more new coal in New South Wales. You are the planning Minister that gets to say yes or no—

**Mr PAUL SCULLY:** Hang on a second. Let's just unpack that for a second—

**The CHAIR:** —to new coal in New South Wales.

**Mr PAUL SCULLY:** Let's just unpack that for a second, because your assumption is that nothing closes. In that statement about new coal, which it's not, your assumption is that nothing closes.

**The CHAIR:** No assumption there, Minister.

**Mr PAUL SCULLY:** No, it was. It was, and you know it was, Chair. Come on. Let's not play games.

**The CHAIR:** No, I am fully aware of mine closures. I know every single coalmine in New South Wales and their trajectory.

**Mr PAUL SCULLY:** I think, like many, many other things, it's easy for some people to make up three-word slogans like "No new coal" or something like that, or "No new gas".

**The CHAIR:** It's not a slogan, Minister. It's about climate action.

**Mr PAUL SCULLY:** It's actually more nuanced than that, and this is a government that's taken more steps on climate action than any government before it. I bet your bottom dollar if the other mob get in in 2027, they'll reverse it, because they're signed up to Peter Dutton's nuclear dream—

**The CHAIR:** Minister, I don't want to play major party politics with you. I'm a crossbencher.

**Mr PAUL SCULLY:** —which will extend coal for longer. Let's look at the facts.

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**The CHAIR:** Minister, I don't want to play major party politics with you. I am literally talking about—

**Mr PAUL SCULLY:** Some of the minor parties are involved in that too.

**The CHAIR:** —coalmine approvals. Honestly, Minister, I'm talking to you about a very discrete but unbelievably significant issue: new coal approvals in New South Wales.

**Mr PAUL SCULLY:** Yes, and this is a government that's taken more action to address climate change and to reduce our emissions than any government before it. As I said to you before, if a cap mechanism was to be introduced, that would have to be a decision of the whole of government because I don't think it could be introduced in isolation of—

**The CHAIR:** So until then, Minister, you will continue to allow new coal projects to go through and be approved?

**Mr PAUL SCULLY:** No, that's not what I said. That's a gross mischaracterisation of what I said. The planning system is required to not prejudge projects and to assess them on their merits as it comes through. I would have thought, Chair, that you of all people, with your experience and background in this, would be understanding of the fact that we shouldn't be prejudging projects because that—it might be okay if I'm in the chair. If someone else is in the chair, it may be a completely different thing, and then what have you got?

**The CHAIR:** Minister, that boat sailed a long time ago. It is well and truly time to be prejudging coal projects and having a policy of no new coal in no uncertain terms.

**Mr PAUL SCULLY:** Your view, not mine.

**The CHAIR:** Not my view. The view of millions across this globe.

**Mr PAUL SCULLY:** I will uphold the Act that I'm required to do, and the Government will continue to introduce mechanisms better than any government before it about addressing our emissions targets.

**The CHAIR:** Minister, let's move on. In relation to the fantastic report that was tabled in the Parliament—

**Mr PAUL SCULLY:** Which report would this be? Did it have a title, Chair?

**The CHAIR:** —about the planning system, climate change, communities and biodiversity—the work of this incredible Committee, which I chaired. It had the incredible benefit of working with so many community members across New South Wales, and I genuinely appreciate the Government's very considered response. I just want to draw your attention, if I can, to a couple of those responses. One of those was in relation to a matter that you and I have discussed every single time here: the zombie DAs.

**Mr PAUL SCULLY:** Yes.

**The CHAIR:** You have noted the findings of this Committee. You have said that you want to wait until the lower House concludes its inquiry.

**Mr PAUL SCULLY:** Yes, absolutely.

**The CHAIR:** Have you given any further consideration to the impact that these zombie DAs are having right now on communities, as we speak, and the implication?

**Mr PAUL SCULLY:** Yes, that's why I worked with the chair in the lower House, the Legislative Assembly, to set up that inquiry. It was at my request; I wrote to the chair.

**The CHAIR:** In that sense, is there anything that you think you ought to be doing between now and when that committee's inquiry report is given, given that committee has said they don't really want to look back; they want to look forward?

**Mr PAUL SCULLY:** Looking back is challenging, and perhaps Ms Fishburn and Ms Gibson have some experience in this and may be able to shed some more light on it. But let's have a look at what you can do. Yes, we have an unknown and almost unknowable number of approvals in the system that have not been started. We know of some of them, but literally you would be starting with—because these are all non-digitised records—up to 200 years, potentially, where people would be digging through every approval ever made in New South Wales to identify what there is.

One thing you can do proactively is make sure that you're not getting any of those into the future. As an ongoing piece of planning reform, we're contemplating what that might look like in terms of substantial commencement. But it's also one of the reasons we've introduced some very tight conditions around projects that come through the Housing Delivery Authority. With the Housing Delivery Authority, as you may recall from

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when I outlined it earlier, you've got nine months once you get your SEARs issued. They'll be revoked otherwise, so that means you can't have a zombie SSD hanging around. Similarly, you've got 12 months to get started.

**The CHAIR:** My ears did prick. I didn't realise that was actually on those.

**Mr PAUL SCULLY:** That's actually part of that system, to look at how you don't get those hanging around. You might end up with a weird thing. The other thing that we hadn't touched on but was one of the things I listed with Mr Ruddick in terms of what we're doing is the work of the Housing Taskforce. Often what we find is that a lot of older, approved but not yet commenced projects are stuck in the system, or they have these weird consent conditions. One may say, "Do not touch a leaf on a tree on this site," where another agency will say, "Clear everything and then start." You can't resolve that, so we set up the Housing Taskforce in September last year to see if we can start to not only resolve the ones that are blocked in the system but also prevent new ones from becoming blocked.

It's actually proving to be a very successful measure, with an estimated—it's only concentrating at this stage on residential assessments that are overdue, so it's a finite number, but nearly 32,000 homes have been unblocked. We've cleared 704 DAs and they've been approved by council subsequently—sorry, we've cleared 1,734 DAs. Of those cleared DAs that have been determined, it's 704, so that's about a consistent approval rate with what comes through the system. That's starting to clear out some of those ones that are blocked and people just shrug their shoulders and give up.

**KIERSTEN FISHBURN:** They just gave up.

**Mr PAUL SCULLY:** When you shrug your shoulders and give up with enough time, if no-one else picks up the opportunity, it becomes, potentially, a zombie DA. We're much better focused on a system that limits the number of things that can fall into that category, ever, right now. That's what we can do right now, and that's what we're concentrating on doing right now. Hopefully we'll have some further planning reforms that will say that into the future. I will await the findings of the Legislative Assembly's committee. I think that's—

**The CHAIR:** And then you will take on all the recommendations of this Committee in full and implement them.

**Mr PAUL SCULLY:** I'll consider all of the recommendations in terms of what's possible, because I don't think that we should be in a situation, either, where we're up-ending compensation requirements. I think that's a dangerous path to go down.

**The CHAIR:** I might follow up on that later. Over to the Opposition.

**The Hon. JACQUI MUNRO:** Minister, earlier you said that \$520 million will be spent on TOD infrastructure. What percentage of that is from the Housing and Productivity Contribution?

**Mr PAUL SCULLY:** I'd have to take on notice what the percentage is. I don't know exact number off the top of my head.

**KIERSTEN FISHBURN:** Ultimately, I think that's a decision for Treasury, as to—

**Mr PAUL SCULLY:** Where it comes from.

**KIERSTEN FISHBURN:** —where it comes from.

**The Hon. JACQUI MUNRO:** So you don't have any discretion about how that contribution is going to be allocated?

**Mr PAUL SCULLY:** My focus is making sure that there's \$520 million spent on infrastructure around TOD accelerated precincts. It's the Treasurer's job to help fund those commitments.

**The Hon. SCOTT FARLOW:** Minister, with respect to that \$520 million, what's the time frame over which that will be invested?

**Mr PAUL SCULLY:** We're starting now at the moment, actually. We're working through that now.

**The Hon. SCOTT FARLOW:** But in terms of your funding profile, what is that \$520 million over? Is it over the forward estimates?

**Mr PAUL SCULLY:** I think it was over the forward estimates, wasn't it?

**KIERSTEN FISHBURN:** It's over the forward estimates.

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**The Hon. JACQUI MUNRO:** Minister, how can you be clear about where these contributions are being spent? For example, we've got a TOD in Crows Nest, but what about a contribution that was raised from a development in Camden? What happens to that town centre?

**Mr PAUL SCULLY:** This is where our version of this was very different from yours. If you recall, in the previous Parliament, the then Government introduced a mechanism where it would all go into consolidated revenue and it didn't matter where it came from—

**The Hon. JACQUI MUNRO:** That's literally what you're saying is happening.

**Mr PAUL SCULLY:** If I could finish. What we made very, very clear—and it's legislated; I appreciate you didn't support that legislation, but it is legislated—is that a contribution collected in one area in one of the cities, so in the city designations, had to be spent in that. What we're going through is the process of developing the infrastructure opportunities plan, which will guide the investment decisions. But you're right—money collected in the east could be and will be spent in the west, and vice versa, but money collected in the Illawarra will be spent in the Illawarra. That's the law.

**The Hon. JACQUI MUNRO:** But if we don't know much of the contributions is going to the TOD sites, for example, we actually can't be clear where the money is going. You haven't given me any idea of where the money is going. You mentioned the infrastructure opportunities plan. You said that would be delivered at some point in 2023, and we don't have it yet, so we actually don't know where this money will be spent.

**Mr PAUL SCULLY:** As I said before, working in both parts of the equation, of the \$769 million that we've put out, here are the top six local government areas: Blacktown, \$162.2 million; Wagga Wagga, \$70.8 million; Liverpool, \$66.4 million; the Hills, \$37.8 million; Parramatta, \$35.2 million; and Camden, \$29.5 million. But if you've got suggestions as to what projects we might want to consider in the infrastructure opportunities plan, I'm happy for you to provide them.

**The Hon. SCOTT FARLOW:** But, Minister, these projects you're outlining here aren't a result of the Housing and Productivity Contribution.

**The Hon. JACQUI MUNRO:** That's right.

**The Hon. SCOTT FARLOW:** Wagga Wagga is not in the Six Cities Region. I know you want to get rid of the Six Cities Region, but—

**Mr PAUL SCULLY:** No, but they're part of the associated legislation and contributions that the Housing and Productivity Contribution takes over from, as part of the savings and transitional measures.

**The Hon. SCOTT FARLOW:** So you're talking about the old six, effectively, aren't you?

**Mr PAUL SCULLY:** Yes. Not "effectively"—yes.

**The Hon. SCOTT FARLOW:** You're talking about the old six. You're not talking about the Housing and Productivity Contribution and what that's going to pay for.

**Mr PAUL SCULLY:** No, but you're suggesting that the only infrastructure—there's only one part of that. As I said to you in earlier questioning, you've got to consider the two elements together because we're in the transition period with respect to those contribution regimes.

**The Hon. SCOTT FARLOW:** But, Minister, as the Hon. Jacqui Munro just pointed out, back in 2023 when we were sitting in this room, you said an infrastructure opportunities plan would be presented by the end of 2023, and we're still waiting. We're still don't know where this infrastructure is going to be delivered.

**Mr PAUL SCULLY:** That's under development with the councils. I appreciate you're excited for when it comes through, and I know that you'll be backing it, which is great.

**The Hon. SCOTT FARLOW:** Minister, it's one thing to wait for Christmas; it's another thing to wait for two Christmases.

**Mr PAUL SCULLY:** I think you'll find that work is well underway.

**The Hon. JACQUI MUNRO:** When will it be delivered, Minister?

**Mr PAUL SCULLY:** It is interesting that at one point you're saying that we don't talk to councils enough, and then when we do work with councils, who do have some changing priorities based on development that's happening in their areas, that takes too long. I appreciate you want to have two bob each way on every issue, but you can't.

**The Hon. JACQUI MUNRO:** No, we just want you to do what you say that you will do.

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**Mr PAUL SCULLY:** It will be done.

**The Hon. JACQUI MUNRO:** It hasn't been done. You promised that you would have it by the end of 2023 and it's not done.

**Mr PAUL SCULLY:** I just outlined to you that the other part of the equation is \$769 million since March 2023 spent on infrastructure investment and \$520 million committed to TOD accelerated precincts. The work on identifying sites for new public spaces is underway right now. In fact, it is well advanced. I'm sure you will be cheering for them when they come through.

**The Hon. SCOTT FARLOW:** Will we have any infrastructure opportunities planned by this Christmas, Minister? We've had two Christmases to wait.

**Mr PAUL SCULLY:** I'm hoping to get it done sooner rather than later. As you would appreciate, we want to get it right too.

**The Hon. JACQUI MUNRO:** Minister, if you suggest that the Housing and Productivity Contribution is not impacting developers, what do you think about 7.11 contributions? Are they impacting development?

**Mr PAUL SCULLY:** Impacting development in what way, in that they are providing a flow of funds for investment?

**The Hon. JACQUI MUNRO:** They are preventing development. When you have places like Blacktown and Penrith where the contributions are upwards of \$150,000 in some cases, do you think that that is impacting the ability for developers to actually construct and deliver houses?

**Mr PAUL SCULLY:** In some cases it could. I couldn't universally answer that question because you are asking every developer and every feasibility on every site. That is a very general question that you are asking. Are costs impacting? Yes. Construction costs are impacting, labour shortages are impacting, financing costs are impacting.

**The Hon. JACQUI MUNRO:** Minister, with all due respect, this isn't about the labour market.

**Mr PAUL SCULLY:** Sure, I understand that.

**The Hon. JACQUI MUNRO:** This is about Blacktown LGA with \$131,000 and this is about Penrith LGA with \$136,000 that councils are passing on to developers and obviously developers are passing on to individuals who have to buy those homes—

**Mr PAUL SCULLY:** As Keynes said, consumption is the end of all economic activity.

**The Hon. JACQUI MUNRO:** —because there is an infrastructure shortfall.

**Mr PAUL SCULLY:** So you are saying that those communities don't deserve the infrastructure to support the housing?

**The Hon. JACQUI MUNRO:** No, I'm saying that your Government isn't providing appropriate funding for those communities and that is pushing up the cost of housing.

**Mr PAUL SCULLY:** We do have a lot of catching up to do in a lot of areas because we inherited a bit of a backlog. There were no schools in some of the fastest growing areas of south-west and north-west Sydney by your version.

**The Hon. SCOTT FARLOW:** You just cut one out of Crows Nest. You've got a TOD there and you are cutting a school. That makes sense, doesn't it?

**Mr PAUL SCULLY:** Tell that to the people of Gledswood Hills. Go out to south-west Sydney or north-west Sydney and talk to them about schools.

**The Hon. JACQUI MUNRO:** It doesn't have to be one or the other, Minister.

**Mr PAUL SCULLY:** We work with schools. We work with Health. We work with Transport.

**The Hon. SCOTT FARLOW:** And you are cutting all of it.

**Mr PAUL SCULLY:** The confusion on your faces is palpable because I understand that you have never contemplated this before. But we work with them around what a change would mean in terms of what it needs with respect to the other associated infrastructure. When Minister Car did the enrolment audit upon first coming to office, she discovered in no uncertain terms that the biggest problem was in north-west Sydney, where there had been lots of development happening but no schools happening under the previous Government.

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**The Hon. JACQUI MUNRO:** Minister, under your leadership this Government has seen the lowest approval rating for dwellings in over 12 years. That's the record.

**Mr PAUL SCULLY:** Let's run through—

**The Hon. JACQUI MUNRO:** When we're talking about housing—

**Mr PAUL SCULLY:** Let's run through the list again. There were 39,733 development approvals—

**The Hon. SCOTT FARLOW:** Minister, we've heard your list.

**Mr PAUL SCULLY:** You obviously haven't—

**The Hon. SCOTT FARLOW:** Minister, we've heard your list—

**Mr PAUL SCULLY:** —because you keep coming to the talking points.

**The Hon. SCOTT FARLOW:** —but the figures are there.

**Mr PAUL SCULLY:** You come back to your talking points.

**The Hon. SCOTT FARLOW:** The figures you are assessed on are there.

**Mr PAUL SCULLY:** It's very good—on message. But your message is wrong.

**The Hon. JACQUI MUNRO:** You're literally—

**Mr PAUL SCULLY:** When confronted with the facts—

**The Hon. JACQUI MUNRO:** —reading your own talking points.

**Mr PAUL SCULLY:** No, these are facts.

**The Hon. SCOTT FARLOW:** For a second time.

**Ms CATE FAEHRMANN:** Point of order—

**Mr PAUL SCULLY:** When confronted with the facts—

**The CHAIR:** Minister—

**Mr PAUL SCULLY:** —you should at least be ready to consider them.

**The CHAIR:** Minister, we've had a point of order.

**Ms CATE FAEHRMANN:** I don't know about anybody else in this entire room, but the two talking over each other is doing my head in, absolutely.

**The CHAIR:** It's impossible for Hansard.

**Ms CATE FAEHRMANN:** Could you, as Chair, please—one at a time.

**The CHAIR:** It is impossible for Hansard and we have let things run. We've certainly let you run, Minister, in defending yourself against this fierce Opposition. Please, everyone, though, just one at a time for Hansard.

**The Hon. JACQUI MUNRO:** Minister, will you guarantee that no funds from the Housing and Productivity Contribution will be used for the conversion of Moore Park Golf Course for public space?

**Mr PAUL SCULLY:** I don't believe it's the Government's intention to use the Housing and Productivity Contribution for that, but it's not a guarantee I can make because it may come up in the infrastructure opportunities plan.

**The Hon. JACQUI MUNRO:** So you won't rule it out?

**Mr PAUL SCULLY:** What I commit to doing is making sure that the Act is met.

**The Hon. SCOTT FARLOW:** Minister, with respect to Moore Park, have you seen any documents from Greater Sydney Parklands regarding the proposed nine-hole golf course and its configuration?

**Mr PAUL SCULLY:** Not that I can recall, no.

**The Hon. SCOTT FARLOW:** Minister, have you been provided with any information on the estimated cost of the project at all from Greater Sydney Parklands? I know you said the \$200 million was out of the question.

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**Mr PAUL SCULLY:** Greater Sydney Parklands at the moment have been tasked with the process of doing the design and planning. I haven't received that as yet, but I'm looking forward to it.

**KIERSTEN FISHBURN:** I haven't been briefed as of yet, so it wouldn't have come to the Minister.

**The Hon. SCOTT FARLOW:** Minister, I know you have said previously that you're not a golf course designer, but have you looked over any potential plans for a golf course at all?

**Mr PAUL SCULLY:** My job isn't to design the golf course. I've looked over golf courses that I've played, poorly.

**The Hon. SCOTT FARLOW:** But what about Moore Park? Have you looked over alternative proposals for that?

**Mr PAUL SCULLY:** I don't know that using my golfing skill as a means of designing golf courses would be an optimal outcome. But there are all sorts of configurations of golf courses the world over.

**The Hon. SCOTT FARLOW:** Minister, I'm not asking you about what is happening in Augusta; I'm asking about Moore Park. Have you looked over any of the proposals for Moore Park at all in terms of golf course design?

**Mr PAUL SCULLY:** What proposals are you talking about?

**The Hon. SCOTT FARLOW:** Have you seen any proposals or reconfigurations? Have you cast your eye over any of those?

**Mr PAUL SCULLY:** I have seen a high-level version—I don't think it went to detail of where the holes would be—from the Moore Park golf collective. I can't recall seeing any others.

**The Hon. SCOTT FARLOW:** But not internally from Greater Sydney Parklands?

**Mr PAUL SCULLY:** No.

**The Hon. SCOTT FARLOW:** Before, we had a discussion about East Hills and the exclusion that existed because of the gas pipeline there. As I understand it, that gas pipeline also extends to at least Beverly Hills station, which is included as an LMR zone. How do you account for the discrepancy between one area needing a blanket exclusion from that pipeline but then Beverly Hills station, which is also subject to that pipeline, being included as an LMR zone?

**Mr PAUL SCULLY:** As I didn't do the assessment of individual projects, I might pass to Ms Gibson to shed some more light on that assessment process.

**MONICA GIBSON:** We worked through a range of different factors in coming up with each of these sites. That included information that we had to hand and information that council had to hand. We looked at the specific detail using council's advice, information that we have about location of gas pipelines and where development would be feasible for a range of reasons, including lot size, existing planning controls and the like. The inclusion of Beverly Hills station came through that process. I don't have the map of the gas pipeline in front of me and I'd like to check that, just in relation to the specifics of your question on that pipeline, and how that fit with some of the other factors that we were considering for that location and other locations near the gas pipeline.

**KIERSTEN FISHBURN:** Mr Farlow, could I just add a comment, just because I'm a proud public servant. When we undertake work in the department, I just want to be very clear that we characterise things via local government areas and not via electorates. That is never a consideration. We speak to councils. We engage with local government. As you know, I'm also the regulator of local government. That is what our consideration is. I'm looking down at Monica's list of the LMR here and we don't even have the electorate on that. It's just not a consideration for us as bureaucrats. I just really wanted to get that on the record because it is an important and proud part of the way we participate in the Westminster system.

**The Hon. SCOTT FARLOW:** With respect to the exclusion that exists within this gas pipeline, another Housing Delivery Authority recommendation to the Minister that the project be declared SSD under 4.36 (3) is with respect to 21 Polo Street and 1-15 Swan Street, Revesby. This is within 300 metres of Revesby station. I think that you talked about a 400-metre exclusion zone previously with respect to that pipeline.

**Mr PAUL SCULLY:** I believe it is.

**The Hon. SCOTT FARLOW:** Why is there, again, one policy being applied to referrals such as this and another when it comes to the LMR directions?



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**Mr PAUL SCULLY:** Either Ms Fishburn or Ms Gibson might wish to add something to it, but I think important for the Committee and everyone's understanding is the difference between what happens by way of a SEPP and the planning controls that may vary as a result of that SEPP being introduced and what can happen on an individual site through a merit assessment process. They are different things. It might seem a bit weird that you can do two things on one lot if you like, but I think this is the important understanding that the Committee needs to get with respect of how planning works in practice, that Ms Fishburn, Ms Gibson, Mr Gainsford—one of the three—

**KIERSTEN FISHBURN:** I think it's actually all three of us. I'll let Ms Gibson start, and then, Mr Gainsford, if you can talk about the considerations that you would undertake through an SSD merit assessment.

**MONICA GIBSON:** In preparing the low- and mid-rise policy, we were really looking for areas that had great potential for mid-rise housing to occur. It had been excluded from so many local planning controls over the last couple of decades that so few of this housing was coming through, and international examples and our own analysis showed that we needed to return this back into planning controls—and working through a range of factors about where that might broadly apply. You will remember that the low- and mid-rise controls started with the stage one, which was dual occupancies, applying to all R2 zoning across the State, with a couple of exceptions, setting up very broad parameters about where mid-rise housing and low-rise housing could occur. As we refine that work and go into a detailed assessment stage, we're really looking at the specifics of each individual site, as opposed to looking at a broader catchment, a broader area around a town centre, where a range of different things would apply across a precinct but might not apply to every individual site, and that's where the site assessment work comes in, and a merit assessment for each individual site might occur. I might hand over to Mr Gainsford about the specific site.

**DAVID GAINSFORD:** As Ms Gibson is talking about there, the two sites that you have talked about—Revesby and Leichhardt—as part of the 29 declared State significant development sites from the HDA at the moment, will go through a full merit-based assessment. Part of that assessment, of course, where there is that proximity to high-pressure pipelines, will be a consideration of hazards and risk. The criteria that we've developed for the purposes of declaring projects a State significant development are not a merit-based assessment. It does have some criteria there to identify some forms of those hazards and risks, including flooding and bushfire, primarily to try and ensure that projects that do come before the HDA and before the department can be delivered quickly, and so, as Ms Gibson is saying, certainly, the merit-based assessment will thoroughly need to assess all of those aspects, including potential influence of any high-pressure gas mains.

**The Hon. SCOTT FARLOW:** Minister, why did the Government remove the "development permitted without consent" planning pathway for non-government schools, without any consultation?

**Mr PAUL SCULLY:** Again, let's do the fact-checking exercise. There was consultation that was undertaken with respect to that change, but what that change has done has actually increased the number of things that non-government schools are able to do on their sites. It doesn't mean a development application has to be required for every future development at a non-government school. In fact, we expanded the categories of exempt and complying development and the pathways that are available to non-government schools. That was done after a survey of non-government schools, as to who had used that planning pathway and what was really needed.

For instance, prior to the reforms, under exempt development, non-government schools could build an awning or canopy attached to a building, remove or prune dangerous trees, landscaping, play equipment, routine maintenance, walking paths, boardwalks, ramps, staircases, gates, seats, barbecues, sporting courts and fields, out-of-school-hours care or vacation care, use of school facilities by third parties, amenities building, workshop and sheds, environmental management works, temporary portable classrooms, demolition of exempt development, access ramps, air conditioning, external building works like recladding or repairs, and internal building works like repairs of buildings, at-grade carparks, carports, decks, fences, firefighting emergency equipment, flagpoles, geotech investigations, hoarding and scaffolding on construction sites, landscaping, lighting, portable offices, pergolas and storm blinds, rainwater tanks, retaining walls, security cameras, sheds, skylights, signage, and exempt development permitted under the code SEPP for matters not listed.

What's happened post those reforms—you can do all of those things, that very long list, as exempt development, but also we've added preschools for less than 50 children in existing buildings, demolition less than 250 square metres, sporting fields and courts—now excluding, for Dr Cohn, synthetic turf fields—bike parking and bike storage, chair hoists, building external alterations, including the enclosure of balconies and walkways. Then there's the complying development. Under complying development, non-government schools can build four-storey buildings for libraries, administration, gyms, indoor sporting facilities, halls, teaching facilities—that includes classrooms and laboratories—kiosks, shops, cafeterias or canteen, outdoor learning areas with canopies. There can be demolition. There can be minor alterations and additions. There can be restoration, replacement and

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repair of damaged buildings. There can be minor alterations and additions or restorations of repair of student accommodation buildings. Post the changes, you get all of that as complying development, and you can add preschools for more than 50 children, multistorey car parks and the ability to gain heritage exemption under the Heritage Act 1977, to undertake complying development on heritage-listed sites.

Development without consent, prior to the reforms—two-storey buildings for libraries or administration buildings; portable classrooms, including prefabricated classrooms; permanent classrooms to replace a portable one; kiosk, shop, canteen or cafeteria; one-storey building for car parks; minor alterations and additions, including internal fit-outs; access for people with a disability; changes to external facade; the restoration, replacement and repair of damaged buildings; security measures including fencing, lighting and security cameras; and demolitions of structures. Post the reforms, you could do all of that, and then buildings and large-scale demolitions can instead be done under complying development. Minor alterations and additions, access for people with disability, security measures and small-scale demolition can also be done as exempt development.

**The CHAIR:** Thank you, Minister—a very comprehensive answer. Now I'm going to hand over to my colleague Ms Cate Faehermann.

**Ms CATE FAEHRMANN:** Thank you, Chair. Possibly too comprehensive, I think, for estimates.

**Mr PAUL SCULLY:** I think it's important that all information is provided.

**Ms CATE FAEHRMANN:** Minister, I just wanted to ask about an issue that I've asked, I think, a couple of times of you in budget estimates, which is about the issue of dark roofs and how the planning system can regulate to prevent them from being used. I think I have asked questions before about them being banned, actually. One of the questions, in response to that—this is in May 2022—you said that the State—

**Mr PAUL SCULLY:** That wouldn't have been me in 2022.

**Ms CATE FAEHRMANN:** Yes. And you said the new BASIX changes will account for dark roofs and they will be very difficult to get through, particularly, hopefully, places like Western Sydney. Has that happened?

**Mr PAUL SCULLY:** Yes, the new BASIX changes have come into effect.

**Ms CATE FAEHRMANN:** Yes, but making it very difficult for dark roofs to be used.

**Mr PAUL SCULLY:** If I could just finish that.

**Ms CATE FAEHRMANN:** Yes.

**Mr PAUL SCULLY:** The new BASIX changes were brought in by this Government, something the previous Government didn't do.

**Ms CATE FAEHRMANN:** They did have something quite comprehensive in place, though, that you scrapped.

**Mr PAUL SCULLY:** There is a couple of different ways you can do it. The DIY tool rules out dark roofs in most climate zones. The reason why I say "most climate zones" is some of the alpine climate zones and the like where dark roofs actually help in terms of energy efficiency of the household because you still need to heat them a bit more. In terms of the general tool, it is becoming increasingly difficult—and Mr Gainsford may want to add to this—to get most things unless you substantially upgrade, say—insulation, generally, is the best way to get it through. You can; there is a way. But you do have to do a whole bunch of other things. So, in that sense, it steers people towards non-dark roofs, which is starting to happen.

**Ms CATE FAEHRMANN:** That's what I'm aware of. However, that does lead to my next question, which is around the insulation. The issue is, I think that ideally, given how hot Western Sydney is and how much hotter it's going to be, including the number of hot days being extreme—I understand that houses that have the insulation, that put insulation in, can get around and also put a dark roof in. Isn't the whole point that we want to have not have dark roofs? We want these houses to do absolutely everything they can to cool themselves, their residents and the suburbs. Is it because developers are pushing back?

**Mr PAUL SCULLY:** No.

**Ms CATE FAEHRMANN:** Why wouldn't you do it, then?

**Mr PAUL SCULLY:** Well, you can't universally ban dark roofs—

**Ms CATE FAEHRMANN:** Why not?

**Mr PAUL SCULLY:** As I just explained to you, there are some areas within New South Wales, that are outside of Western Sydney, where dark roofs are actually advantageous to the heating and cooling of buildings.

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**Ms CATE FAEHRMANN:** Sure, but I'm talking in Western Sydney, where they're not.

**Mr PAUL SCULLY:** That's not the question you asked. You asked why I couldn't ban dark roofs universally.

**Ms CATE FAEHRMANN:** I think I mentioned Western Sydney there.

**Mr PAUL SCULLY:** You did, but not in the terms of the question, but anyway, we're at semantics now. In the main, for most designs and for most of the volume-builder arrangements—and Mr Gainsford can add to this to add anything I might miss—you'll find that dark roofs aren't being used, and they're largely being phased out. What we're also doing is working with councils on how we can improve tree canopy cover. With our pattern book, we've not only designed in sustainability, but making sure that—we've got a landscaping design being commissioned for that, as well, at the moment. There's more work to do, absolutely. There's more planning reform that we'll be doing. So we'll continue to look at how you can simultaneously reduce the heat island effect in areas through time.

**Ms CATE FAEHRMANN:** I'll come to you in the afternoon, Mr Gainsford, if we get there. Is it possible to know via the applications, I assume under BASIX, or the information entered into, the number of dwellings or buildings that are using dark roofs, or the number of dwellings that are choosing not to do dark roofs? If I put a question to you—

**Mr PAUL SCULLY:** I don't know that we can distinguish that. I would have to take advice.

**Ms CATE FAEHRMANN:** So how are you monitoring it? You said you would monitor it.

**KIERSTEN FISHBURN:** We'll take that on notice and get you some information back.

**Ms CATE FAEHRMANN:** Can I just check, then, if you're not monitoring the quantity, and your departmental officials would surely know this, and if you can't get back to me the statistics—for example, how many since November 2023—

**Mr PAUL SCULLY:** Well, I don't have them to hand.

**Ms CATE FAEHRMANN:** No, sure. That's now. But the question is now around if I get an answer back saying, "The department does not collect this information"—and it sounds like that's what I might get back—how are you monitoring?

**Mr PAUL SCULLY:** What we could work out to a degree, and this will take some time because we've got to go through a level of detail, but we could probably get you some idea of the number of people who are using the DIY tool in various climate zones. I'm assuming we can extract that level of detail—it would be in the back end of the system, obviously—because the DIY tool makes it impossible to use a dark roof in those climate zones, and get some numbers out of that for you.

**Ms CATE FAEHRMANN:** Unless they do other things, like insulation?

**Mr PAUL SCULLY:** No, the DIY tool effectively bans the use of dark roofs. In the general tool, yes, but the DIY one, not so.

**Ms CATE FAEHRMANN:** A response to a question from the Hon. Jacqui Munro to a supplementary question from the last budget estimates, I think—similar to what I have been asking—talks about the DIY system in place from 1 October. At the end of the answer to question one, it says, "Dark roofs will continue to be available as a choice, and the updated BASIX standards allow dark roofs to be offset—for example, through more insulation", and nothing in the question was specific to a particular area. Is that response wrong?

**Mr PAUL SCULLY:** As I just said, the DIY tool doesn't allow you to do it, but you can go through the BASIX tool and upgrade your insulation and do other things which would allow you to achieve the BASIX requirements and allow you to have a dark roof.

**Ms CATE FAEHRMANN:** That's exactly what my question was before.

**Mr PAUL SCULLY:** Which is exactly what I answered.

**Ms CATE FAEHRMANN:** No, I believe you said—okay, let's ask it again in a different way, then, because I believe you said to me that the DIY tool wouldn't allow it. I said, "You mean in Western Sydney, I'm talking?", and you said, "Yes, the DIY tool wouldn't allow it."

**Mr PAUL SCULLY:** The DIY tool, you can't go through. Not universal—

**Ms CATE FAEHRMANN:** Mr Gainsford, can you clarify?

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**Mr PAUL SCULLY:** Not universal climate zone—

**Ms CATE FAEHRMANN:** Western Sydney. For that climate zone, if somebody goes through the DIY thing, does insulation and a number of other things, they can get away with a dark roof. Is that correct?

**DAVID GAINSFORD:** No, that's not correct.

**Mr PAUL SCULLY:** As I said, twice.

**Ms CATE FAEHRMANN:** So this answer is wrong?

**Mr PAUL SCULLY:** The answer's right.

**DAVID GAINSFORD:** With the DIY, it is excluded. The ability to include dark roofs is excluded. There are different methods of filling out the BASIX forms. As the Minister is saying, for the more simple types of developments that are proposed, often the DIY tool was used. And the Minister is right that dark roofs are excluded from that, within Western Sydney and within most climate zones.

**Ms CATE FAEHRMANN:** So, just to be clear, from 1 October 2023 no developer in Sydney is allowed to install a dark roof?

**Mr PAUL SCULLY:** No. That's not what we've said. As Mr Gainsford just said, there's multiple ways to go through and achieve a BASIX certificate. There is one tool, the DIY tool, which is available so that mums and dads and owner-builders and others can go through a simple process. That does not allow you to do dark roofs. However, there are other mechanisms and other application paths that allows to you achieve the BASIX requirements—by upgrading insulation or doing other things—which would still allow to you utilise a dark roof if you choose.

**Ms CATE FAEHRMANN:** Could you take on notice and try to get me, up until the latest data you have as of today, through the various mechanisms—policies, BASIX, other things—the percentage of new installations of roofs—

**Mr PAUL SCULLY:** We'll endeavour to get you the most accurate information.

**Ms CATE FAEHRMANN:** —that are dark roofs versus not.

**Mr PAUL SCULLY:** It's not always—I've got to work out what we can extract from the system.

**KIERSTEN FISHBURN:** Exactly. I'm a little concerned that the accuracy of our information might be a little flawed, because there's not a tick-a-box, to my understanding, in the Planning Portal.

**Mr PAUL SCULLY:** Yes, you don't tick a box "Hey, I'm using a dark roof", for instance.

**Ms CATE FAEHRMANN:** The next question to take on notice would be, if the data is not straightforward for you, Minister, and anybody within the department monitoring this policy measure, how do you intend to monitor the uptake? You did say that you would monitor it, and that would be good to know.

**The CHAIR:** More broadly, in relation to climate impacts within the planning system, and going back to that fabulous report, recommendation 5—

**Mr PAUL SCULLY:** I have a feeling we'll be going to that fabulous report a number of times!

**The CHAIR:** We will be. The Government has supported recommendation 5 in principle, which is about reviewing New South Wales planning laws to better integrate climate change considerations. I've just got a few specific queries about where you, as Minister, think that this area of reform that we all know needs to happen is heading. Do you think we will see mandated, for all State significant developments and infrastructure, the inclusion of physical and transitional risks as part of the planning process?

**Mr PAUL SCULLY:** All policy options are up for consideration.

**The CHAIR:** That's good to know. I suppose what I'm trying to grapple with as well is whether you are considering—

**Mr PAUL SCULLY:** Could you shed some light on what you mean by that?

**The CHAIR:** I think what I'm looking for is will there be things within the planning legislation that actually standardise what those risk assessments look like across all planning processes and for all consent authorities?

**Mr PAUL SCULLY:** Sometimes it's hard to codify some of those things. As you might appreciate, not everything fits into a neat box in the planning system.

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**The CHAIR:** I suppose what I'm asking—

**Mr PAUL SCULLY:** However, what I think you're asking is, are we going to look at ways where we can improve some of those things within the system so that they do directly come into, say, a merits assessment?

**The CHAIR:** I think that's absolutely right, but what I'm also really pushing at is, will we be looking at prioritising things as significant as climate risk over the potential economic benefit of a project? I think that, given merit assessments—and I understand the need for merits flexibility in all things—are we not at a stage where we should have some weighted considerations in that merit assessment that refer to people's wellbeing, survival and climate risk, mitigation and adaptation?

**Mr PAUL SCULLY:** It's long been the case, as you would be aware, Chair, that the objects of the Act are about the orderly planning of the use of land in New South Wales, with that social, environmental and economic overlay applied to it. I stand to be corrected here, because I've not been in the chair for the 40-odd years of the Act, but I think those have at all times sought to be balanced in some way, shape or form. I would hope—and I think we're starting to see that come through in the way a lot of larger developers, particularly, are proposing housing developments—that we're seeing a more sustainable bent coming through in their proposals.

Landcom, for instance, has been directed by me to produce all-electric homes. They're getting some of the tier 1 developers who are doing exactly that. Other requirements on them—whether it be ESG, whether it be financing or whether it be shareholder demands—are starting to require them to step up their game. In the pattern book, we not only wanted sustainability from an environmental perspective but we also wanted it from a liveability perspective in terms of the accessibility rating. It's at silver standard; we can go to gold.

**The CHAIR:** I'm trying to get a glimpse of the reform agenda. Is there an intention that the LEPs may be—

**Mr PAUL SCULLY:** LEPs are a matter for councils.

**The CHAIR:** Clearly we're still operating on a standard LEP, which is—

**Mr PAUL SCULLY:** There are 180 of those standard LEPs around at the moment—

**The CHAIR:** I get it; I get there's a digression.

**Mr PAUL SCULLY:** —so they're not so standard.

**The CHAIR:** What I'm also referring to is this: Are we going to go beyond hazard considerations through the LEP processes and start looking more at climate mitigation and adaptation?

**Mr PAUL SCULLY:** I'm not going to say necessarily the LEP. Mr Lanyon and the Reconstruction Authority are working on disaster adaptation plans for various areas.

**The CHAIR:** So will we see a relationship?

**Mr PAUL SCULLY:** Yes.

**The CHAIR:** We will?

**Mr PAUL SCULLY:** The relationship exists. For instance, if there is a disaster adaptation plan relating to—I won't say Lismore because that's a particularly challenging one in terms of the multi-hazard.

**The CHAIR:** I'm okay. Just do it anyway—say Lismore.

**Mr PAUL SCULLY:** Let's take the Hawkesbury-Nepean Valley, for instance. Already, the disaster adaptation planning, the flood evacuation model and the like led me to make the decision, as controversial as it was, to not allow thousands of homes to go into certain areas of the north-west of Sydney because of the impact of flooding.

**The CHAIR:** What if it was a different Minister? What if it was a Minister, say, that didn't focus their mind so articulately to—

**Mr PAUL SCULLY:** Yes, that's the next bit I'm getting to. What we need to be mindful of when we're looking at the next and ongoing process of planning reforms—because I don't pretend to say that we can make a change, legislative or otherwise, next week that is going to lock in the permutations and combinations that we're going to have to deal with on climate risk in perpetuity. I don't pretend to have that sort of foresight.

**The CHAIR:** There's a lot we could be doing.

**Mr PAUL SCULLY:** What I do say is that we can do things better in the way that we're doing it. We have greater information available to us now, which comes into it. We also have greater capacity in terms of some

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of the mitigation and adaptation measures that we can take. I think everyone in the system—and I'd argue councils as well. We can do it better, of course. We can improve it with the information we've got available to us, but I think you'll find that regulatory and other instruments will start to be improved and upgraded through time. I intend to be part of that, where we can take some of these issues into account.

**The CHAIR:** I know there's an EP&A bill before the Parliament right now. What's your next reform agenda time frame, and what can we expect to be looking at?

**Mr PAUL SCULLY:** We've got an ongoing process, so we've got a piece of work going on at the moment on industrial lands in New South Wales.

**The CHAIR:** I'm referring more to how do we make the planning system—

**Mr PAUL SCULLY:** Yes, but these feed into it.

**The CHAIR:** —more adapted to the climate reality.

**Mr PAUL SCULLY:** All these elements feed into it because they feed into the considerations that Mr Gainsford and Mr Preshaw and others have to take, as well as 128 councils—129 if you include Lord Howe Island—need to take into account when they're doing their merits assessment. It's a combination of arming people with both information and with the regulatory tools available. I would hope that every time a council reviews its LEPs—and they should be reviewing them on a five-yearly basis; many aren't—they're looking at opportunities to improve the way they do things at a local level as well. I think, in fairness to a lot of planners, they are. I think you'll see that. In terms of our time frame, we're in an ongoing process of reform. Is there some sort of big-bang reform coming at any particular point? There may be some larger stuff coming. I can't give you a specific date.

**The CHAIR:** What about, even in this legislation, inserting an object into the Act about climate readiness or climate resilience? Why are we not seeing it?

**Mr PAUL SCULLY:** The objects of the Act have been debated or have been recently raised. There are a few people who have raised whether or not there should be a modernisation of those objects or a complete rewrite. Some have advocated to throw out all of the social and environmental aspects and just have it related to housing.

**The CHAIR:** But, Minister, that's just absurd. We're not listening to them.

**Mr PAUL SCULLY:** No, but this is part of the public discourse on this, and it's something I'm obliged to listen to even if others might not. I think you'll find that I'm very conscious of making sure that we can do these things properly. Minister Sharpe is very conscious of the fact that her portfolio and agencies and Planning work together.

**The CHAIR:** I'm just curious as to why we're not seeing the uptake. We have now got the climate change net zero futures legislation in place. There are so many indications, but the planning Act is not keeping up with that. I can hear there are some really good things happening amongst the department. There are some great policies on the table. But we get this one opportunity right now to amend our laws—the actual things that will outlive you and me.

**Mr PAUL SCULLY:** Which is why this Government undertook to introduce the higher BASIX standards. It's why we undertook to introduce the sustainability SEPP, which has really cranked it up.

**The CHAIR:** Minister, will you really consider amending or taking into account the fact that it is time to integrate the words "climate change adaptation and mitigation" into the actual planning law—not the policies and not the other laws, but the planning laws?

**Mr PAUL SCULLY:** I think in my answers, Chair, I've been clear that it is something that is exercising my mind.

**The Hon. JACQUI MUNRO:** Minister, are you aware of the Central State significant precinct rezoning proposal?

**Mr PAUL SCULLY:** The Central station one—from memory?

**The Hon. JACQUI MUNRO:** Yes. Do you know when that will be finalised?

**Mr PAUL SCULLY:** I'll defer to—

**KIERSTEN FISHBURN:** It's in the department at present.

**The Hon. JACQUI MUNRO:** Is there a timeline on that?

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**MONICA GIBSON:** We are waiting for some additional information in relation to some aspects of that development proposal. They are being assessed in discussion with Transport for NSW at the moment. When that assessment work is complete, then we will have advice to give to the Minister.

**The Hon. JACQUI MUNRO:** Minister, have you met with the Tech Central alliance at all in relation to that?

**Mr PAUL SCULLY:** Not to the best of my memory, but I can take that on notice and confirm. I don't believe I have.

**The Hon. JACQUI MUNRO:** I might go to that this afternoon. Just back on the contributions—fundamentally this is about housing affordability, so when we consider the Housing and Productivity Contribution, the section 7.11 contributions, wouldn't you say that, in reality, this is a homebuyers tax because your Government hasn't budgeted for appropriate infrastructure projects in Western Sydney?

**Mr PAUL SCULLY:** No.

**The Hon. JACQUI MUNRO:** The reason I characterise it that way—and I can't understand why you won't see that—is because ultimately homebuyers are the ones who have to foot the bill for these contributions.

**Mr PAUL SCULLY:** Sure. As I said earlier, Keynes made a very cogent point about consumers: Consumption is the end of all economic activity. So a consumer will always bear the price of whatever inputs there are, no matter what—whether it's this drinking glass or a unit down the road.

**The Hon. JACQUI MUNRO:** That's right, but the consumer has to bear this price because your Government has put on contributions, which are essentially a tax, because the infrastructure in this area is not being provided by the Government. It's an infrastructure funding gap that your Government is responsible for.

**Mr PAUL SCULLY:** Contributions have always been part of the Act.

**The Hon. JACQUI MUNRO:** We're talking about \$130,000.

**Mr PAUL SCULLY:** Your Government had 12 years.

**The Hon. JACQUI MUNRO:** And your Government has a Housing and Productivity Contribution in addition that taxpayers and homebuyers have to bear the cost of.

**Mr PAUL SCULLY:** And people are bearing the cost, too, of the previous Government's lack of investment in public transport, in schools, in hospitals—

**The Hon. JACQUI MUNRO:** Minister, that's absurd.

**The Hon. SCOTT FARLOW:** Have you gone on the metro, Minister?

**Mr PAUL SCULLY:** They're bearing that as a private cost by actually having to—

**The Hon. JACQUI MUNRO:** There's the metro, WestConnex—these are infrastructure projects that have absolutely changed the lives of people in Western Sydney.

**Mr PAUL SCULLY:** Maybe Government members could help here. Which metro do you catch in Penrith? Which one do you catch in Leppington?

**The Hon. JACQUI MUNRO:** What is your Government doing to provide any infrastructure in Western Sydney?

**Mr PAUL SCULLY:** And which one do you catch in Wollongong? I don't think there is one, is there? No.

**The CHAIR:** We don't have anything in Lismore—just saying.

**The Hon. SCOTT FARLOW:** Where is your Penrith metro, then?

**The Hon. JACQUI MUNRO:** That's right. Minister, homeowners are bearing the cost because your Government is not investing in infrastructure.

**Mr PAUL SCULLY:** But you're telling me that all these things were dealt with.

**The Hon. SCOTT FARLOW:** You're claiming there's no money on infrastructure.

**KIERSTEN FISHBURN:** Sorry, for the purposes of the Committee, 7.11s and 7.12s have a fixed base. Anything above that goes to IPART.

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**The Hon. JACQUI MUNRO:** That's right, but of course they're putting up prices because your Government is not funding the infrastructure.

**Mr PAUL SCULLY:** Your characterisation, not mine. I point you to \$769 million in just housing-related infrastructure expenditure over the term of this Government, not to mention the infrastructure that's being spent on elsewhere. The schools that we had to catch up on, the hospitals—remember Rouse Hill hospital? Often promised, never delivered—remember that one?

**The Hon. SCOTT FARLOW:** Is that the one that's not going to have a birthing unit under your Government?

**The Hon. JACQUI MUNRO:** And no GPs to staff it.

**The CHAIR:** Do Government members have any questions for the Minister?

**The Hon. ANTHONY D'ADAM:** Thank you for your contributions today, Minister. Could we perhaps get a bit more context on the Six Cities Region Plan, given the media attention on that today?

**Mr PAUL SCULLY:** I read that one with interest this morning and thought two things. One, I don't think some people listened to me intently at the Committee for Sydney address that I made recently where I said that we're updating the Sydney regional plan and that work was underway. I think there's been a misunderstanding of the intent of the bill that we have before the Parliament at the moment. For the purposes of the Committee, the bill abolishes the references to the Six Cities Region in the Act as a means of modernising strategic planning framework. What it does is it will provide the Minister—whether it's me or someone else in the chair—with the power to declare any area of the State to be a region or district for the purposes of the Act. If the bill is passed, that means a Minister could declare a housing target for a particular local government area comprising a number of additional dwellings in the State.

There never was a six cities plan, for a start. There was a Hunter plan and a Central Coast plan. There was a Greater Sydney plan and an Illawarra Shoalhaven plan. How they were supposed to work in together as a strategic planning framework never really got there. We're taking a broader approach, which is why we're looking at the "retain and manage" policy of the former Greater Cities Commission as part of our industrial lands work. It's why we're refreshing and reviewing the Sydney regional plan. It's why we're making sure that, genuinely, the six cities designation—for want of a better expression, but basically from the Hunter to the Illawarra—work in better together and work in better together with the rest of the State.

I think a slight misunderstanding prompted that article today, of what the intent of the legislation is. It's certainly not in any way, shape or form to get rid of longer term planning. In fact, we're working on 10- and 20-year housing targets at the moment, which will work in with industrial lands work, which will work in with Mr Lanyon's work on disaster adaptation frameworks and the like in Western Sydney, to bring it all together in a more comprehensive and more integrated strategic planning framework.

**The CHAIR:** That concludes our morning session. Thank you very much, Minister, for attending this hearing. We've finished with you.

**Mr PAUL SCULLY:** Until next time. It will come around again real quick like it always does.

**The CHAIR:** Unless something happens before that. The Committee will now break for lunch. We'll return at 2.00 p.m. for further questioning.

**(The Minister withdrew.)**

**(Luncheon adjournment)**

**The CHAIR:** Welcome back to this afternoon's session. Secretary, I believe you may have some things you want to address first.

**KIERSTEN FISHBURN:** Chair, we did take a number of things on notice. There are a few that we can quickly clear up for you. I think Mr Gainsford has all three of them, so I'll hand to him.

**DAVID GAINSFORD:** Mr Farlow, you were asking questions with regard to a couple of the Housing Delivery Authority sites that have been declared as State significant developments. I just wanted to mention that the Leichhardt site that you referred to is zoned R1 general residential zoning; therefore this type of development is permissible. However, a concurrent rezoning would be required to facilitate the development that has been put forward for that to amend the floor-space ratio. You also made reference to the Revesby site, which is 15-21 Polo Street and 115 Swan Street, Revesby. There are three lots that are there. They're zoned R4 and R1. Again, it's



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permissible with consent. However, the development that has been put forward would require concurrent rezoning to amend both floor space and height controls.

Ms Higginson, you were asking some questions with regard to the Independent Expert Advisory Panel for Mining, and particularly with regard to EMM's involvement. What I can confirm is that the Independent Expert Advisory Panel for Mining does have a publicly available conflict of interest policy. It does, as the Minister was alluding to, acknowledge that it is likely that people that are participating in that panel are likely to be recognised experts in the field. Inevitably, that will mean that they've worked within the area, and therefore managing conflicts of interest is a very important component of that. There are requirements both on coming into the panel and also on any matters that the chair—it is the chair that decides who will be helping to provide advice on relevant matters.

There is a requirement to disclose all of those potential conflicts, and therefore be excluded if those conflicts are present. What I can say is that there are 18 permanent members of that panel, of which there are currently two people on that panel that have affiliations with EMM. There is one other person on the panel that was previously employed by EMM. However, of the 18 members on the panel, we have three that are experts in greenhouse gas emissions. That's something we've just recently brought on as part of the panel. None of those members work for EMM. The last one I was just going to clarify, Ms Higginson, was to your question around potential modifications for Narrabri Gas. We have checked and we're not aware of any conversations with Santos around proposed modifications, nor discussions around carbon capture and storage.

**The CHAIR:** That's a relief.

**The Hon. SCOTT FARLOW:** Mr Lanyon, thank you for being with us today. With respect to the relocatable buyback homes program, expressions of interest closed on 14 February 2025. How many expressions of interest were received?

**MAL LANYON:** We had 31 homes that we put up on a relocatable buyback basis, and we had over 130 expressions of interest. I'm pleased to say that a significant number of expressions of interest were for a number of properties, so there was quite a keen interest in those homes.

**The Hon. SCOTT FARLOW:** Did every one of those 31 homes have an expression of interest against it?

**MAL LANYON:** No. I believe there were two homes that did not have an expression of interest.

**The Hon. SCOTT FARLOW:** Which locations were they in?

**MAL LANYON:** I'd have to take those on notice, sorry. If there are two in particular that you're asking about, I'll take those on notice.

**The Hon. SCOTT FARLOW:** In terms of the evaluation panel, who sits on that evaluation panel? Who is looking through those expressions of interest?

**MAL LANYON:** Certainly, there'll be a range of people across government, both within the RA and certainly across Public Works, and there are other experts who are in a position to actually evaluate those people that have made an expression of interest—to determine their availability and their readiness to actually move the homes, so that we can get along with relocating those homes, as per the program's intent.

**The Hon. SCOTT FARLOW:** With respect to the program as well, is there an independent probity adviser who has been appointed to that?

**MAL LANYON:** Yes, I believe so, but I'll confirm that for you on notice.

**The Hon. SCOTT FARLOW:** Will the funds remaining from the sale of relocatable buyback homes after costs be reinvested into the Resilient Homes Program to buy back more homes?

**MAL LANYON:** They will certainly stay within the program. It's obviously an arrangement. As you're aware, the funding for the Resilient Homes Program is a joint funding arrangement, under the DRFA, between the State and Commonwealth. That's something we will work through with the Commonwealth.

**The Hon. SCOTT FARLOW:** With respect to advancing Australia's resilience, have you had a look at all at the Insurance Council of Australia Advancing Australia's Resilience policy document?

**MAL LANYON:** I'm certainly aware of it, yes.

**The Hon. SCOTT FARLOW:** Are there any actions that are planned as a result of that document from the Reconstruction Authority at all?

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**MAL LANYON:** Yes. I think it's fair to say we're working very closely with the Insurance Council. You're aware that last year we launched the State Disaster Mitigation Plan, which is really about a range of strategic actions designed to both adapt and mitigate, to make sure that we can make communities safer. It's very much about increasing resilience. Increasing resilience and reducing risk to the community goes hand in hand with insurance and making insurance affordability greater.

**The Hon. SCOTT FARLOW:** Mr Lanyon, with respect to that document, the Insurance Council of Australia suggested the creation of a \$30.15 billion 10-year flood defence fund to deliver new flood defence infrastructure, strengthen or remove properties in harm's way, and futureproof existing flood mitigation infrastructure, and suggesting that the cost be shared between the New South Wales Government, the Federal Government, the Queensland Government and the Victorian Government. Is that a proposal that is being considered by the New South Wales Government? If so, have any discussions taken place with any of the other State and Federal governments?

**MAL LANYON:** I am aware of that proposal. It would certainly be a matter for the New South Wales Government to decide how they wish to proceed on that. I'm unaware of any conversation between the New South Wales Government and any other government in relation to that proposal.

**The Hon. SCOTT FARLOW:** Is the Reconstruction Authority doing any work in terms of similar proposals for the New South Wales Government to consider?

**MAL LANYON:** Yes, we are. We're certainly looking at a State disaster mitigation fund, which would enable betterment, risk reduction, and adaptation and mitigation projects so that we can actually reduce risk proactively to the communities.

**The Hon. SCOTT FARLOW:** Turning to Pine Street, what steps, including legal, are being taken by the Reconstruction Authority to resolve the issue with the squatters that are in Pine Street?

**MAL LANYON:** The homes that are illegally occupied were bought back by the Reconstruction Authority under the Resilient Homes Program. They were bought back in those locations that were the greatest risk to the community members. Once we bought back those homes, services were disconnected from the properties and fencing was erected to keep people out. Around mid last year, we became aware that a number of people were illegally occupying a number of those premises. We've worked very closely with police, the sheriff and, in particular, Homes NSW and Social Futures—they are our provider within the area—to try to make sure that we can provide alternate arrangements for those people, to assist them to go voluntarily from the homes. That has been unsuccessful. We have issued notices to vacate on eight of those premises in January this year. Those notices made it very clear that we would make a permanent termination of the services to the premises. We're working closely with police and the sheriff to have those people move. As a result of the people not vacating, we are now pursuing legal actions.

**The Hon. SCOTT FARLOW:** With respect to those legal proceedings, when will they be going before the courts?

**MAL LANYON:** We have lodged writs of possession for the eight properties that I've mentioned there. It will be a matter for the court to determine when those matters are heard.

**The Hon. SCOTT FARLOW:** I think you've stated previously that the ongoing dispute is diverting funding from the very valid actions and tasks that the Reconstruction Authority need to conduct. How much has been spent so far by the Reconstruction Authority to attempt to evict the squatters there, and also on the legal action?

**MAL LANYON:** I'm happy to provide that on notice, but I expect that it would be between \$150,000 to \$200,000 in terms of time spent securing the premises and those types of actions, and we're anticipating up to \$70,000 to file and have the writs of possession progress.

**The Hon. SCOTT FARLOW:** In terms of the future plans for those homes, what does the Reconstruction Authority intend to do with those once you hopefully have got possession of those properties?

**MAL LANYON:** Apart from the safety issue, which is the main reason obviously that we took action in the first event to have the illegal occupants leave those premises, we very much need access to the premises so that we can make structural assessments to make those premises available, either to relocate or, where they're unsafe to do so, we'll demolish them.

**The Hon. SCOTT FARLOW:** Mr Lanyon, I think that's all my questions for you today. I know that Ms Higginson no doubt will have some as well. I might now turn to Mr Wendler. We won't keep you till the end. How many new homes will Landcom deliver over the housing accord period?

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**ALEX WENDLER:** Over the housing accord period, we have a target of 22,000 settlements over the period from 2024 to 2029. If we take away the dwellings that we have already settled in 2024—that's 2,080—it's around 20,000 over the accord period that we're going to settle.

**The Hon. SCOTT FARLOW:** How many homes did Landcom have approved last year?

**ALEX WENDLER:** I can tell you what we settled last year.

**The Hon. SCOTT FARLOW:** Do you have numbers on development approvals that you were able to achieve through Landcom last year?

**ALEX WENDLER:** Yes, we have numbers of development approvals, but what we do is we put land on the market, then we exchange and then we settle, so I think what we really track—and that's what's in our annual report as well—is settlements, because most of the DAs are not done by us. They are done by the purchasers. What we do is we deal with retail customers, so they do their own DAs, or as well with wholesale customers. The most meaningful number to really tell you is the settlements, and I can tell you the settlements in 2024 or 2025.

**The Hon. SCOTT FARLOW:** In terms of what happens post-settlement, do you track the commencement of construction on those sites at all?

**ALEX WENDLER:** Yes, we do.

**The Hon. SCOTT FARLOW:** For the last year, how many commencements occurred on Landcom properties?

**ALEX WENDLER:** That's a number that I don't have with me but I can take on notice.

**The Hon. SCOTT FARLOW:** Thank you very much. Also, how many homes were completed on Landcom properties over the last year as well, if you want to take that on notice.

**ALEX WENDLER:** I can take that on notice.

**The Hon. SCOTT FARLOW:** In June 2023 the Government announced that Landcom would be granted self-assessment powers in some certain circumstances. How many homes has Landcom approved using those self-assessment powers?

**ALEX WENDLER:** To date we have not approved any homes, but we're going through a process at the moment. We have identified a site and a project that we are going through, and we'll apply our self-assessment powers.

**The Hon. SCOTT FARLOW:** So they haven't been used as of yet for any of the Landcom properties?

**ALEX WENDLER:** They haven't been completed. As you said, there are certain restrictions and so, based on the restrictions, we are going through the process now.

**The Hon. SCOTT FARLOW:** And what's that property that you intend to use those self-assessment powers on?

**ALEX WENDLER:** That's something that I'm happy to share with you in the future.

**The Hon. SCOTT FARLOW:** Also at that same time Landcom was given a State significant development pathway, for projects with 50 per cent affordable housing, valued at over \$30 million. How many homes have been approved using this pathway to date?

**ALEX WENDLER:** You're right. We have been given some additional powers and pathways, so there are a number of projects that I can read out to you. We have two pathways. Those are the DA and planning proposal pathways. If I start with the planning proposal, currently being assessed by the department are projects with 705 dwellings. That includes a project in Orange and a project in Macarthur Gardens North. We are currently in preparation for a submission for another 1,400 dwellings. That includes the project in Camperdown that was recently announced and another site that is going through the land order, but I can share that with you in the future. Then we are looking at another pipeline, through private transactions, in excess of 2,000 dwellings. That is going through with the new pathway. I can share with you as well the SSDAs. That's a separate pathway. One project has been approved in Lachlan's Line, an affordable housing lot.

**The Hon. SCOTT FARLOW:** Is that the one that abuts the M2 there? I see Mr Gainsford nodding.

**ALEX WENDLER:** Yes, very close to the M2.

**The Hon. SCOTT FARLOW:** I see it every day as I come into work.

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**ALEX WENDLER:** Very good. That has been approved. We have a project submitted, another affordable housing project, in Schofields, at Burdekin Road. In Wentworth Point we have one submitted as well and we are preparing two in Macarthur Gardens North, two different developments for submission, so we're making good use of these new pathways.

**The Hon. SCOTT FARLOW:** I know you probably don't have those figures at present, but if I can ask you to take on notice how many dwellings have been approved as part of that to date as well. That would be good to understand on notice.

**ALEX WENDLER:** Yes.

**The Hon. SCOTT FARLOW:** In terms of the budget in 2023, there was \$300 million in additional funding that was given to Landcom. What are some of the initiatives that Landcom has used that funding for to date?

**ALEX WENDLER:** The reinvestment of the \$300 million was a very important investment in Landcom because otherwise, without that investment, our equity would have decreased from \$673 million to \$373 million, which would have been a decrease of 45 per cent. What we have done is included the projected dwellings that were announced at that time into our plan for the 22,000 settlements that I mentioned in response to your first question. What that means is that all of this is built into our corporate plan to be delivered by 2029. Therefore, the \$300 million now is part of our normal capital stack, and every project that we are doing at the moment we will assess through commercial considerations if we use equity or debt to fund that. What I can share, though, is that over the last 15 months we have made either investments or commitments to invest into new land sites in excess of \$450 million.

**The Hon. SCOTT FARLOW:** And where are those new land sites, Mr Wendler?

**ALEX WENDLER:** These new land sites include, for example, the site in Camperdown. I can go into a bit more detail. We have made an acquisition as well, which was a quite sizeable one, in Glenfield, which will yield over 4,700 dwellings. We acquired sites for the BTR program in Bomaderry and East Lismore, and we acquired as well a site at Edmondson Park through the land audit. There are some other projects as well where the money is committed, and I can share that when the announcement is made.

**The Hon. SCOTT FARLOW:** In terms of the 377,000 homes over five years that's been pledged by the Government, would you say it's a fair characterisation to say—I note that the terminology was 22,000 settlements. That would not necessarily be 22,000 completions over that accord period?

**ALEX WENDLER:** I think what we have to see is that settlements that we had before 2024, so 2022 and 2023, will then turn into starts, and therefore will be then as well completed within the accord period. It's really a question about how you look at it because it's just really a timing change. To avoid confusion within Landcom as well in our methodology and how we explain what we're doing, we needed to settle on one thing we wanted to clearly inform on. That's why we're doing settlements, but there are obviously releases and settlements before that time, where then things are being built at the moment. So there are things that then will be completed before 2029. It's actually quite a good approximation, I would say.

**The Hon. JACQUI MUNRO:** What's the average time between the settlement of a property and the construction of a property? Do you track that?

**ALEX WENDLER:** It really depends because it depends on who we settle with. It depends if we have retail customers. Retail customers are normally relatively fast because they have—and in some cases as well we work directly with builders, so that's faster. If we're looking at a high-rise development then it may take a bit of time, because construction time is longer. So it could take up to two years.

**The Hon. SCOTT FARLOW:** Mr Wendler, how much has Landcom spent on legal fees over the last 12 months?

**ALEX WENDLER:** Let me have a look if I have that information. I don't have the legal fees broken out in my information, but I'm very happy to provide that on notice.

**The Hon. SCOTT FARLOW:** Thank you. And turning to our favourite site, how's Queenscliff going?

**ALEX WENDLER:** Okay, Queenscliff.

**The Hon. SCOTT FARLOW:** You're very prepared for this one, this time.

**ALEX WENDLER:** Let's see. I brought some information about Queenscliff. Civil works—if you drive past the site now, you will see that there are civil works happening, and these civil works are progressing well. The idea is to have that land subdivision done by April, so next month. Once the subdivision works are complete,

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the building, which is an old Health building, will then be handed over to Link Wentworth, which is a community housing provider that then will manage the works to create 37 new homes in that building, and then the other three lots at the front that will be released to market.

**The Hon. SCOTT FARLOW:** Mr Wendler, can you provide an update with respect to the property at 75-81 Schofields Road in Rouse Hill?

**ALEX WENDLER:** Sorry, can you please give me a bit more information about that?

**The Hon. SCOTT FARLOW:** I believe it's listed as the Tallawong site, 75-81 Schofields Road at Rouse Hill.

**ALEX WENDLER:** Yes, that is—are you asking—

**The Hon. SCOTT FARLOW:** Just in terms of what's happening with the site, whether you have similar information to what you do on the Queenscliff site, and in terms of the progress.

**ALEX WENDLER:** I would have to take that on notice because there are a number of sites that are in Tallawong, and there are some sites that are on the market. I just don't want to get confused about what information I tell you.

**The Hon. SCOTT FARLOW:** That is fine. Thank you very much. I might put some of the other sites to you on notice as well for an update in terms of their status and the like.

**ALEX WENDLER:** Yes.

**The Hon. SCOTT FARLOW:** Now, how many projects is Landcom currently delivering in partnership with private developers?

**ALEX WENDLER:** In many cases we work with private developers in a way that we undertake the land development and the master planning, and then we sell superlots to developers. Most of our large sites work that way, and therefore it's a large number of sites. For example, in Edmondson Park, if you take that as an example, the town centre has been divested to a developer. Now that we got MOD 5 approved, some sites on Precinct 9 are being divested as well to developers. The same will happen on the metro sites too. Really there are only a few sites where we deal only with retail customers.

**The Hon. SCOTT FARLOW:** Mr Wendler, early on—I think probably in 2023—of the term of the new Government, there was some conjecture about Landcom taking more of a role as an active developer of property. What initiatives have the Government undertaken to change the remit of Landcom as a developer, so to speak?

**ALEX WENDLER:** Yes, we have received significant additional capital over the time. All in all, you mentioned the \$300 million, but we got over \$800 million of additional capital. The flagship program is really the \$450 million BTR program that we are developing, where we are not only a land developer but as well a property developer. The site that has been announced in Camperdown for around 500 dwellings, or 500 new homes, but including 200 build-to-rent homes is part of that, and there are another few sites that will follow.

**The CHAIR:** While we're on sites, you mentioned East Lismore. What's the update on the East Lismore site?

**ALEX WENDLER:** Yes, we have a number of sites in Lismore. Are you referring to the site with Southern Cross University, or are you referring to the affordable housing site?

**The CHAIR:** Yes, the affordable housing site in particular.

**ALEX WENDLER:** There are two sites, one in Bristol Circuit in Goonellabah and the other one in Cynthia Wilson Drive. These projects will deliver 56 affordable homes across these two sites, and the timeline at the moment is that we are currently—so in this quarter—undertaking the development application design process with the CHP and then will lodge the development application later this quarter.

**The CHAIR:** This quarter?

**ALEX WENDLER:** Or in the next few months, yes—this coming quarter.

**The CHAIR:** Great. Thank you. Mr Lanyon, can I just ask you a few things around the buyback program? I've been trying to keep up with the numbers. I think the last numbers, as at 6 September, are 814 homes were approved for buyback in the Northern Rivers. Has that number changed?

**MAL LANYON:** We've now made 877 offers, Chair.

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**The CHAIR:** And remind me again, how many homes all up were deemed eligible?

**MAL LANYON:** We're prioritising 1,340 homes that are available for buyback.

**The CHAIR:** So 877?

**MAL LANYON:** Correct.

**The CHAIR:** In terms of relocations, how many have happened to date?

**MAL LANYON:** I'll take that on notice. Only a small number at this stage. There have been a number of programs. We're doing a gifting and relocation program, where we're actually enabling those people that have been through the buyback process to either gift their home to someone else or to relocate it; the expression of interest program that Mr Farlow mentioned before—there's a range of those. I'll provide the numbers to you on notice. We've also moved four homes to Mount Pleasant Estate that we're basically renovating and doing a range of landscaping so we can show the community what's possible with relocatable homes.

**The CHAIR:** I have one friend who has moved her place somewhere out the back of Nimbin and is now living her best life. These things happen through the trauma of it all. What's the estimated cost at the moment of maintaining the vacant properties that the RA has?

**MAL LANYON:** I don't have an estimated cost for you at the moment. I'm happy to see whether we can provide an estimate. Obviously it ranges, depending on the property, where it is and what we're required to do to upkeep it.

**The CHAIR:** At the moment, are they based—across the Northern Rivers, are there various contractors? What does it look like for you, managing the whole thing?

**MAL LANYON:** We'd maintain people that maintain the lawns or at least keep them to an acceptable level, provide security around some of the premises to make sure, basically, that they're not being illegally occupied or that they're not being damaged, and a range of other things just to maintain the upkeep of those. The program itself has been complex and challenging, and the reason for that is because we listened to the community. The community were very vocal at the time. They wanted to make best use of as many of those homes as possible. That's really why we've been working through a range of different programs to enable that to happen. In the meantime, we're obviously owning and maintaining a large number of properties.

**The CHAIR:** Just so that I can get a bit of an understanding, is there a register of all the contractors or people who are maintaining the properties in various different ways, or have you got someone that's doing all of that for you?

**MAL LANYON:** We would have contractual arrangements with providers to actually maintain the properties.

**The CHAIR:** Okay. And there's a number of those?

**MAL LANYON:** There would be. I'm happy to provide those details.

**The CHAIR:** If you wouldn't mind. I'm getting asked if we could get some kind of lens into how it all looks and who's doing this work.

**MAL LANYON:** We'd certainly use Public Works for a part of it as well. Obviously Public Works, as a State department, we'd use those quite significantly in terms of upkeep of properties.

**The CHAIR:** Great. Thank you. I'm just interested in the licence to occupy. What does that look like in terms of, say, across the Northern Rivers? Does it vary from LGA? Have you got various people under licences to occupy? And is it generally the people who the RA has bought the premise and they're literally just in a waiting period while it settles, or are there licences to occupy that are just other people occupying purchased places?

**MAL LANYON:** We currently have 19 licences to occupy, and they are for home owners that have been through a buyback process and enables them up to 12 months to find suitable accommodation outside of that home that they've had. We also have four occupying agreements which, for tenants that were in houses that were bought back, provides six months for those people to find alternative accommodation. It's really trying to make sure that we can provide an option for those people to find alternate accommodation. It's worth pointing out as well that those houses are risk assessed. Where we've enabled either a licence to occupy or an occupy and agreement, it has been in an area that, whilst it was prioritised for a buyback, is not considered to be of the greatest risk area where it is at the moment. We use community housing providers to manage that relationship with those agreements.

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**The CHAIR:** In terms of the houses at most risk, those houses owned by the RA in those areas also have neighbours or are surrounded by or are in close proximity to other owners of homes that aren't going anywhere. Is that correct?

**MAL LANYON:** That's correct. It's a voluntary program. Home owners have an option as to whether they wish to accept a buyback or not.

**The CHAIR:** In terms of the licence to occupy, I'm aware of some people—in fact, someone who is featured in an article that just was published today, and therefore his name is clearly public. He is a chap by the name of Chris Gurr. His son will basically be forced to move out without a licence to occupy. This is going to happen on Wednesday, even where the owner of the premises has said they're happy for that person to continue living there. What do we do in circumstances like that? My understanding is that this person has been offered some housing, but it would mean his son has to leave the school he's currently at. Full disclosure—obviously, you and I have been dealing with some of these issues outside of a public hearing process. What flexibility or agility in the system is there to allow these situations to not get any worse than what they are for humans?

**MAL LANYON:** I think, Chair, we've spent a lot of time trying to make sure that the program responds to the needs of the community. I'm aware of the matter that you've raised. We have been in touch with the home owner and the occupant as recently as today. We will get to a suitable arrangement where we'll find something that is acceptable for the tenant to actually be able to move into. Obviously, as you know, it is one of the challenges to find appropriate housing up there. That's why we're working so closely with home owners.

**The CHAIR:** Obviously all of my questions about this are coming from a place of having a serious lens on how hard everybody is trying to accommodate every single person. I really appreciate that.

**MAL LANYON:** If I can just say, the Resilient Homes Program is focused on resilience. It's about reducing the risk of safety to the community. That's why the program was enacted. We've had 877 offers to home owners and we've had 624 homes actually settle and now move from the flood plain. I think the intent of the program has been very successful in reducing risk. Finding suitable places for people to move is something very much we've worked with home owners on. We do run a concierge process to actually assist home owners and tenants through that process.

**The CHAIR:** That's my point. I absolutely can see and appreciate that. Unfortunately, these systems just don't always work for everyone and it's about dealing with the people who fall through the cracks a bit. In terms of the pod villages, where are we up to with pod villages? I know many of them have come to the end of their supposed life frame. Where are we sitting?

**MAL LANYON:** We currently operate 11 temporary accommodation villages. We've got 355 households in those villages. The only village where we've provided notice to the tenants that they'll have to leave is Wollongbar, which was our largest village. We're currently working with tenants in the other villages and working across government, Homes NSW and a range of other people to determine what suitable arrangements might be in place going forward. Temporary villages were always meant to be that—they were meant to be temporary. They are time limited by funding as well, both State and Commonwealth funding. They were funded under a joint arrangement, the DRFA. We're very much working now across government and with the Commonwealth Government to determine what suitable ongoing arrangements are, whilst we are able to make more permanent arrangements for the residents.

**The CHAIR:** Are there extensions to that DRFA funding? Is that an option, if you deemed that an appropriate option for you as the head of the RA?

**MAL LANYON:** That's something that I would work with the Commonwealth on. My counterpart at NEMA, the National Emergency Management Agency, and I would work through a process of whether there is an acceptable time limit that we can extend.

**The CHAIR:** And with Wollongbar, that's one of the larger ones. What is happening? Are those people staying in the area? What does it look like in terms of that big lens?

**MAL LANYON:** There is a range. About 37 per cent of occupants that have left temporary housing have gone to private accommodation. In the high 20 per cent, I believe, have gone to social housing and a range of others there. Obviously, when we went into the temporary accommodation arrangements, we tried to make arrangements that were most suitable to residents that were directly impacted, so very much using the housing market and working through social housing options to make sure that we can have those people move into accommodation that really suits them.

**The CHAIR:** With that 37, do you have a lens on whether they're staying local or they're leaving the region?

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**MAL LANYON:** I don't have that at the moment, but what I can say to you is that the people moved into accommodation and temporary housing because they are connected to the region and they were directly impacted. I'd suggest the vast majority will look to stay within the region.

**The CHAIR:** Just on commencing the litigation option of seeking to relocate, remove, evict the people in Pine Street—let's call it Pine Street. I think there are people in a couple of different places, but Pine Street. I know that you've talked and that the focus on safety is genuine and sincere, but there's also a different lens to apply to that, given there are people living in Pine Street who are going to stay in Pine Street in their own homes and they're not relocating, and those homes are in similar condition to the other houses and possibly at the same risk rating. Is there an argument that it's an incredibly expensive exercise for the RA when there are other economic priorities for the RA?

**MAL LANYON:** Are you talking about us pursuing further action against the illegal occupants?

**The CHAIR:** Yes.

**MAL LANYON:** No, I don't believe it is. My preference would have been that those home owners that have chosen to stay in that location would relocate for their own safety. It's firmly my view that the homes that we bought back were bought back because they present the greatest risk to safety. I think that's really the position. My preference, as I said, would be that other home owners there had moved away for their own safety. But it's a voluntary program.

**The CHAIR:** I was going to say, the fact that they haven't and the fact that means there is still community in these places—in terms of the Reconstruction Authority's focus or priority on evicting or getting those people out, where is the real priority or the economic incentive coming from to spend that money and do that, rather than just let people carry on being in Pine Street and with a roof over their head?

**MAL LANYON:** I think it's really simple, to be honest. We bought back those homes because of the safety of the people. It's not tolerable for me to say that we'll permit people who had no attachment to that region and were not directly impacted by the floods to move into houses that were occupied.

**The CHAIR:** I would contest that. I know there are some people. The article today features and highlights that they actually are local people and they have got connection. There's a 23-year-old student at Southern Cross University who was impacted just up the road by landslide and locked out of the family home for nine months. And there's a 52-year-old woman living in a small room with a 16-year-old son. I understand and I see that some people have come to the area or are passing through, but there are genuinely people who are there because they clearly have a connection to the area.

**MAL LANYON:** The advice that I have from police, sheriffs and, certainly, from our people who have been working with the illegal occupants, with a view to having them move voluntarily, is that there is a large percentage of international tourists and a large percentage of people from interstate. There may well be the occasional person who has been local. There has been a range of supports available for people that were directly impacted. If there are people there that are genuinely impacted that haven't been supported, I'd encourage those people to contact the Reconstruction Authority so we can work with them. I think we have worked very closely with the illegal occupants. We've tried to provide opportunities and alternatives to move elsewhere. We're at a stage now where they will not leave voluntarily. We need to move forward. One of the other things I mentioned before, outside of safety, is that one of the key intents of the program is to be able to re-use the houses. To be able to access and structurally assess those houses, we need to have them vacant.

**The CHAIR:** Yes. My understanding—and I think it's pretty clear in the public narrative—is nobody would ever stand in the way of the RA from doing that work. I think the project there on that part of the community was—I can't remember what they refer to—"occupy until relocation" or something. I don't think there was ever a genuine intent to stand in the way of the RA. I think this was more about people coming together and putting a roof over their heads. Mr Lanyon, was there political pressure on you to be acting and taking the course of action that you've taken in the time that you've taken it?

**MAL LANYON:** No, certainly not. As the head of the Reconstruction Authority, it's my decision in terms of program delivery. We have moved forward. We have been as fair, I think, and as amicable as we can be with those illegal occupants. I've spoken about the steps that we went through to have them leave voluntarily. We've got to a stage where they won't leave voluntarily. It's incumbent on me to follow all appropriate processes to make sure that we can retain houses that we bought back, to ensure the safety of the community.

**The CHAIR:** Where are we in relation to the land release program and the particular locations and the capacity of those release areas?

**MAL LANYON:** Certainly. The Resilient Lands Program is a \$100 million program.



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**The CHAIR:** That was it.

**MAL LANYON:** We have announced a range of sites across the region. Those sites vary in their readiness to go. A number of them, we've provided funding for councils to do exploratory work in terms of the infrastructure required. A number of blocks of land, we have bought. We have used our powers, in terms of North Lismore, to compulsorily acquire, and we're working through a process there at the moment. So each of those sites are in various stages of progress.

**The CHAIR:** Is the North Lismore one the plateau area? Or is that a different area?

**MAL LANYON:** Yes, it is.

**The CHAIR:** Thank you. Sorry, I interrupted you.

**MAL LANYON:** That's okay. We're really working through various stages with them. What we've identified, in terms of announcements with the infrastructure that we could put forward, could create up to 4,300 flood-free blocks of land. Really, that's what we're focused on: providing options for community, particularly those that were directly impacted, to move to flood-free land.

**The CHAIR:** What's your understanding now, in terms of the CSIRO work and the timing around that? Where is it in terms of their engagement with the RA or the community more broadly?

**MAL LANYON:** The Reconstruction Authority has been focused on two disaster adaptation plans: Hawkesbury-Nepean Valley and Northern Rivers. Disaster adaptation plans are really designed to identify what the risks are, identify options to mitigate those risks and look at the most appropriate of those. The work that CSIRO is doing really with their advanced bathymetry and that type of work will inform disaster adaptation plans. CSIRO's work is very much focused on floods, where DAPs are very much all hazard risks. We're working very closely with CSIRO to ensure that each informs each other. CSIRO will come up with a number of scenarios that we'll test. They will fit very well into the options assessment of disaster adaptation plans. So it's very much the State and the Commonwealth working closely together with the community.

**The CHAIR:** From that work, are you seeing any likelihood of any grand plan or proposal to remove rivers from their natural course or build massive dams in the catchment or build enormous grey walls to try to keep the river on one side of the bank?

**MAL LANYON:** No. That's a very premature assessment to make. I think the CSIRO will come out with a range of scenarios, based on what they see as viable options to mitigate risk. Disaster adaptation plan will do exactly the same thing. At this stage, neither of those have been delivered. So, as to the potential options and what they might be, it's premature.

**The CHAIR:** And, on that, what is your timing on the adaptation plan?

**MAL LANYON:** I would expect that we would be fairly advanced on that plan by midyear, later this year. We've certainly been working through it. I think, on the basis that CSIRO will be coming back midyear with some scenarios, we would be talking later in the year to probably have a better view on what some of those options and mitigation actions might be.

**The CHAIR:** Do you anticipate, then, that our—it's like us and them; it's not at all, the Federal and the State plans. Do you anticipate that the disaster adaptation plan will come after the CSIRO project is completed?

**MAL LANYON:** They'll work very closely together. CSIRO will have ongoing work to do. That will continue to inform disaster adaptation plans, and we'll work closely with CSIRO to make sure that we're informing them as well.

**The Hon. JACQUI MUNRO:** Could I go back to the Central rezoning, please. The last public consultation was completed at the end of 2022. I'm just wondering what has occurred in that time. It seems like quite a long time between getting further information.

**MONICA GIBSON:** You're right. I'm happy to take this question, Ms Munro. It has been a long time since it has been exhibited. In that period of time, because it's a Government-led project, including what we often call the Central over-station development—that building over Central station was proposed in that rezoning—Government has been considering whether they were going to proceed, and there has been, at the end of last year, an announcement that that wasn't funded to be able to proceed. As a result, the rezoning proposal was on hold while Government was considering that. Now that we have clearer direction about Government's intention, we're looking at the proposal for the elements that don't include the Central over-station parts. There is some other Transport for NSW land that's involved in that rezoning. We're looking at that and, as I said before, doing some

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investigations about those elements of the proposal and how the proposal changes by removing the over-station development.

**The Hon. JACQUI MUNRO:** When was the department instructed to stop working on this?

**MONICA GIBSON:** In terms of being instructed not to do any work, we—

**The Hon. JACQUI MUNRO:** While the Government considered its funding, for example.

**MONICA GIBSON:** I wouldn't describe it as "stop doing your work". We basically had prepared the work after exhibition and had looked at the submissions. But then, because there was a government decision to be made about funding, we asked for some further advice from Transport about how they would like us to proceed.

**The Hon. JACQUI MUNRO:** So perhaps the better question, then, is: When did the department present its work to Government after the public consultation?

**MONICA GIBSON:** After the public consultation. I don't have a specific date in front of me, about when that happened, but shortly—

**The Hon. JACQUI MUNRO:** Could you take that on notice, please?

**MONICA GIBSON:** Yes. The work that we do after exhibition is to review the submissions and to prepare a finalisation package. That was the work that we did.

**The Hon. JACQUI MUNRO:** So I guess the question is: When was that finalisation package given to the Government?

**MONICA GIBSON:** I don't think that it went beyond the department.

**KIERSTEN FISHBURN:** No, I don't think I saw it, so it won't have left the department.

**The Hon. JACQUI MUNRO:** So the finalisation package was done, and then it was never given to the Minister.

**MONICA GIBSON:** That's my recollection. It goes back some time, so I'm happy to take on notice the detail of when that happened.

**KIERSTEN FISHBURN:** We'll take it on notice for you.

**The Hon. JACQUI MUNRO:** Why wouldn't it go to the Minister? Presumably—

**MONICA GIBSON:** Because we were talking with the proponent, which is Transport in this situation. And there were some matters there where they were indicating to us that the proposal might not be able to proceed, because of funding reasons.

**The Hon. JACQUI MUNRO:** Do you have—it doesn't have to be the exact date—the month of the year that happened? That would be helpful.

**MONICA GIBSON:** Yes.

**The Hon. JACQUI MUNRO:** Now that the Government has made the announcement that they weren't going to do the deck part of the development, what is the timeline that you're looking at to now get something else out? And, in that piece of work, are you going out again to public submission before finalising the rezoning?

**MONICA GIBSON:** We haven't made a final decision about whether there would need to be a re-exhibition. The proposal is about removing some elements, the deck, and we're looking at whether there are any new impacts created from that. There were a couple of matters that needed some investigation. Once we have that, we'll be in a better position to provide advice about whether there are impacts that warrant re-exhibition, and we're a couple of months away, I would say, from having this new information.

**The Hon. JACQUI MUNRO:** And as part of that internal work, are you are you interacting with stakeholders outside of a public exhibition process, or is that a fully internal process?

**MONICA GIBSON:** By "internal" and "stakeholders", I take it to mean that "internal" means government agencies and people in various government agencies, and yes, we are doing that.

**The Hon. JACQUI MUNRO:** Yes.

**MONICA GIBSON:** In terms of speaking with community groups or talking with people that aren't in government, we would probably be limited just to landowners—landowners of any sites within the precinct. But I'd have to say the vast majority of our discussions are happening with other agencies, internal to Government.

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**The Hon. JACQUI MUNRO:** And which agencies are those?

**MONICA GIBSON:** It definitely includes Transport. It likely includes a number of other agencies in that area because there's a range of complex planning issues, including issues of environmental significance, issues of heritage, issues related to the infrastructure that's there—power, water, sewer and those sorts of things as well. That's a bit of an indication of the group of agencies that we'd be talking.

**KIERSTEN FISHBURN:** That's a pretty standard group of agencies for consultation on any planning matter.

**The Hon. JACQUI MUNRO:** Is there any consultation with agencies like Investment NSW, given the proximity to the Tech Central rezoned area that's already happened?

**MONICA GIBSON:** We have asked questions and had conversations with Investment NSW about Tech Central. So the strategy work that previously existed for Tech Central sits in a team that is in Investment NSW.

**The Hon. JACQUI MUNRO:** There is a document that was signed by Government and some external stakeholders: the tech precinct cooperation agreement. Are you aware of that?

**KIERSTEN FISHBURN:** That may have been something that the Greater Cities Commission was involved in. I'm saying "may"; I'm not 100% sure of that. It's not anything that the department is currently involved with. My guess, to help, is that if it still exists it would be led as Ms Gibson said, out of Investment NSW, but it's not. There's no current departmental involvement there.

**The Hon. JACQUI MUNRO:** I will go back to housing, our favourite thing. In terms of the CBD, there was a push to drive residential housing growth, particularly around the CBD area, and there are obvious reasons why that might be the case. Is it right that five storeys in Barangaroo is part of the rezoning plan for density in the CBD?

**KIERSTEN FISHBURN:** You're referring to modification 9, which recently was approved by the Minister?

**The Hon. JACQUI MUNRO:** Yes.

**KIERSTEN FISHBURN:** It's a mixture of heights. Five storeys is the lowest, with the highest height being eight storeys. That is at the absolute maximum of height controls for that particular area. I think that's accurate to say, Mr Gainsford?

**DAVID GAINSFORD:** It is. What I would add there is that the department assesses what's in front of it. Modification 9 was for, as Ms Fishburn was saying, an eight-storey proposal—modified, as you might be aware; it has gone through a few iterations.

**KIERSTEN FISHBURN:** Nine, to be exact.

**DAVID GAINSFORD:** The eventual approval for that modification, as Ms Fishburn was saying, has a setback at the most northern part of the proposed envelope, and that does, as you say, go down to five storeys.

**The Hon. JACQUI MUNRO:** So building heights in the CBD are most commonly between about 55 and 110 metres. Is there work occurring to see where that can be increased?

**KIERSTEN FISHBURN:** In relation to the Barangaroo modification, or as a general control?

**The Hon. JACQUI MUNRO:** This is broad CBD.

**KIERSTEN FISHBURN:** The City of Sydney did do some quite significant work, I think about three years ago. Mr Gainsford, you were on the planning panel to look at increasing height controls within the CBD, including the establishment of a number of superblocks. Are we still referring to—

**DAVID GAINSFORD:** I think I think they refer to them as tower clusters.

**KIERSTEN FISHBURN:** Tower clusters. Sorry, we all use different terminology, which was an increase in tower heights. They have also recently, just because I suspect this is where some of your question is going as well, done some quite significant work to look at increasing residential capacity on the fringes of the city, as well. Absolute credit to the City of Sydney—they've been doing a lot of that planning work themselves, but it's very much aligned to the Government's desire to, while retaining the criticality of commercial within the CBD, also maximising residential where possible.

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**The Hon. JACQUI MUNRO:** In terms of department restrictions, or State legislative restrictions at the moment, on heights, is there a pathway to work with the City of Sydney council to increase those particular pockets? What is preventing the increase in height from a council perspective and from a State perspective?

**KIERSTEN FISHBURN:** There will be some constraints that are occurring, like in any planning environment, and the one that comes to mind straightaway is overshadowing, although there is also OLS, and PANS-OPS issues in relation to the City of Sydney.

**The Hon. JACQUI MUNRO:** Sorry?

**DAVID GAINSFORD:** Airport.

**KIERSTEN FISHBURN:** The airport heights. However, in in general principle, if those constraints can be dealt with, we are more than happy to work with the City of Sydney. They are a very sophisticated council and they can certainly do their own planning work. But if they would like assistance from the department, I'm sure Ms Gibson's team would be delighted to work with them. We enjoy our relationship with the city.

**MONICA GIBSON:** Absolutely.

**The Hon. JACQUI MUNRO:** Have they come to you with those concerns to say the overshadowing requirements are too restrictive in particular areas, or actually, we need to talk about flight paths? Have they approached—

**KIERSTEN FISHBURN:** Not to my knowledge.

**MONICA GIBSON:** And certainly not in recent times, particularly for the CBD. So there was a very in-detail, well-thought-out strategy for Sydney CBD and the tower clusters, and these issues of overshadowing and aircraft heights were well explored in that work, as well as the amount of land for commercial purposes and residential purposes in the mix that they were trying to achieve. That work was completed in about 2019, 2020. The council housing target is quite a high housing target for a relatively small local government area. It's nearly 19,000 homes over a five-year period, but the city does have, beyond the CBD, large areas that are renewing for housing: areas in Green Square, for example; parts of Pyrmont, where a lot of housing has been provided; and other areas like—

**KIERSTEN FISHBURN:** Waterloo.

**MONICA GIBSON:** —Waterloo, where the Government is also partnering in delivery of housing. So in a nearly 19,000 housing target, we see that the vast majority of that is coming through in land that's already been zoned and planned for that housing uptake, with some small additions that we would like them to make as part of the planning reforms, or as part of work where they might identify sites for renewal.

**The Hon. JACQUI MUNRO:** The CBD, I understand, has an 8:1 FSR, generally. Is that something that would be in consideration to change?

**KIERSTEN FISHBURN:** It's not fixed. Mr Gainsford, you're probably the better person to talk on this one as you sit on Central Sydney planning.

**DAVID GAINSFORD:** Ms Munro, I believe you're right. I think eight to one as an FSR across large areas of the city is correct. But, again, there was that work that Ms Gibson referred to before in 2019 and 2020 looking at the opportunities for increased density. I believe that some of those tower clusters I referred to before have much higher FSRs and height controls.

**The Hon. SCOTT FARLOW:** Moving from the city now and out to Luddenham, the Luddenham Village discussion paper was on exhibition from 8 October to 5 November 2021 for public comment. What is the status now of the Luddenham Village rezoning proposal?

**MONICA GIBSON:** There are quite a few things that we would like to know a bit more detail about with Luddenham before we proceed to formalise some more plans, foremost of which is—

**The Hon. SCOTT FARLOW:** Flight paths?

**KIERSTEN FISHBURN:** Flight paths.

**MONICA GIBSON:** Flight paths. We know that the Commonwealth has produced some more information and we've seen that information in the EIS documentation. We're in regular conversations with the Commonwealth to understand what's going on. Both the secretary and myself have expressed some concern to the Commonwealth about the delay in finalising this information and the uncertainty that it brings to landowners and the existing community of Luddenham, a very historic, very proud community.

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**KIERSTEN FISHBURN:** With the best burger bar in Sydney, thank you. It's in my LGA.

**MONICA GIBSON:** That would be the secretary's evaluation. We might have to keep a little bit of a tally on—

**KIERSTEN FISHBURN:** It's a beautiful little village community.

**The Hon. SCOTT FARLOW:** So is that getting a heritage listing, is it?

**KIERSTEN FISHBURN:** Not the burger bar, I'm afraid.

**MONICA GIBSON:** I think there are some local heritage matters that are being well handled. We appreciate that there are some concerns about uncertainty, particularly with people making decisions about growing and expanding their family homes, what that means in terms of school and other community services. We're making those representations to the Commonwealth to be able to understand, with more specific information, an ANEF, which is what we would really like.

**The Hon. SCOTT FARLOW:** ANEF rather than ANEC in this regard, yes? The forecast rather than the contour?

**MONICA GIBSON:** That's right—that we would really like in order to move to certainty about a residential zoning and, for areas that aren't going to be suitable for residential, to make good decisions about what the best land use is there. Being so close to the aerotropolis's agribusiness precinct, being so close to the airport, from potential for accommodation or other tourism support—we have allowed for some of those uses to already start to take place. But I think, naturally, landowners are wanting to see more certainty about what the land use plan is for that area and settling the village plan would be part of that.

**KIERSTEN FISHBURN:** We have a lot of empathy for the community out there, and we would like to encourage the Commonwealth, should any of them be watching today, to provide us with that information in a timely fashion.

**The CHAIR:** I'm sure they're all tuned in.

**KIERSTEN FISHBURN:** I'm sure. I've heard that this was the talk of Canberra.

**The Hon. SCOTT FARLOW:** I'm sure Anthony can get in touch with Albo. They're good mates. With respect to that, has the Federal Government given any sort of timeline in which you should be expecting those flight paths to be determined or is it just, "Don't call us. We'll call you"?

**KIERSTEN FISHBURN:** I don't think they've formally advised us. They are aware of the department and the Minister's desire to have this information. It is complicated work and I'm not criticising my Commonwealth colleagues by any means, but I don't think I've had formal advice on this. We are meeting with the Commonwealth again next week, I believe, and I'll take it up again then too.

**MONICA GIBSON:** We know that with the runway reaching a milestone where they could do testing that will help demonstrate on-the-ground noise impacts so that they can start to move from theoretical to real monitoring and measuring of impact. That will also help with them settling these forecasts.

**The Hon. SCOTT FARLOW:** For the department, once the flight paths are actually set in stone or you get that advice, how long will it then take the department to be able to move in finalising that village plan?

**MONICA GIBSON:** I wouldn't want to give you a number of days or weeks around that, only because we need to have a look at the information and see how different it is from what we assume it's going to be and then to do proper engagement with the landowners and the community so that they have a fair chance to understand and have input into that plan.

**MAL LANYON:** Chair, may I seek your leave to address one of Mr Farlow's previous questions?

**The CHAIR:** Of course you can.

**MAL LANYON:** A probity adviser is attached to the relocatable EOI. So there is one on the program.

**The CHAIR:** I was just wondering if I could raise with you—I think maybe it's Ms Gibson or Ms Fishburn, one of you—the North Parramatta rezoning proposal. I understand it's the State-led plan to redevelop the 42 hectares of public land in North Parramatta, a site of exceptional heritage and environmental and cultural significance. I've just got some questions about it. What cumulative impact assessment has been undertaken to consider existing and planned developments near the Parramatta North precinct? Has there been one?

**MONICA GIBSON:** In setting the housing targets for Parramatta and for the adjoining councils, we certainly looked at what is already in the pipeline as zoned land for housing and then what might be the potential

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for additional land for housing. That's where we do our assessment of that potential and where we have the conversations with infrastructure providers—water, power, sewer, as well as schools and health services, transport, open space—to look at what is the cumulative impact of that housing development on the pressure for that infrastructure and those services. That work has been done as part of the housing target which Parramatta council has had, like all councils in the Greater Sydney area, for a little over 12 months.

**The CHAIR:** Why does the current proposal focus on that high-rise development rather than low-impact, heritage-sensitive alternatives? Is it because of the pressure to generate the housing outcomes primarily?

**MONICA GIBSON:** There are a range of development types that are proposed on the site and through the planning controls that have been on exhibition—and only recently on exhibition. We've received just over 300 submissions through that exhibition period. I think it only finished last Monday.

**KIERSTEN FISHBURN:** I think it finished on the 24th.

**MONICA GIBSON:** Yes, last Monday. We'll have a look at the views that are in those submissions about the mix of housing types and we'll also talk with Property NSW, who are the proponent for that development in relation to those submissions, if they will be responding to those.

**The CHAIR:** I accept that, and that's great that the process will carry on. But I think, wherever there is a proposal, it takes a heavy influence in the final outcome. What was the justification for the building heights up to 80 metres and this focus on the high-rise part of it rather than the lower, more heritage part?

**MONICA GIBSON:** Some of those matters relate to the proposal by the landowner, so they're really questions that Property NSW and Minister Kamper would—

**KIERSTEN FISHBURN:** That's correct. It's under Minister Kamper's portfolio.

**MONICA GIBSON:** But, in terms of our assessment, we were satisfied that this proposal was adequate to go to public exhibition. There was enough information in the proposal for us to understand the types of impacts that would be created and to seek feedback on matters related to that range of heights, the types of land uses, including the impact on open space, the impact on infrastructure and services, and the impact on heritage. We know that that is a very big issue and has come through in a lot of the submissions. I have to say that the submissions in the first review of those, in the last week, also include quite a number of submissions supporting development in that area and making use of the improved services that come with the light rail and that we'll see some reinvestment in that precinct.

**The CHAIR:** What consideration was given to the co-design of the proposal with the Burramattagal people and the relevant Aboriginal land council? I think this comes from the cultural significance of the headwaters of the Parramatta River and that precinct area.

**MONICA GIBSON:** Some of that work and some of those questions might be better answered by Property and Development NSW.

**KIERSTEN FISHBURN:** I can say that significant thought was put into caring for and connecting to country principles in the development of the project—

**The CHAIR:** Sorry to interrupt. Do you see that in the application? Is that something that you saw in assessing that it was suitable to go to public exhibition?

**MONICA GIBSON:** Yes, we did.

**The CHAIR:** I didn't mean to cut you off. I just got overexcited. Sorry, Ms Fishburn.

**KIERSTEN FISHBURN:** You probably just continued my line, which was to say that within the proposal, as it is exhibited, those elements have been woven into the proposal—not just representing Aboriginal cultural history, but that is a obviously a site of significance for Parramatta, and Sydney more generally, in terms of the Female Factory. I think those interwoven histories have been represented within the proposal. I'll be looking forward to seeing the submissions and seeing the level of response—support or otherwise—in relation to those particular aspects. I can assure you that, as part of the design process, those elements were absolutely very high on the agenda in terms of wanting to represent the historical import of that site.

**The CHAIR:** Are you satisfied, with the way the proposal is now, that the rezoning of the Female Factory precinct will not deleteriously impact its UNESCO nomination?

**MONICA GIBSON:** We are working through the assessment of the proposal. My team is meeting with Heritage teams tomorrow to continue those discussions and to understand the impacts. The level of significance of this site is pretty unique in New South Wales, but it's not completely unusual. We work through the process to

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understand the information—we'll gather that—and we'll make an assessment and provide advice to the planning Minister.

**The CHAIR:** Are you aware that there are some criticisms about the limited exhibition period, given the complexity of the proposal and the documents?

**KIERSTEN FISHBURN:** I thought it was extended by two weeks.

**MONICA GIBSON:** I think the secretary is correct. We had an extended exhibition period. I don't have the exact date in front of me.

**KIERSTEN FISHBURN:** I'm actually going back to my Minister Kamper notes here, but I'm pretty sure it was extended by a fortnight.

**The CHAIR:** There has been a request for a consideration of pausing any rezoning process and for the conducting of a national urban design competition. Are you aware of that?

**MONICA GIBSON:** I know that there have been a number of requests for pausing, for all sorts of reasons, both in written submissions and in representations that have been made. We're not currently pausing. We're working through the assessment, given that the exhibition has just finished and there's quite a bit to review in the submissions.

**The CHAIR:** Is the environmental impact in relation to the increased density on the Parramatta River's headwaters something that has been assessed or will be required to be further assessed at some point?

**MONICA GIBSON:** There has been some preliminary assessment to confirm that it was suitable and adequate to go on public exhibition, but we expect that there will be some detail about that issue in submissions, both from public authorities—Commonwealth or State agencies—and the Deerubbin land council. I expect that there will also be mention in some of the private submissions.

**The CHAIR:** The Minister was talking about the physical/substantial commencement provisions and the current legislation. If you are in a position to extrapolate on any work that has been happening internally, I recognise with the new housing body that's something you—

**KIERSTEN FISHBURN:** The Housing Taskforce?

**The CHAIR:** Yes. I'm curious as to what work is being done in relation to that. We got a really good picture through the planning inquiry this Committee undertook, but I know that you people spend your lives working on this stuff—all the time, each moment of every day—and I'm wondering if there's any further information, any further thought.

**KIERSTEN FISHBURN:** I would be delighted to talk about the Housing Taskforce, because it is one of the things I'm most proud that we have introduced. You get to have a few legacy things when you're a secretary or a Minister; as a secretary, that's one of mine. A number of things that the Housing Taskforce are doing—and there's two particular streams of work that I think are germane to the question you're asking. The first is they are looking at where matters have got blocked in the system, whether that's because there has been a State agency failure to respond or it's a particularly complicated matter and people in other agencies whose planning is not there seven days a week—although I do give my staff at least a day a week off—so they may not have been able to address it and bring the focus to it. That's not a criticism. It's because it's not their primary role.

The taskforce has people from across the whole of government embedded in it. Think about it as a kind of emergency response team. They are able to look at these matters where a concurrence might need to be given. I'll just give an example, say, from the Heritage agency, because Heritage has been great to work with on this. It's fallen overdue or it's a bit complicated because it also needs advice from, say, Transport. So you've got two agencies trying to deal with the same thing. The taskforce will take that particular matter and resolve it, because they are laser focused just on getting that resolution done and they have the expertise, both in a planning sense but also with the other agencies as well. That means a council who might have been waiting for something for 100 days will finally get that answer, and then they can resolve to determine the DA. So it's really critical work. It's basically creating—and I'm going to say this because I'm trying to make it trendy—like the one Waratah of planning.

**MONICA GIBSON:** You are trying to make it trendy.

**KIERSTEN FISHBURN:** I'm trying to make it trendy. Clay is smiling.

**The Hon. SCOTT FARLOW:** Because nothing is trendier than the one Waratah of anything.

**KIERSTEN FISHBURN:** Thank you, Mr Farlow. I'm looking forward to hearing you say that.

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**The CHAIR:** There's nothing trendier than planning. Come on!

**KIERSTEN FISHBURN:** So it's really creating that whole of systems improvement. The other piece of work that they're doing, which speaks to the horrendous zombie DA issue, is to look at post-conditions of consent, and that's what the Minister started talking about. The way the system works now—and we've always been structured to work this way, so I'm saying it's a failure that exists but it's one that we are working to resolve—is you might get back your conditions of consent, which a council will put on a DA from, say, six different agencies. Council, generally, will just put those six different things on and hand it over to the developer without necessarily—probably because they're time strapped, and it can be difficult to get advice back—sense checking whether all of those conditions of consent are necessary, whether they can actually exist together or are they contradictory, and what delays as a consequence might occur because of that.

The taskforce is looking at making sure that conditions of consent are operable and that they don't contradict each other. Again, instead of getting six different agencies' opinion, you'll get the one Waratah of planning opinion, and you'll be able to go ahead and commence construction. You can tell I'm excited about this, right? They're also undertaking a piece of work which is research into developments where consent has been given but construction hasn't commenced yet.

They're looking at developments. I think it's over 100 apartments—I'll have to take that one on notice; I'm pretty sure I'm getting confused with our CIB—or 100 lots where someone's got their DA but they haven't started on construction yet, and really trying to dig down into what the reasons are in relation to that, because that's where you get the things that are stuck. We are getting some very common themes that are coming up in relation to that. Unsurprisingly, we all know what the economics of construction are at the moment. Feasibility is absolutely top of the list. But things like those post conditions for consent have been brought up by developer after developer. We can resolve that; we can fix that. There are also issues around sequencing of things like construction certificates. This comes up regularly.

You might need five or six construction certificates over the life of a development application. If your council is asking you to come up with your final plans for your final construction certificate on the day you would be putting in to get your construction certificate for your basement, you probably don't know what that's going to look like three or four years in the future when you're building it. If you actually sequence those CCs in a way that is more logical, it's faster for a developer to get in there and commence their development and it has a positive impact on their feasibility, because they're not trying to design for something in the future that they would probably then have to re-prosecute at a later date.

They're some of the pieces of intel that are coming out of the work the taskforce is doing. Not only does that help us make immediate changes, so we can look at conditions of consent immediately, but it also gives us insight for the broader planning reform piece. I'm sure Mr Farlow will be excited to hear about some of those things as well. It helps the development community have an avenue to be able to discuss these things with a group who is in the department but not undertaking the assessment, so they can have that comfortable—

**The CHAIR:** If I'm a developer and I've got a consent, though, and there's a bunch of things that I'm struggling with, I can come to the taskforce. If you see things in the consent and you go, "Actually, these things aren't necessary," does the developer then seek to modify that consent through the taskforce?

**KIERSTEN FISHBURN:** They would need to modify it through whoever their consent authority was originally.

**The CHAIR:** Does it come with taskforce advice?

**KIERSTEN FISHBURN:** Correct. Remember, they've only been established since September. Again, I'm exceptionally proud of what they've achieved in a very short period of time. The taskforce is also working very actively with councils, because this work helps councils do their job far more efficiently as well. It's actually a gift in to local government. They will talk to those councils, work with them and make suggestions or encouragement.

**The CHAIR:** Are there any councils in particular where you're seeing a concentration of that work? Are there more than one, two or three—that sort of thing?

**KIERSTEN FISHBURN:** Not to my knowledge. I'll take that on notice and see if we're seeing any clusters. But if I'm thinking around the developers that we have interviewed, we've tried to select them from around the State. Generally, when we're seeing DAs that haven't commenced, they are both metropolitan and rural as well. Again, feasibility tends to be the lead issue that comes up, rather than local government—whether it's a council that's poorly performing or an issue of a particular council. I will take on notice, though, if we're seeing any particular clusters of issues.



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**The CHAIR:** You might have already said this, as you were talking very fast.

**KIERSTEN FISHBURN:** I'll slow down.

**The CHAIR:** No, it was great. Does the taskforce have a bottom threshold before you're eligible to come to the taskforce? You might have said something but I missed it.

**KIERSTEN FISHBURN:** I'm trying to slow down now. The taskforce is focused at this point in time on residential development.

**The CHAIR:** Over a certain amount?

**KIERSTEN FISHBURN:** Over a certain amount.

**The CHAIR:** What was that?

**KIERSTEN FISHBURN:** It's about 100 apartments or 100 lots. Sorry, if I can just give a clarification there as well: When it is a concurrence or a referral matter, which could be a lower threshold, it is about whether it is about to become overdue under the time that is given to do it.

**The CHAIR:** To give the terms of approval.

**KIERSTEN FISHBURN:** It is resi at present. Firstly, it's called the Housing Taskforce, but obviously we want to focus our energies on resolving the housing crisis and using whatever levers we can to make a positive benefit there.

**The CHAIR:** At this point, though, is there anything equally commensurate that the community can access? I get that this is a housing taskforce and it's leading to driving more supply, but what does the community do if it sees a DA that has the other side of the impact? I suppose it is the zombie DA scenario, where there's a development consent, the conditions are all messy and it's allowing something that shouldn't happen or that should be under reassessment. Is there any service within the department that those people can go to, or is there any intention to provide something like that?

**KIERSTEN FISHBURN:** Let me just make sure I understand your question. Suppose I was a community member and there was a block of land on my street that had been sitting unactivated for many years—it's probably full of shopping trolleys by now, rusting away—where would I go if I had a concern about whether that had development consent on it? Is that the question that you're asking?

**The CHAIR:** Sort of. Let me just rephrase it just one slight bit. Say it's a big block of land and it's not full of shopping trolleys but, in fact, it's full of really important ecological components aspects, like greater gliders and big old trees. There is that continuous threat of an old DA that has been physically or substantially commenced but nothing is happening on it. It's the classic zombie DA. I understand why we're providing this urgent taskforce on one end, but we don't seem to have any capacity on the other side of the equation when you've got that development sitting there but there's nothing happening on the site—just a lot of anxiety on part of the community and no resolution.

**KIERSTEN FISHBURN:** You've really got to the nub of what is quite a challenging issue, as the Minister detailed. We don't have records for a lot of consents because they weren't digitised and councils have lost many records. If you are a community member in that position, my advice to you would be to go to your council in the first instance. Your council could make representations to the department on that particular matter through the taskforce.

**The Hon. SCOTT FARLOW:** To the Low and Mid-Rise Housing Policy now and the infill affordable housing provisions that apply to it. Am I right in saying that the infill affordable housing provisions apply to the low- and mid-rise changes?

**MONICA GIBSON:** They do. Sorry, I should clarify. They can be used in conjunction with them.

**The Hon. SCOTT FARLOW:** Therefore the height of a 22-metre building could go up to 28.6 metres. Is that correct?

**MONICA GIBSON:** There would be a merit assessment to be able to go as much as 30 per cent above the height.

**The Hon. SCOTT FARLOW:** In terms of those height limits, if it's 22 metres and six storeys, you can't go any higher than six storeys. Is that correct?

**MONICA GIBSON:** That's right.

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**The Hon. SCOTT FARLOW:** If you were to go up to that 30 per cent, would you get an additional two storeys?

**MONICA GIBSON:** It would depend on the site, but it could be as much as two storeys.

**The Hon. SCOTT FARLOW:** As much as two storeys but no more, effectively. So it couldn't be that, effectively, you'd come in at 28.6 metres and if you could fit nine into that you could go ahead because that was the provision. It would be—

**MONICA GIBSON:** I think it's about a 30 per cent increase on the height. Every situation would be slightly different. That's why I'm being a little circumspect about saying that it would be two. There could be some situations, depending on the design of the site, where it might occur in the design that there is a little bit more or a little bit less than that. Depending on that height, the controls also accommodate for ground-floor commercial development that could occur, which also affects the amount of space that's available then for residential above that.

**The Hon. SCOTT FARLOW:** Would the infill affordable housing provisions apply to a manor house in one of the R2 areas? Could that be included with the infill affordable provisions, as it's a residential flat building?

**MONICA GIBSON:** A manor home is not a residential flat building.

**The Hon. SCOTT FARLOW:** It's not defined as a residential flat building?

**MONICA GIBSON:** No, it's defined as multi-dwelling housing. The vagaries of the planning system mean that there's a special definition for every type of housing, really.

**The Hon. SCOTT FARLOW:** So a manor home two-storey apartment building could not be captured by the infill affordable housing provision in the R2 zones?

**MONICA GIBSON:** I would need to double-check.

**The Hon. SCOTT FARLOW:** Could you take it on notice?

**MONICA GIBSON:** Yes, I can take that on notice. My sense is that a manor home is not a residential flat building; it's multi-dwelling housing. We have small residential flat buildings that are three storeys.

**KIERSTEN FISHBURN:** I can add more to the questions about the Housing Taskforce.

**The CHAIR:** It is time for a break.

**(Mal Lanyon and Alex Wendler withdrew.)**

**(Short adjournment)**

**The CHAIR:** Welcome back. Over to you, Mr Farlow.

**The Hon. SCOTT FARLOW:** I have to find my spot. I might actually go to Mr Preshaw.

**MONICA GIBSON:** Mr Farlow, while you are looking, could I provide a correction? I think you asked me just before about whether Manor Homes were—

**The Hon. SCOTT FARLOW:** A residential flat building.

**MONICA GIBSON:** —a residential flat building. And they are a residential building, so my apologies for misleading you.

**The Hon. SCOTT FARLOW:** That's all right. I thought that might be the case. Are they subject to the affordable housing infill bonus, then?

**MONICA GIBSON:** In accessible locations, the infill affordable housing bonus applies.

**The Hon. SCOTT FARLOW:** Thank you. Now to further ask that question, in a sense, it's thought in most of these—let's say the LMR zones, that it's 9.5 metres and two storeys are the controls. Of course, 30 per cent of two storeys doesn't equal another storey. Could you get three in that scenario?

**MONICA GIBSON:** We'd be talking about a hypothetical, and I think it would be something that I'd prefer to see an actual example of and to work through what the particular details might be. I think it would be very difficult with the 9.5 control and an extra 30 per cent on that, which would need to be assessed to make sure that it was suitable for the area to get to an extra storey.

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**The Hon. SCOTT FARLOW:** Thank you, Ms Gibson. Mr Preshaw, how many wind turbines are there in New South Wales? I'm not looking for how many projects but how many actual turbines.

**CLAY PRESHAW:** I don't think I could answer that one off the top of my head. I'll take that on notice.

**The Hon. SCOTT FARLOW:** That's fine.

**The CHAIR:** Really, Mr Preshaw?

**The Hon. SCOTT FARLOW:** I'll put a series of these to you, then, on notice with respect to those. Does every approved wind or solar development application in New South Wales have a decommissioning and rehabilitation condition attached to it?

**CLAY PRESHAW:** I can answer the second one. The answer is yes. There are conditions around that for all projects.

**The Hon. SCOTT FARLOW:** And in what circumstances, if any, is a bond required?

**CLAY PRESHAW:** There are no circumstances where we require a bond through the conditions of the development consent, but there are now some new guidelines, as you probably are aware, that came out last year that give guidance to the landowners around what their rights are and what the obligations of the company should be in relation to decommissioning.

**The Hon. SCOTT FARLOW:** What happens in the instance of a wind farm or solar farm being transferred to another entity from the original applicant? Do all the conditions transfer across to the new entity, or are they retained against the original landholder that hosts the site?

**CLAY PRESHAW:** I think the simple answer to that is that the development consent runs with the land. That's the central tenet of planning in New South Wales. Everything that was on a development consent applies to whoever is operating the wind farm.

**The Hon. SCOTT FARLOW:** In a circumstance where an operator of one of these sites goes bust, the conditions that go with that site also retain with the landholder? Is that correct? So if a wind operator were to be insolvent and then you were to come to a decommissioning period, would it be the landholder who would be bearing the responsibility of that?

**CLAY PRESHAW:** That's a bit of a hypothetical question. The development consent holder is responsible for the conditions of the development consent. The development consent does not necessarily, in that scenario, just automatically transfer to the landowner. I think that's what you're implying.

**The Hon. SCOTT FARLOW:** But if there are decommissioning requirements and rehabilitation requirements attached to that consent, which is attached to the land, the landholder would inherit those requirements. Is that correct?

**CLAY PRESHAW:** I'd probably have to take that on notice, but I don't think that's an accurate reflection. Again, there's a difference between being a landowner and being a development consent holder. Sometimes they're not one and the same thing. In the case of wind farms, that's often the case.

**KIERSTEN FISHBURN:** We'll just get some detail from our planning lawyers on how that might work so that we can give you a correct answer.

**The Hon. SCOTT FARLOW:** I do note that in the *Wind Energy Guideline* and the *Large-Scale Solar Energy Guideline*, it says:

However, there are some situations where this obligation may fall to the landholder, such as when the owner or operator of the project becomes insolvent. This is because the conditions of development consent apply to the land and not to a particular party or company.

So I'm just interested in terms of what those circumstances are, where it would fall to the landholder. What's the status of the New South Wales *Wind Energy Guideline* and the New South Wales *Large-Scale Solar Energy Guideline*, both of November 2024? They're guidelines. How does the department use and interpret those when assessing development applications?

**CLAY PRESHAW:** We are now applying those guidelines. They're an important part of our assessment of all renewable projects now.

**The Hon. SCOTT FARLOW:** With respect to that, can a project be approved if it doesn't comply with those guidelines?

**CLAY PRESHAW:** It would depend on what you mean by "doesn't comply with the guidelines", because obviously there are a lot of pages and a lot of words attached to the guidelines. But the intent is that all

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projects are generally complying with the guidelines, yes. You might need to be more specific about which parts of the guideline you're referring to.

**The Hon. SCOTT FARLOW:** No, just in terms of their force, effectively, in terms of the guidelines and their controls. Similar to, in a sense, when you're looking at a LEP and a DCP, for instance, in terms of how they're viewed, how do the guidelines fit in such an arrangement?

**CLAY PRESHAW:** It might be worth comparing it to an LEP or a DCP or a SEPP, for example. SEPPs and LEPs are delegated legislations. When you go to the legislation website, they're actually delegated under the Act. The wind guidelines—all the guidelines you're referring to are policy documents. They wouldn't be considered a delegated legislation in the same way, so there is a difference. But certainly we expect developers to comply with the guidelines when we're assessing projects.

**The Hon. SCOTT FARLOW:** That is a very helpful clarification in terms of how that operates. Thank you for that. The guidelines state:

The applicant of a wind energy project should be responsible for decommissioning, and this should be reflected in the agreement with the landholder hosting the project infrastructure.

By this reading and the term "should", does that mean that it's not necessarily a requirement?

**CLAY PRESHAW:** Again, it depends on the particular development application that we'd be talking about.

**DAVID GAINSFORD:** I might add to Mr Preshaw's answer there. As you may be aware, one of the parts of the guidelines is, I guess, a template of a private agreement. One of the things that we're obviously aware of with regard to wind farms and solar farms is that an applicant is often coming to a commercial arrangement with a landholder. Part of what we, as I mentioned, do within the guidelines is to give some templates on how you might go about those private arrangements, but those private arrangements are private arrangements. At the end of the day, they're not part of the planning system. The guidelines themselves obviously talk to encouraging landowners to make sure that any risks that they see of having to pick up the cost, if you like, of decommissioning is something that they're factoring into their agreement.

**The Hon. SCOTT FARLOW:** In a sense, it's a prompt for the landholder to have a checklist, effectively, saying, "You've covered this and make sure you're aware of this."

**DAVID GAINSFORD:** Exactly.

**The Hon. SCOTT FARLOW:** It is somewhat, in a sense, equivalent to consumer information, effectively.

**DAVID GAINSFORD:** Exactly.

**The Hon. SCOTT FARLOW:** So while it's something that the department, of course, publishes and suggests, it's not necessarily a requirement in the assessment?

**CLAY PRESHAW:** Yes. That's why when you mentioned, "Does a developer have to comply with the guidelines?" there are parts of the guidelines that are strict requirements or strict performance criteria, particularly around visual, for example. But things like the landowners' rights when it comes to decommissioning and rehabilitation et cetera, those are more of a helpful assistance to landowners, bearing in mind that there are different arrangements between developers and landowners, whether it's leasing or options to buy et cetera. As I said, it really depends on the particular development application.

**The Hon. SCOTT FARLOW:** What are the relevant issues for decommissioning and rehabilitation that are required by the department under the project's environmental impact statement? What are you looking for in the assessment in terms of those plans?

**CLAY PRESHAW:** Again, it depends on the arrangement between the developer and the landowner. But we are expecting to understand that, essentially, at the end of the project, if it is to end, there are adequate arrangements in place to ensure that the project is properly decommissioned and the land is properly rehabilitated. The information as to what that might entail depends on the project and on the land in question.

**DAVID GAINSFORD:** To add to Mr Preshaw's answer there, in some cases we would be seeing often that the landowner themselves might be interested in keeping some of the infrastructure that has been part of that wind farm proposal, such as roads, access tracks and various other services that have been provided as part of that. It really does depend on a case-by-case basis.

**The Hon. SCOTT FARLOW:** In terms of the verification of any agreement that exists between the landholder and the developer of one of these projects, does the department do any verification or assessment of

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that agreement or is it just a tick box, effectively, that there is an agreement and that is the extent of the department's interest?

**CLAY PRESHAW:** It's an interesting one and, again, it depends. I feel like I keep saying it depends on the particular landowner and the particular developer. There have been circumstances, for example, where the Independent Planning Commission has asked for quite a high level of detail, I would say, in relation to the agreements. But quite often these things are commercially sensitive and so the level of detail that a developer might want to provide or the landowner might want to provide may not be available to us or to the IPC, for example, the decision-maker. We do expect some level of detail to be provided in the EIS documentation as to what type of arrangement there is. Again, it's more about reaching the outcome that we are comfortable that the project can be decommissioned and the land can be appropriately rehabilitated.

**The Hon. SCOTT FARLOW:** What do you do for that verification, so to speak, that you are comfortable with that? What's the process that you undertake?

**CLAY PRESHAW:** Typically, there is information in the EIS. In most instances, that information is considered enough and sufficient. If we have any questions or if we have had any concerns raised by the landowner directly, then we will ask for more information from the developer. I think there have been circumstances where we have sought further information from the landowner. Again, I refer to one with the IPC where there was quite a lot of discussion and information provided between the IPC, the landowner and the developer. Typically, if the developer has provided sufficient information and the landowner hasn't complained, then we will consider that to be—as long as it demonstrates the outcome that I described before, then we would be comfortable with that.

**The Hon. SCOTT FARLOW:** Other than the Wind Energy Guideline and the Large-Scale Solar Energy Guideline, what other policies or laws govern the decommissioning of wind turbines or solar panels in a large scale? Sorry, I should say solar panels in New South Wales.

**CLAY PRESHAW:** There is a range of legislation that applies to the land. I think there have been some questions raised around potential contamination of the land, so then you would bring in contamination legislation, the POEO Act, for example. A lot of the projects actually require biodiversity offsets to be in place on the land or adjacent land after or during the development, so then you bring in the BC Act. There is probably a range of different legislation that applies outside the planning Act.

**The Hon. SCOTT FARLOW:** As you're probably aware, on Monday 3 February this year, Queensland introduced revisions to their State code 23: Wind farm development, which provided new performance outcomes, including performance outcome 30, which states:

Decommissioning plans are secured by bonds or financial guarantees or other mechanism/s to safeguard timely compliance.

Which requires a decommissioning security report. Has the department undertaken any analysis of this policy at all?

**CLAY PRESHAW:** I would have to take that one on notice. I am familiar, broadly, with the changes that occurred at the Queensland level. For a long time, the industry was complaining that we should have a system more like Queensland because it was easier to get things approved according to the industry, and now I see that they have started to tighten up things, probably to reflect some of the issues that have arisen in the communities where wind farms were proposed in Queensland. But I'd have to take on notice the details around that policy.

**The Hon. SCOTT FARLOW:** I appreciate that.

**CLAY PRESHAW:** I would say that the policy area for renewables, which sits within my team now, is always looking at different policies across the States. And we are always looking at any developments, particularly around decommissioning and rehabilitation, which is obviously an important issue for a sector that's developing rapidly across the regions.

**The Hon. SCOTT FARLOW:** That ends my questions in that respect. I might turn now to industrial lands. Is that you, Ms Gibson?

**KIERSTEN FISHBURN:** That's Ms Gibson.

**The Hon. SCOTT FARLOW:** The Government plans to categorise industrial land as State, regional or locally significant. What are going to be the criteria that will be used for these classifications?

**MONICA GIBSON:** You've correctly picked up that that is one of the actions in the Industrial Lands Action Plan that was released only a couple of weeks ago. We have commenced discussion with industry groups, major industrial landowners, and freight and logistic groups, all those folk that have a role to play in the industrial

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land supply and industrial land use. We do need to do some work to identify what the criteria will be for identifying those categories of industrial land. We haven't fixed what those are yet, so it's a piece of work to go through that.

We are seeking feedback from our reference groups and from our stakeholder groups in relation to this so that we have a sense of things that are particularly relevant to them and things that they can provide us some information on—information about how their businesses are operating and intended to operate over the future. That helps us understand their land needs and information that we're also collecting from other agencies as well, particularly transport, so that we can understand those matters. We are also looking at the economic significance of particular activities. I think you could assume that a lot of land at the Port of Newcastle, Port Botany and Port Kembla will be considered to be State significant because of the importance of the throughput of materials and goods through those ports. That economic significance will become a very high factor in that being State significant land.

**The Hon. SCOTT FARLOW:** While we have a housing crisis, I think many would classify that we've got an industrial lands crisis as well.

**KIERSTEN FISHBURN:** I think the Minister himself said that earlier.

**The Hon. SCOTT FARLOW:** The Minister probably did. How much additional industrial land does the department estimate that we need over the next five years?

**MONICA GIBSON:** We provide some information in what is called the industrial land development monitor. We provide some information that's a little bit backward looking. It looks back at how much land has been zoned, how much has been serviced and how much has been taken up. By that, it goes from vacant to being occupied. We released that in January when we released the industrial land plan. Across New South Wales—and we don't have all of the State covered, but we have the major pieces of industrial land supply covered in the Greater Sydney region, the Hunter, the Illawarra, the Central Coast and the upper Hunter as well as the lower Hunter. There were 14,000 hectares of undeveloped land that we think could be as much as maybe 12 months supply of serviced land in some of those markets.

Overall, that probably offers us a bit more than the next couple of years worth of zoned land. But we know that other jurisdictions in Australia plan for a 10-year supply of land, and they set targets around that. We're looking at the work that's happening in other jurisdictions so that we can, as one of the four actions in the action plan, make sure that we have an industrial land development program. Rather than just monitoring what's going on, we're doing a program to say, "Here's the land, here's what needs to be zoned, here's what needs to be serviced, here are the targets that we're working towards to make sure that we've got a healthy supply that matches a variety of important activities—port land, land for other warehousing, land that might also accommodate manufacturing et cetera."

**The Hon. SCOTT FARLOW:** I guess one of the things that is happening as part of this or part of the conversation, at least, is moving away from the retention policy and looking at, perhaps, an optimisation policy. How do you see that playing out in terms of people moving out from areas that you may want to rezone for residential purposes but moving to new industrial lands and the costs that may be involved? In the past, there's always been a highest-and-best-use sort of principle with land. But, with the prices we're seeing for industrial lands at the moment, maybe their highest and best use is industrial. Is there anything that the department is looking at in that regard?

**MONICA GIBSON:** We do want to look at this categorisation of land. We know that, in doing that, that might identify some areas where it's not playing or having a significant role in the economic development of the State and might no longer be as suitable for industrial land as it has been in the past. I also note, in our action plan, that we're looking at the planning controls for how industrial land is used. You can see that over the last couple of years we've spent a lot of time looking at the floor-space ratios and building height controls for residential land. We haven't done the same for industrial land for some time, and there are plenty of examples happening of two-storey industrial activity, but we don't necessarily have planning controls that enable that in New South Wales. That's both from a floor-space ratio as well as a building height. So we will look at that.

I think you used the word "optimisation". We've also been talking about intensification of our industrial land. We frequently get requests for rezoning of land from industrial to residential. There's been a number of applications through to the Housing Delivery Authority for that, as well as in some of the site-by-site rezonings that we've been doing over the last couple of years. So this will really help us make decisions that work for the long term for industrial land across Sydney, across New South Wales.

**The CHAIR:** I just want to turn to coal projects if we could. It wouldn't be a budget estimates if we didn't do it. Obviously, I had a conversation with the Minister earlier, but I'd love to know more about what you, as the people with the levers in the department, are doing at the moment in terms of the Net Zero Commission's

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work. It's my understanding that you have actually asked—and I may be a bit old on this information—some major coal projects, such as the HVO and Chain Valley, to explain how their proposals align with the climate change emissions reduction targets. So I'm just super curious. What's happening? And what are we doing?

**DAVID GAINSFORD:** Thank you, Chair, and I'm happy to start answering this, and then Mr Preshaw may want to add to this. You're correct in terms of your memory of some of the initiatives that we've been looking at with regard to greenhouse gas emissions. As you would be aware, with the net zero Act coming into place and also with the EPA's further guidance around greenhouse gas emissions for large emitters, that has changed the policy settings with respect to the assessment of coalmines and the assessment of greenhouse gas emissions. We always have had the obligation of assessing greenhouse gas emissions, as you would be aware—scope one, two and three—as part of our assessments.

I think what you're referring to there is that the planning Minister actually wrote to the IPC and also wrote to the secretary, asking that we take those bits of policy into account as part of our consideration of the assessment and, obviously, in the IPC's case, take that into consideration as part of their determination of projects. We have, for some of the more significant coal proposals that have come in—you mentioned Hunter Valley Operations—gone back to Hunter Valley Operations and asked them to provide some more responses to some of those greenhouse gas emissions that are associated with those extensions of projects.

The other thing I would mention before perhaps handing to Mr Preshaw is—I mentioned we've had some conversation about the independent expert advisory panel around mining. We have now got specialists that are working within that panel to also provide some independent advice to us on greenhouse gas emissions. We get that advice in concert with advice that we get from various parts of government as well: the EPA and also the centre for atmospheric sciences within DCCEEW. This is forming a significant part of our assessment work now.

**CLAY PRESRAW:** There's not a lot I'd add at the general level there. Basically, what's happening now is an extension of what we're already doing, I would say, at Planning. We had SEARs scoping requirements that required companies to look at how their project would fit with the net zero target and how it would fit with the State's future emissions. But I think the information we're receiving now from EPA and the annual report from Net Zero Commission, for example, really tightens the screws a little bit, in terms of what companies need to provide. It's actually looking at the 2030, the 2035, the five-yearly targets and asking the companies to really turn their minds to how their projects would fit or not with those targets.

**The CHAIR:** In terms of the machinery of how that happens, though, are there things—I think the Net Zero Commission has highlighted that every million tonnes of scope one emissions creates extra pressure on other sectors, which is raising the issue of how it's very hard to look at this with a project-by-project lens because of the pressures it puts, as one sector on another, and who's required to do this lifting. If you're looking at it and assessing it in terms of the greenhouse gas contributions, this mine or even all the—and I'll get to this in a second. Are there still 17 in the pipeline? But you can confirm that in a second. But, if, say, there are 17 or 10 and we're looking at those, for you people actually doing this assessment ultimately, when you're making your recommendation, how is what you're gathering from that one proposal going to fit in in earnest in terms of the 2030 ambition, say? Do you have a kind of matrix that that's all going to fit through?

**DAVID GAINSFORD:** I agree with you, Chair, that this is complex and, obviously, something that we're taking very serious account of. What I would say is that we're not the ones that are doing the modelling for the 2030 targets and the 2035 targets. That's coming from the centre for atmospheric sciences. They have factored in a number of these projects, and I think the Minister talked earlier today about projects that are predicted to close as well. There's a high level of sophistication that they've got in those models with regard to the contributions that have been made from the coalmining sector.

**The CHAIR:** Again, I know I jump in, but would you say then—this is my concern, and I may be very wrong—that we're looking at the targets and then going, "We can allow this", as opposed to the intent of the emissions reduction targets, which is to be more ambitious? It's not about just hitting a target of 50 per cent reduction by 2030. It's how can we get to net zero by 2050, before 2050. That is the honest intent of the legislation, of course. It's not me looking for that. It's in there. Do you think the settings which you have now—in terms of your assessment tools and the modelling that you're asking of the proponents, and looking at all the coal projects—provides that capacity to be ambitious?

**DAVID GAINSFORD:** Chair, I think I would say that ultimately we're not the ones setting the policy. The policy settings are what we're working within. So purposely we are needing to ask questions within those policy settings and those ambitions. Whilst I referred before to the fact that, you know, we do seek advice around the targets and how the projects that we're assessing have been factored into those, we're also looking at ways, on an individual project-by-project basis, of how those emissions can be reduced as much as possible. Take, for

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example, the Hunter Valley operations, and we're obviously waiting for the feedback to come back from the company with regard to some of the questions that we've raised.

But their ambitions in their original application were to extend mining operations out to 2050, and obviously a very large extension of work there, with additional ramping up on a per-year basis of coal production. Obviously, time will tell in terms of what they come back with, but I'd be surprised if they keep some of those parameters in their original application.

**CLAY PRESHAW:** Perhaps I could add a little bit to your specific question. I think you were distinguishing between the technical task of how a project contributes to the overall target we're trying to reach, versus perhaps an overarching consideration of whether one project is contributing too much in a broader sense. So, yes, we're definitely doing the first task, and it's not our job to do that; it's the very smart people at CAS—Climate Atmospheric Science—and with the assistance of Net Zero Commission and the EPA et cetera.

We take a lot of advice on that, and I think that's an important step to get through, a hurdle to get through. But at the end of the day, our assessment in planning is a merit assessment of the project, and greenhouse gas emissions is one of many factors we're considering. But it's a very important factor in our consideration. I would say that the HVO project is an example of where the company might say, "Well, our contribution is fine, when you look at each of the targets going up to 2050, and we're going to stop before then, so it doesn't matter." But we've essentially been saying back to them, "We want more information about what you could achieve in terms of reducing emissions." And that's essentially where we're at at the moment. I was here quite a while ago saying a similar thing to you, where we are really driving for an outcome that might not just be specifically about a technical modelling exercise, but looking at a project and deciding what the merits of a project are.

**The CHAIR:** In terms of the merits, are we looking at—are you raising the issue with proponents that the economic costs of the burden—so, you know, the economic bent. We always see in the merit assessment that the economic benefits through job creation or job maintenance, and the royalties that return to the State—are those emissions burdens that will be placed on other sectors? Is the economic considerations now of those increasing emissions or absence of reductions of emissions—are they being factored in a cost-benefit analysis now, as well?

**CLAY PRESHAW:** There's sort of two things going on there. Before you said cost-benefit analysis, I would have said yes, we are looking at that broader picture. I think the Climate Change (Net Zero Future) Act is sort of telling us all we have to do that, and certainly Net Zero Commission has confirmed that in their annual report. Whether or not you can, I guess, accurately or sufficiently analyse that through a cost-benefit analysis is probably a different question. I think we all know that cost-benefit analyses are tricky, and they provide, I guess, some sense of what the public benefits or costs are going to be, but they come with such a range of outcomes. I don't know that the cost-benefit analysis is necessarily the key, or the only tool we'd be using in assessing that. But to the thrust of your question, certainly we are looking at what needs to be done at a broad level with respect to a particular project that we're assessing.

**The CHAIR:** Do we still use the economic guidelines for the mining projects? They're still using those?

**CLAY PRESHAW:** Yes, you still need to do a cost-benefit analysis. So it is in the cost-benefit analysis, to be clear. That all will be captured in a cost-benefit analysis. But we've been in in this room before, and we've been questioning how accurate they are and how well you can capture those sort of externalities, those difficult-to-measure things.

**The CHAIR:** But I think now the rising cost of—you can forecast, even now, on the very cheap price of carbon offset credit tonne per, you know—the very cheap cost of credits. We can start looking at the actual burden across the analysis. I'm just wondering, would I see that in a modern application?

**CLAY PRESHAW:** Yes, you would. I'll have to confirm this perhaps later, but you'd probably find that, for example, with HVO, even with the costs of offsetting greenhouse gas emissions, the company would be finding, through their cost-benefit analysis, a significant overall net present value that's worthy of them proceeding with the project.

**The CHAIR:** That's right. And I think that—

**CLAY PRESHAW:** That's where the uncertainty around what the future costs of offsets is going to be, and what the costs of the technology to not have to emit—it's very difficult to forecast that part of the cost-benefit analysis.

**The CHAIR:** In terms of the Moolarben project—I think I had a conversation with someone. They're all merging now—it's after four, halfway through estimates. Oh, it was with the EPA. The Moolarben project was one that had potentially already bolted in terms of the application of the EPA's new guidance or guidelines around



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the assessment. Is that something the Minister for Climate Change was suggesting, that the Moolarben project—the guidelines didn't apply to that project because it was too advanced? Is that your understanding?

**CLAY PRESHAW:** No. There are certain steps in the process that make all the new policies, I guess, strictly apply. But again, all the key parts of that policy—for example, how does a project meet its target, meet the 2030 targets and the various targets up to 2050—we are asking companies and developers to provide that, regardless of what stage in the process they're at when the policy came in. So it is still a relevant consideration for Moolarben. I think Moolarben, if you look at the emissions and the emissions intensity, it's quite a different case to HVO, for example. They're all different cases in terms of what their total emissions and total emissions intensity is likely to be.

**The CHAIR:** With the work that's happening across all the relevant agencies with the post-mining and the coming to the end of any approvals, is your work aware of any of the mines that are looking at earlier closures than what they're currently consented to work to in terms of the coal projects?

**CLAY PRESHAW:** Sorry, could you clarify that question a bit?

**The CHAIR:** Are any of the coal projects coming for early closure, based on what they're currently consented to—the consent allows them to operate up until the time—are there mines that are coming to you saying, "Hey, we want to shut down earlier"?

**DAVID GAINSFORD:** To help Mr Preshaw with that answer, there's obviously lots of conversations that we have with lots of companies around their mines. You'd be aware that there's a couple of those mines which are looking to transition to other types of land uses. At the moment, we've got two pumped hydro projects: the Stratford pumped hydro project with a proposed solar farm as well, and Muswellbrook—

**The CHAIR:** I understand my question was absolutely confusing; I understand now why. I wasn't referring to the rehabilitation, or the end of the consent. I was referring to the actual ending of pulling coal out of the ground. Are any mines coming to you saying, "Hey, we're going to shut down our actual coal extraction earlier than what was forecasted"?

**CLAY PRESHAW:** I'd probably have to take that on notice, but David's right in terms of we are having conversations all the time with companies about their future plans. If the question is in relation to are mining companies looking to stop extracting coal on the basis of emissions, for example, I'm not sure that we've seen that. We do have a few mines that I could think of where there's a possibility that the mining will stop earlier than expected, but that's usually due to some operational reason or some difficulties, for example, in extracting the resource from an underground seam, or the like. So there are certainly circumstances where mines would seek to stop mining early, but that's usually not the subject of a modification application. Usually they can just do that—

**The CHAIR:** They can just stop.

**CLAY PRESHAW:** —under their existing approvals, unless there's something different that they wanted to do at the site.

**DAVID GAINSFORD:** If it assists you, Chair, my notes tell me that, in terms of those mines that we regulate, there are 38 operating coalmines at this point in time. There are a further 10 mines that are in care and maintenance. There are 13 that are at the closure stage and there are two that are yet to commence development. There is obviously quite a spectrum.

**The CHAIR:** Which are the two that are still yet to commence development?

**DAVID GAINSFORD:** I would probably need to take that on notice.

**The CHAIR:** Is Vickery—

**CLAY PRESHAW:** Yes, Vickery is one of them. Give me a minute. I might think of the other one.

**The CHAIR:** Sorry, there was 10 in care and maintenance and—

**DAVID GAINSFORD:** Ten in care and maintenance and 13 in closure stage.

**The CHAIR:** I think this is just a silly question, but I have to ask it. Is there any Government policy initiative anywhere that is currently encouraging or incentivising early closure that you're aware of?

**KIERSTEN FISHBURN:** It wouldn't be in our department.

**The CHAIR:** Okay, I was just curious. Just going to the renewable energy—

**CLAY PRESHAW:** Sorry, excuse me. Should we respond to the number of applications in the system? You did mention—

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**The CHAIR:** Yes, please. I said 17 and I would love to know if that's accurate or not.

**CLAY PRESHAW:** I believe it's—there are seven SSDs—development applications—and 12 modifications. Of the development applications, though, there are only four that are actually post-EIS. There are another three where we're waiting for the application documentation to come in.

**The CHAIR:** What are those three? You haven't got them off the top of your head?

**CLAY PRESHAW:** Angus Place West would be one of them. I believe David might be looking at the notes.

**DAVID GAINSFORD:** Yes, Clay is right. Maules Creek Continuation Project and Rix's Creek North Continuation Project—they're the three applications that we haven't received an EIS for yet.

**CLAY PRESHAW:** So they're all quite far away.

**The CHAIR:** Am I allowed to write them an "It's too late" notice and you'll sign it for me? Is that possible?

**KIERSTEN FISHBURN:** We'll take that as a comment, Chair.

**CLAY PRESHAW:** Sorry, I should just say, of the 12 modification applications, a lot of those modification applications are not actually to extract additional coal. There's all manner of reasons for why—

**The CHAIR:** Different reasons, yes.

**CLAY PRESHAW:** —an operation might need to modify.

**DAVID GAINSFORD:** I've just been informed that those two that Mr Preshaw referred to before—he was right with Vickery being yet to commence development. The other one is Wallarah.

**The CHAIR:** Of course.

**CLAY PRESHAW:** Which is highly unlikely to ever be developed.

**The CHAIR:** I'm certain about Vickery too. I've got a running book open on that one but we'll see. Going back to the renewable energy questions that Mr Farlow asked, which were very helpful, out of the wind projects, do all of the wind approvals that you've provided have an end date? Or do some of them not have an end date?

**CLAY PRESHAW:** I think it's correct to say that none of them have an end date and that that's a big difference between a renewable energy project and a mining project. Mining projects are actually very unique in that regard—in that we put an end date on them. In the case of renewable projects, when we give an approval, we are giving an approval with the intent that the equipment can be upgraded and essentially could last in perpetuity. In all likelihood, modifications would probably be needed as technology changes et cetera. But it's possible that you could just continue to operate a solar farm or a wind farm in perpetuity under the existing approval.

**The Hon. JACQUI MUNRO:** On artificial intelligence for local planning systems, I'm just wondering what specific types of AI are being tested and also why whatever programs you're using or technology you're using were chosen for the trials.

**KIERSTEN FISHBURN:** That's Mr Gainsford. I'll just let him find his notes. But I can assure you we went through a procurement process for the technology that is being used in the trial.

**DAVID GAINSFORD:** The secretary is right that there was a panel that was prepared to test the different types of use cases. We looked at different products that we felt could assist councils in various stages of their development assessment. Through that bid process, we asked for people to provide products that were then assessed under each one of those different categories. Maybe just to talk through briefly those different categories that we assessed, one was called the pathways and requirements finder. That's tools to help prospective applicants identify site-specific development requirements to expedite their development.

The second one was the material self-assessment health check. That was tools to help applicants conduct a self-assessment before DA lodgement so that they can address any potential barriers or gaps in their documentation. The third one was a risk-based triage. This was a tool to help council staff quickly identify noncompliant elements within a submission to help improve triage processes and council productivity. Then the last one was a site-specific documentation support: tools that improve the relevance and quality of documents prepared for submission.

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**KIERSTEN FISHBURN:** We came to those categories after fairly extensive consultation with local government themselves. These are the type of use cases that they came to us and said, "We would like to trial AI to help resolve some of these issues." We didn't just invent them; they are ones that have been council nominated.

**DAVID GAINSFORD:** That's correct.

**The Hon. JACQUI MUNRO:** With the material and the pathways tools, they're for external users to engage with the process basically?

**DAVID GAINSFORD:** That's correct. All of them have been designed for councils to help develop with the successful tenderers through the process—to identify tools both to assist councils in their assessment but, as you're saying, they're also applicants in preparation of those DAs.

**The Hon. JACQUI MUNRO:** Is the idea that those tools are contained on a council's website, for example, or are they housed in a department site?

**DAVID GAINSFORD:** At the moment they're council led. The idea is for them to develop these types of tools that council can apply. But we are very interested—obviously, with part of the feedback process that we're looking to get from these tools—to look at applications potentially that we could use more broadly within the Planning Portal, as an example. So, yes, the trial is going to be very important, we hope, to assist us in looking at ways of improving the use of artificial intelligence in all aspects of the planning system.

**The Hon. JACQUI MUNRO:** When will you come to a decision about whether the tools have been successful? Also what's the measurement for determining their success? Reduction in approval times, I imagine, is one of those.

**DAVID GAINSFORD:** Yes, I'm sure that is. I might need to take on notice the exact KPIs that we're asking for for that feedback. We are anticipating within the coming months to have some good information around how successful those applications have been.

**The Hon. JACQUI MUNRO:** Then the intention would be, if there are successful examples and use cases, that all councils would be given access in some way to these tools or to embed them in their own websites and planning processes.

**DAVID GAINSFORD:** I think, again, we're very open to the potential extension of these types of technologies. One thing I would mention is that products are coming onto the market quite rapidly. There's lots of innovation that's occurring, obviously, in this space. One of the things we are quite conscious of is not limiting the potential linkages, particularly with the Planning Portal. That extension that I was talking about before just to specific products—we are sort of looking at the ability to have a range of products that can be used. But I'm happy to come back with some further information around those KPIs.

**The Hon. JACQUI MUNRO:** That would be good. One of the things that has come up recently—it's clearly an issue—is that the use of individual products may mean that people's data is going into third party ethers where it's not secure or it's not appropriately regulated. Is the department doing any work to ensure that councils are equipped to actually manage that relationship with third-party providers? For example, would you have a list of approved providers or providers that have met a certain level of regulatory requirements for privacy or compliance?

**DAVID GAINSFORD:** Part of the selection of these products was looking very much at the protection of people's personal records and those sorts of privacy matters. That was a very key selection criteria as part of this process. The department obviously will continue to look at new products that come on or are suggested with those same types of requirements around privacy. We're not doing this alone. There are other government agencies that have assisted us in looking at these aspects. It fits within a broader New South Wales policy around those privacy aspects.

**The Hon. JACQUI MUNRO:** I think it would be pretty terrible if individual councils were going off and accessing third-party provider tools and not having the right protections for individuals who are using those tools.

**DAVID GAINSFORD:** Agreed.

**KIERSTEN FISHBURN:** To my knowledge, councils are only operating within the trial parameters that we put into place. I've not heard of any council who've gone down their own road at this point in time. But it's a good point that you've raised, actually. We might do a quick check around councils to make sure I'm reflecting the situation accurately.

**The Hon. JACQUI MUNRO:** It would be great to hear what the results of that check around are.

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**KIERSTEN FISHBURN:** I'm pretty sure, because we do know councils pretty well, that the only councils who are trialling the AI are the ones who are going through our trial, but we will check for you. We'll ask Nerida to check that.

**The Hon. JACQUI MUNRO:** We definitely don't want to punish enterprising councils. It's good if councils are going out and doing this kind of work, but obviously if you've got hundreds and hundreds of pages of terms and conditions that aren't necessarily favourable for our citizens, then we need to be on top of that.

**KIERSTEN FISHBURN:** Cybersecurity is one of the areas that local government are very aware of. It's also been subject to some recent work by the Audit Office as well, so I feel pretty comfortable in giving you some assurance it's an area that is under control. But we certainly will look into it further.

**The Hon. JACQUI MUNRO:** Finally, do you have any calculations that might suggest the beneficial impact of using AI tools on delivering more houses?

**KIERSTEN FISHBURN:** Speed.

**DAVID GAINSFORD:** I don't think we've got the numbers that perhaps you're looking for. But certainly speed, as Ms Fishburn said, is one of the key aspects of this. Speaking to some of the topics that we were talking about earlier with regard to the very detailed assessments that we do, there's a lot of back-of-house work that we do as part of those assessments. Looking at various policies and inputs into that assessment, we certainly see some opportunities for AI to assist in speeding up that process. So, yes, that's definitely one of the areas that we're very keen to explore.

**KIERSTEN FISHBURN:** I think, from a council perspective as well, one of the use cases that we would see is in an area where there are a finite number of planners. Freeing up council staff from simple transactions that AI would be able to resolve for them, for them to be able to undertake the more complicated merit assessment, is a better outcome for the planning system full stop. It speeds things up, but it also means you're putting your focus, your energy and your expertise into where it's going to get the most benefit.

**The Hon. SCOTT FARLOW:** In the time we have remaining it might be a little bit more rapid fire and a bit more of a scattergun approach coming now. In terms of manufactured homes, I understand that under section 119 of the housing SEPP that there is a geographic ban in terms of Sydney. Is there any work being undertaken by the department to review that ban, or is that something that the department's committed to keeping in place? And I should preface, in a sense, that we've got a changing nature of manufactured homes, potentially, from what may have been the thinking 20 years ago and what's captured now under those provisions.

**MONICA GIBSON:** We have a couple of pieces of work that have been underway in relation to manufactured homes and caravans. You've seen some of our reforms in that space already. There is some more work to take into this year and beyond. The land lease model, which is often the part that comes with the manufactured home, we have seen other States talk about how that's been helping with their supply, particularly in Queensland around Hervey Bay, for example. We are keeping an eye on where that fits in our housing supply work. There's a lot of pressure on land in Sydney, the metropolitan rural area and our greenfield land supply. We need to balance all of those decisions and make sure that we're also planning for timely delivery of infrastructure and services to those areas.

**The Hon. SCOTT FARLOW:** With respect to the housing targets that were announced, the Premier announced as part of that what was, I think, originally put as an incentive fund of \$200 million for local governments that meet and beat their housing targets, but it may have been refined into a different program. Where is that program up to in terms of that \$200 million providing support for local government?

**MONICA GIBSON:** That's the council faster assessment grant. That program was designed to commence from next financial year and over the three years after that. It was designed in that way so that councils had 12 months of the statement of expectations order that Minister Scully issued to take effect from January last year for the expectations about development assessment time frames, lodgements of applications as well as strategic planning to have a fair chance to take effect. That then would be used to help inform the program. We now have seen six-plus months of the statement of expectations so we have started the work—and shortly we'll have the guidelines out for everybody to be able to see—to be able to make applications, with the intention for that program and funding to start from next financial year.

**The Hon. SCOTT FARLOW:** We will await those guidelines. Now, really going for the scattergun—the speedway. I note we don't have Greater Sydney Parklands here. The Minister outlined his thought that it was going from strength to strength. Do you have any data in terms of participator numbers at the speedway at all?

**KIERSTEN FISHBURN:** No, I don't. I'll take that on notice for you because I'm sure that is collected somewhere.

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**The Hon. SCOTT FARLOW:** We will take that on notice then.

**KIERSTEN FISHBURN:** I believe Minister Scully will be counted in those numbers at least once. He's a big fan of the speedway.

**The Hon. SCOTT FARLOW:** Good. I look forward to seeing him there.

**KIERSTEN FISHBURN:** You are also a speedway fan?

**The Hon. SCOTT FARLOW:** I wouldn't necessarily classify myself as a speedway fan, but I have gone to the speedway in the past.

**KIERSTEN FISHBURN:** Golf and speedway.

**The CHAIR:** Come to Lismore! We've got monster trucks this weekend, although I'm sure we don't now with the cyclone.

**The Hon. SCOTT FARLOW:** You may need them, unfortunately. With respect to the pattern book designs, I note there's been some exhibition of these at the moment. When will developers be able to submit applications through the pattern book and using pattern book designs? What's the expected time frame for that?

**KIERSTEN FISHBURN:** Mr Gainsford?

**DAVID GAINSFORD:** Thanks, Mr Farlow. The pattern book work that's underway, as you might be aware, we've broken up into two components: the low-rise component of the pattern book and the mid-rise component. Also, as you've mentioned, they're looking at fast-track pathways in terms of planning approvals, whether that's looking at extensions of complying development or other types of fast-track assessment, so that's running in parallel. At this point in time we're aiming to have the low-rise patterns available with the requisite planning pathway by mid this year, and later this year the mid-rise, is what we're currently timing.

**The Hon. SCOTT FARLOW:** To pick up another point from a previous Bradfield Oration, one of the things that the Premier outlined in the Bradfield Oration was that we would have tracking of State significant development applications as well and a league table that would be applied to that. Is that up and running within the department now?

**KIERSTEN FISHBURN:** We certainly are tracking it internally. Are we public on it yet? No, not quite.

**MONICA GIBSON:** No, it's not public yet.

**KIERSTEN FISHBURN:** But it will be.

**The Hon. SCOTT FARLOW:** Another announcement that was made in that oration was that there would be a tracking of the figures in New South Wales compared to other States, and that that would be publicly accessible through the department. Is that something that's been done?

**KIERSTEN FISHBURN:** That's the ABS data which compares to other States. It's publicly accessible.

**The Hon. SCOTT FARLOW:** Are you publishing it yourselves at all?

**KIERSTEN FISHBURN:** We just link to the ABS data.

**The Hon. SCOTT FARLOW:** But is that linked on your website and shown?

**KIERSTEN FISHBURN:** I'd have to double-check. If it's not, I see no reason why we can't put a link to it on our website.

**The Hon. SCOTT FARLOW:** I think that was one of the things the Premier outlined at that Bradfield Oration. Unfortunately I can't find it.

**KIERSTEN FISHBURN:** I thought we'd captured all of the Bradfield Oration matters.

**The Hon. SCOTT FARLOW:** There might be one that was missed.

**KIERSTEN FISHBURN:** We're performing very nicely in New South Wales. I'd like residents in New South Wales to be able to see the improvements that are coming month on month.

**The Hon. SCOTT FARLOW:** As we go back to low- and mid-rise, I note there are a couple of sites that were selected that are next to train stations but aren't listed as train stations and just as town centres. I think there are three that come to mind—one being Thornleigh Marketplace, one being Pennant Hills Market Place and the other one being Chester Square Shopping Centre. Why were they all listed, even though they're all on train lines, as town centres rather than LMR stations?

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**MONICA GIBSON:** There could be a few reasons. I'm just trying to think through any specifics that I know about those places you mentioned. There are some locations where the station and town centre are quite close together, so we've listed it as both. This morning when I answered some questions about mapping and I said that there wasn't a particular map, some of the town centres are drawn specifically, so it gives the edge of the town centre in order to determine the walking distance from it.

**The Hon. SCOTT FARLOW:** That effectively picks up E1, ME1 and E2?

**MONICA GIBSON:** That's right. Councils provided us with a lot of feedback in helping to define where those boundaries are. There are some centres where the zoning might extend further, but there's a really clear centre component and then a ribbon out.

**The Hon. SCOTT FARLOW:** It's 800 metres from the border of that centre, rather than the centre of that centre. Is that correct?

**MONICA GIBSON:** That's right. Likewise with the stations, it's from where the station entrance is, and light rail is a similar thing. It could be that there is some overlap in some situations, where something might be taking in more of the access to the town centre rather than the station. I think we're very keen to connect the services and shops and daily activities that come with the town centres as being really key parts of where to focus the policy on.

**The Hon. SCOTT FARLOW:** Was part of that because those stations themselves didn't meet the criteria that the department adopted in the requirement paper or, as we learnt today, the subsequent policy document on finalisation for those 30-minute commutes to one of the major centres?

**MONICA GIBSON:** It could be for any number of reasons. There was a lot of analysis, a lot of detailed refinement work and going through multiple factors in coming up with these best 171 locations for low- and mid-rise.

**The Hon. SCOTT FARLOW:** In the last part of the scattergun, as I sneak in one last question here, works-in-kind agreements under the Housing and Productivity Contribution—is that something that will still be possible? What work is the department doing in finalising works-in-kind agreements as part of the Housing and Productivity Contribution?

**MONICA GIBSON:** Works-in-kind policies have been in place for some time under the special infrastructure contributions. As you've mentioned, it's specific to the Housing and Productivity Contribution. We have been doing work, internal to government, about the various elements of the policy and how we would apply that with the contribution and the type of development that's coming through now and forecast to come through in the next five or 10 years. It does need to be reported to the centre of government for a decision before we would release a document for public feedback. I'd like to think that we're getting very close on that.

**KIERSTEN FISHBURN:** We're in progress.

**The Hon. SCOTT FARLOW:** What is the centre of government? Is that the Premier's Department? Is that Treasury?

**MONICA GIBSON:** I mean that it would need to go to a Cabinet meeting.

**The CHAIR:** I have one more question. I want to go back quickly to the Coffs Harbour Jetty Foreshore project. I'm very happy for you to take this on notice, if necessary. My understanding, as I raised with the Minister, is that 30 per cent social housing is the requirement for renewal of surface government land. I'm not sure where this project sits within any of that. Do you have any awareness of the Coffs jetty proposal and whether there is a social housing figure on it? If so, what is that figure?

**KIERSTEN FISHBURN:** I'll take that on notice with the caveat that at the moment we're looking at the zoning; we're not getting down into the development application stage. There's obviously time for the department and the Minister to have consideration of affordable housing.

**The CHAIR:** Earlier you were clear on what the existing zoning is.

**KIERSTEN FISHBURN:** Yes. Some of the zoning that might be interpreted by some members of the community as RE1, I believe is special purpose. But I've committed to making sure we look at that and we reflect that accurately in the public exhibition.

**The CHAIR:** One final thing on the costs. Switching from one committee hearing to this one, when we had a very brief exchange in Minister Kamper's budget estimates, we mentioned the use of the land.

**KIERSTEN FISHBURN:** Yes.

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**The CHAIR:** I would like for you to know that I've been informed by the community very reliably that the perception that the land is fenced and not used is not correct. The land is used. It's not fenced completely. The land is used for car parking. It's used for all sorts of community uses associated with the markets and the public use of the lands adjacent. A member of the community asked me to make that representation to you, and it's a very reliable representation.

**KIERSTEN FISHBURN:** Thank you, and I appreciate that. I am aware of the uses of the land. One of the reasons Ms Gibson and I went up there was to actually look at it. I was referring to the land that runs parallel to the railway, where it's not utilised, to my knowledge. If that's incorrect, I'm most happy to be corrected.

**The CHAIR:** We are now in Government time.

**The Hon. CAMERON MURPHY:** There are no Government questions.

**KIERSTEN FISHBURN:** I can answer questions about the Housing Taskforce.

**The Hon. SCOTT FARLOW:** I thought you wanted an early mark!

**KIERSTEN FISHBURN:** I do want an early mark.

**The CHAIR:** The Government is clearly very happy with everyone's attendance. I thank the officers for their attendance today. The secretariat, as always, will be in contact with you in the near future regarding any questions taken on notice or any supplementary questions. On behalf of everybody on this Committee, we are always incredibly grateful. We know how much work goes into preparation. We know you anticipate our questions, and you do so very well. We're really grateful for all that time and effort.

**KIERSTEN FISHBURN:** Thank you, Chair. I thank the Committee as well. As this is the last estimates for the department, I take a moment to thank all the people in the department who work so hard to prepare those of us who are on the committee and our relevant Ministers, and note the respect and dignity they show in making sure we can provide great information to you and that we're fully engaged in the process. Thank you to all my departmental people—many of them will be watching. This is public service television. I am very grateful, and I think I represent the whole Executive when I say that.

**The CHAIR:** Hear, hear from all of us.

**(The witnesses withdrew.)**

**The Committee proceeded to deliberate.**