

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Friday 3 November 2023

Examination of proposed expenditure for the portfolio areas

PLANNING AND PUBLIC SPACES

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The Committee met at 9:15.

MEMBERS

Ms Sue Higginson (Chair)

The Hon. Mark Buttigieg

The Hon. Anthony D'Adam

Ms Cate Faehrmann

The Hon. Scott Farlow

The Hon. Tania Mihailuk

The Hon. Jacqui Munro

The Hon. Cameron Murphy

The Hon. Peter Primrose

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 the Committee's inquiry into budget estimates 2023-2024. 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. I welcome Minister Scully and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios 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. 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 to inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. To all witnesses today, welcome and thank you for making the time available to give evidence. All witnesses will be sworn prior to giving evidence. Minister Scully, 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. I also remind Ms Fishburn that you do not need to be sworn today as you've been sworn at an earlier budget estimates hearing before this Committee.

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Ms KIERSTEN FISHBURN, Secretary, Department of Planning and Environment, on former affirmation

Mr SHAUN SMITH, Chief Operating Officer, Department of Planning and Environment, affirmed and examined

Ms MELANIE HAWYES, Deputy Secretary, Crown Lands and Public Spaces, Department of Planning and Environment, affirmed and examined

Ms ANTHEA SARGEANT, Acting Deputy Secretary, Development Assessments and Systems, Department of Planning and Environment, affirmed and examined

Ms AMANDA FAIRLEY, Acting Deputy Secretary, Programs, Infrastructure and Digital, Department of Planning and Environment, affirmed and examined

Ms MONICA GIBSON, Acting Deputy Secretary, Planning, Land Use Strategy and Housing, Department of Planning and Environment, affirmed and examined

Mr SIMON DRAPER, Chief Executive Officer, NSW Reconstruction Authority, and Secretary, Premier's Department, affirmed and examined

Ms MAREE ABOOD, Executive Director, Adaptation and Mitigation, NSW Reconstruction Authority, affirmed and examined

Mr MATT CONROW, Chief Financial and Operating Officer, NSW Reconstruction Authority, sworn and examined

Mr KIERON HENDICOTT, Executive Director, Northern Rivers Adaptation, affirmed and examined

Mr CHRIS HANGER, Chief Executive Officer, Greater Cities Commission, affirmed and examined

Mr ALEX WENDLER, Chief Executive Officer, Landcom, affirmed and examined

The CHAIR: 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'll 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, then 15 minutes is allocated for Government questions at 10.45 a.m. and 12.45 p.m. and 5.15 p.m. We will begin with questions from the Opposition. Thank you.

The Hon. SCOTT FARLOW: Thank you very much, Chair, and thank you, Minister, for your attendance here today.

Mr PAUL SCULLY: It's good to be here.

The Hon. SCOTT FARLOW: Minister, reports emerged yesterday of a report undertaken by former Deputy Police Commissioner David Owens, APM, which called into question the Hawkesbury-Nepean Valley flood evacuation modelling. Are you aware of such a report?

Mr PAUL SCULLY: I'm aware of discussion and reporting of a letter prepared for Leamac Property developers by Risk-e Business consultancy in relation to the flood evacuation modelling.

The Hon. SCOTT FARLOW: Risk-e Business consultancy is the name of the consultancy company?

Mr PAUL SCULLY: Yes.

The Hon. SCOTT FARLOW: Have you read this letter?

Mr PAUL SCULLY: I read the three-page letter some time ago, yes.

The Hon. SCOTT FARLOW: And what does that letter say?

Mr PAUL SCULLY: The letter asked some questions about the assumptions underlying the flood evacuation modelling.

The Hon. SCOTT FARLOW: Did you inform the Premier of the existence of this letter?

Mr PAUL SCULLY: Yes.

The Hon. SCOTT FARLOW: Did you inform the Deputy Premier and Minister for Western Sydney about this letter's existence as well?

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Mr PAUL SCULLY: The members involved, who have been briefed on this, were aware of all the steps and processes taken in the flood evacuation model.

The Hon. SCOTT FARLOW: After receiving this letter, did you receive any further inquiries about the flood modelling?

Mr PAUL SCULLY: Yes.

The Hon. SCOTT FARLOW: And what did those inquiries elucidate?

Mr PAUL SCULLY: Mr Draper may wish to add some information to this, but the flood evacuation modelling—let's actually start from the start of this process because there's been a conflation of things in relation to this particular decision, probably one of the most responsible decisions the Government's made. But there's a conflation between floodplain studies and flood evacuation modelling. The work that was done was on flood evacuation modelling, not on floodplain studies. That work is an extremely sophisticated model that tests a number of scenarios over a number of years as to how existing residents and potential future residents may be able to evacuate from the Hawkesbury-Nepean Valley. Now, there's a lot of work gone into that. It's a highly technical model, and Mr Draper and Ms Abood may be able to add some more information to this. It's been peer reviewed and following the letter that I received from Risk-e Business, the assumptions were further checked at the request of my office. Mr Draper led that work and perhaps he may wish to shed some light on exactly the process there.

SIMON DRAPER: Yes, Mr Owens from Risk-e Business approached us very early in the time that I started with the Reconstruction Authority. I think it was prior to the election. He'd been doing work for a number of property developers, making representations on their behalf, and asked that we consider his views about the flood evacuation modelling. We undertook a process during the course of the year to convene all the officials who participated in putting together flood evacuation modelling. We examined all of the assumptions that both Mr Owens from Risk-e Business raised in his correspondence with us as well as the Urban Taskforce, who'd also written in similar terms, and questioned whether other parts of government supported the modelling.

Myself and Ms Gibson from Planning convened a group and attested all of those assumptions with those officials and found that the assumptions were very sound, and that the assertions by Mr Owens and his company, Risk-e Business, were quite flimsy and ill informed. I reported back to the then Secretary of the department of Premier and Cabinet, Peter Duncan, to advise him of the outcome of that. I think we advised Ms Fishburn as well, and then we provided advice to the Minister to confirm the analysis that had been done, testing all those assumptions and advising why the views of Mr Owens from Risk-e Business were not founded and in fact the assumptions used in the modelling were very sound.

The Hon. SCOTT FARLOW: Mr Draper, at this time was Mr Owens a member of the NSW Reconstruction advisory board?

SIMON DRAPER: Yes, he was and that became very problematic because we had discussions with Mr Owens. I referred his representations to me to our governance staff at the Reconstruction Authority because, in effect, Mr Owens was making representations on behalf of property developers to a public official when he was a member of the Reconstruction Authority board. I was very concerned about that. We were in the process of standing up our governance arrangements for the board, referred to our governance team, and there was a series of discussions with Mr Owens. We made it clear to him that it wasn't really consistent for him to be making representations on behalf of property developers in relation to flood protection and land development while being a member of the Reconstruction Authority board.

I also suggested he seek advice on whether he should be on the lobbyists' register because I had checked and he wasn't. I checked again today; he's still not registered on the lobbyists' register. That concerned me and it concerned me that he was making representations to myself and other members of staff at the Reconstruction Authority and he was a member of the Reconstruction Authority board. He wasn't on the lobbyists' register and yet he was making representations on behalf of property developers.

The Hon. SCOTT FARLOW: Did you ask Mr Owens to stand down from the Reconstruction Authority Advisory Board?

SIMON DRAPER: No, I didn't. I made clear to him the inconsistencies between his role on the Reconstruction Authority board and his activities in making representations on behalf of property developers. He came up with a number of suggestions on how he might manage that, including himself not directly being involved in making some of those representations or doing that work. We suggested to him that that wasn't going to cut it—that wouldn't pass any sort of sniff test in the public; that if his company was doing work for property developers and then he was sitting on the Reconstruction Authority board, where we're providing advice to the Government about protecting people from loss of life and severe property damage from floods, that just wasn't

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going to cut it publicly. Ultimately, we suggested that he needed to make a choice about whether he wanted to continue on the Reconstruction Authority board or whether he wanted to continue being a representative for property developers in regard to those matters. Perfectly reasonably—his company earns a living off doing that work for some of those parties—he chose to continue to do the work for property developers and other related parties and resigned from the Reconstruction Authority board.

The Hon. SCOTT FARLOW: What was the date of his resignation?

SIMON DRAPER: I don't know if we've got that. I think we do have that. I can get that for you in just a moment. If you like, I can come back to it.

The Hon. SCOTT FARLOW: You can take that on notice, that's fine.

SIMON DRAPER: No, I will come back in a moment. I'll just have to find the note.

The Hon. SCOTT FARLOW: Has there been a process for appointing a new person to the board, considering his term was to end in 1 March 2026?

SIMON DRAPER: Yes, there's a process going for filling a number of vacancies. The board, under the Act, comprises seven members. The former Government, prior to the election, appointed four members, including Mr Owens, so there were three vacancies remaining at that time. There are now four vacancies. All of those vacancies are in the process of being filled. Two of those vacancies, under the Act, are able to be nominated by the Commonwealth Government. We've received, I believe, nominations from the Commonwealth Government for those members and a number of checks are going on that the usual course of things—checking probity checks and those sorts of things—prior to those appointments being proceeded with.

The Hon. SCOTT FARLOW: Thank you. I'll hand over to my colleague.

SIMON DRAPER: That date was 21 August that Mr Owens resigned from the Board.

The Hon. SCOTT FARLOW: Thank you.

The Hon. JACQUI MUNRO: Just on that issue, can I just clarify, Minister, is this judgment being made because of the evacuation models or because of the risk of flooding?

Mr PAUL SCULLY: No, it's about the evacuation models. The announcement on the weekend related to two things. Firstly, the release of a flood evacuation model. A model, I might add, that was commissioned by the previous Government. I understand that the previous Government was briefed on it at a Cabinet level and I understand, from reports—of course, I'm not privy to those discussions; I wasn't in that room—

The Hon. JACQUI MUNRO: Well, there's clearly a need for the report.

Mr PAUL SCULLY: —from others who are familiar with it, and I won't reveal those names, but I understand that there were no objections raised. The flood evacuation model is a model that examines the risk to life. The risk to life is done in two stages in this process. It's those who cannot evacuate—for instance, they're stuck and they shouldn't be sheltering in place—or it's those who spend 12 hours coming out. The flood evacuation model findings was that should the rezoning proposals that were put on hold by the previous Government go ahead, that would impact and increase the risk to life both for existing residents as well as future residents. This is something that's been going for some time. The rezoning process was put on hold by the previous Government and no decision was made.

The Hon. JACQUI MUNRO: Do you mind if I ask more of a specific question around the report. I definitely understand that the process—

Mr PAUL SCULLY: Well, it's a model, but sure.

The Hon. JACQUI MUNRO: Sure. It's a modelling report.

The Hon. SCOTT FARLOW: Semantics, yes.

The Hon. JACQUI MUNRO: Obviously a report or a model needed to be undertaken, that's clear. The assertion about the report is that the assumptions within the report are made on erroneous data or—

Mr PAUL SCULLY: I think we've just explored this in great detail by Mr Draper.

The Hon. JACQUI MUNRO: Well, not really.

Mr PAUL SCULLY: He's just gone through what it's based on. There is a—

The Hon. JACQUI MUNRO: Can I just ask specifically about some of the issues that have been raised. One of them was around the road modelling. What kind of road does the report consider Richmond Road to be?

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Mr PAUL SCULLY: Mr Draper can add some light on the detail of the report and the assumptions. He's examined them, as you just heard.

The Hon. JACQUI MUNRO: But have you examined them, Minister?

Mr PAUL SCULLY: Yes, I have. The important part of this, and what we have to understand, is the threshold issue is that we should not be putting people unnecessarily at risk and lives at risk. The Hawkesbury-Nepean Basin is the flood plain with the highest unmitigated flood risk of anywhere in Australia. So it's easy to put things on hold and not make decisions, but in not making a decision, you're leaving people dangling by a thread, and that was the previous Government's approach. I know you want to get in here and make some points, but I think it's important that this Committee, particularly, understands the full ramifications of that model and the conclusions of that model.

The Hon. JACQUI MUNRO: The ramifications are clear, according to the decision that you and your Government has made.

Mr PAUL SCULLY: Yes. You cannot build your way out of it.

The Hon. JACQUI MUNRO: That is essentially that the evacuation risk is too high so you can't say that extra infrastructure could be built.

Mr PAUL SCULLY: Correct.

The Hon. JACQUI MUNRO: The one-in-500-year risk is too great?

Mr PAUL SCULLY: One-in-20 is modelled, one-in-50, and it's not year, too. That's important.

The Hon. JACQUI MUNRO: I understand the difference with risk.

Mr PAUL SCULLY: No, no, that's actually very, very important.

The Hon. JACQUI MUNRO: I understand. It's a fair call.

Mr PAUL SCULLY: It's event.

The Hon. JACQUI MUNRO: I understand.

Mr PAUL SCULLY: This Committee, of all committees, should be very accurate when it's talking about those sorts of things.

The Hon. JACQUI MUNRO: Yes. It is a fair point that it's not a good way to describe risk.

Mr PAUL SCULLY: No, because it gives the wrong impression in people's minds. That's important.

The Hon. JACQUI MUNRO: I understand, but this has had material effects on people. This report has come out and the decision has been made and that is going to have a material effect on people's insurance premiums and on the value of their homes in the area.

Mr PAUL SCULLY: I reject that.

The Hon. JACQUI MUNRO: There is a great deal of concern about those issues. This is something that is happening all around—

The Hon. SCOTT FARLOW: Minister, you say you reject that. Why do you reject that?

Mr PAUL SCULLY: Because the decision that was made, the report that was done—and the Insurance Council has backed in this idea. Insurance is a broader issue than just one flood evacuation modelling piece of work. The way insurance works is quite different. The global reinsurance pool comes into it. All sorts of other effects come into it. The suggestion that property values of existing residents and their homes might be undermined is just wrong. It's just wrong.

The Hon. JACQUI MUNRO: So you're saying to residents that their property value won't go down?

Mr PAUL SCULLY: What we're talking about is the risk of adding more residents. We're talking about the evacuation potential of an area. That's the key part. We're talking about whether or not we as a Government—or the previous Government whose model this was based on and the information that they were briefed on—should put more lives at risk. I'm sure that the Opposition does not agree with the contention that we should put lives at risk. In fact, the Opposition Leader said it yesterday.

The Hon. JACQUI MUNRO: Let me just clarify two key points. They can be yes or no answers. In the report, is Richmond Road considered a rural road with one lane, or is it considered to be dual carriage?

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Mr PAUL SCULLY: I'll confirm with Mr Draper.

SIMON DRAPER: The classifications, I can see, are drawing on Mr Owen's approach from Risk-e Business and his approach of talking about rural roads. The transport planners who've done this work don't use that model. They are looking at a road network. When an evacuation happens over a very large area, they look at the capacity of each road and the intersections of those roads. It's not a single road. They don't classify the roads as rural roads or—they classify them as multilane roads, the exposure of that road to flooding, whether it's sealed or unsealed. So they're looking at a whole network. I'm afraid that some of the information that has been provided to you is really quite erroneous—

The Hon. SCOTT FARLOW: And this is why we're testing the information, Mr Draper.

SIMON DRAPER: —not only in relation to the classification of roads or the capacity of the road network, but this idea that insurance premiums have anything to do with this report is utterly false.

The Hon. SCOTT FARLOW: Mr Draper, in terms of something that is quite explicit in that report—and to the Minister as well—is contraflow. Contraflow was excluded as a consideration in this report. Why was that the case?

SIMON DRAPER: There's two factors that we take into account when we consider the reliability of the assumptions that go in. The first is, does the assumption survive the idea that the conditions for evacuation are unfavourable?

Imagine there's an east coast low that's likely to generate flooding in the Hawkesbury-Nepean. We're talking about people evacuating. The wind's howling; it's pouring down. It may be night-time, and in fact we've had evacuations at night-time even in the last year. We take those factors into account. What conditions does the assumption rely upon?

Secondly, what level of operational intervention by police and the SES does it rely upon? Contraflows are a highly demanding form of operation. It requires people to have been prepared to know how to drive. They've been driving on a road one way, in one particular method, and suddenly they are meant to drive down a different route in a different manner. The police have to control that. The SES have to control that. That is a really unreliable idea, a really unreliable method, to think that in every evacuation we're going to be able to do that. We would regard that as a very high-risk method of evacuation.

The Hon. SCOTT FARLOW: But routinely in evacuations contraflows are used, aren't they?

SIMON DRAPER: Not to my understanding, no. I certainly wouldn't want to rely on the idea of contraflows when we're evacuating 100,000 people out of the Hawkesbury-Nepean Valley.

The Hon. JACQUI MUNRO: Did you have any discussions, Minister, with insurance companies about this report and the possible impact, given you are so confident that there will be no impact on insurance premiums for these residents?

Mr PAUL SCULLY: I haven't had any direct discussions with insurance companies. My understanding is from an understanding of how the global insurance pool works.

The Hon. SCOTT FARLOW: As a result of this modelling, do you envisage any additional properties to be flood-tagged in the Hawkesbury-Nepean Valley?

Mr PAUL SCULLY: To be which, sorry?

The Hon. SCOTT FARLOW: Flood-tagged.

Mr PAUL SCULLY: I don't expect so. But there were three rezoning proposals that were part and parcel of this, and that's what the decision related to. So there are two parts—or three, in fact, because there was also \$200 million of investment in roads that was done. What has been done is that the evacuation modelling was released. That impacted decisions around the potential for rezoning, the rezonings that were put on hold in three areas, and one that can do a part rezoning. There was a further announcement of \$200 million in road upgrades, because we'll continue to make investments in roads. But what this indicates and what this will feed into is the local Disaster Adaptation Plan for the Hawkesbury-Nepean Valley. We cannot continue to not do work to mitigate the impact of flood.

The Hawkesbury-Nepean Valley is 500 square kilometres of floodplain—five taps, essentially, turning on to a bathtub with one sink. Unlike other parts of the world where the tributaries exit to the sea, in most areas it broadens; it narrows for the Hawkesbury-Nepean Valley. That means that the floodwaters build up. It acts more like an inland sea than a flood plain. Members of my surf club were involved in some of the rescue work that was done up there and they've described it to me as more dangerous for them than the work they do in difficult

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conditions off Bellambi Beach. In fact, one member of my club reported to me that when he went out with a team to rescue some people off the roof of their house, they didn't realise it was a two-storey house they were going to—the floodwaters were already that high. So you've got a combination of topography, flood islands, flood islands that disappear, and one- to two-metre waves at times in that part of the world. So we've got to be very serious about the way we deal with the risk to life. I would expect that there's a bipartisan desire to not put people's lives at risk unnecessarily.

The Hon. SCOTT FARLOW: Indeed there is, but can you guarantee that as a result of this decision there's no impact on the increase in insurance premiums?

Mr PAUL SCULLY: I don't set insurance premiums, so I can't make any guarantees about what private organisations will do about their insurance premiums.

The Hon. JACQUI MUNRO: Minister, you're very confident about this, or you have been, that it wouldn't affect property prices. If there was an impact to property prices or insurance premiums, would you consider compensation for residents in this area, given that would be the outcome of this report?

Mr PAUL SCULLY: What we're doing is not putting lives at risk. That's what we're doing. Insurance works like a big bucket of money—

The Hon. JACQUI MUNRO: Does that mean the answer is no?

Mr PAUL SCULLY: —where people tip in amounts.

The Hon. JACQUI MUNRO: The answer is no.

Mr PAUL SCULLY: And the global reinsurance pool has shown an increase of about 30 per cent in the last 12 months on flood insurance. There are real risks if we don't start to address some of these things, if we don't start to act on some of the risks that are involved in it. We will continue to work through the State disaster mitigation plan, we'll continue to do local disaster adaptation plans, we'll continue to work with communities on not only prevention but also recovery in the event of emergency. What we won't do—what we absolutely won't do—is put lives unnecessarily at risk by building on dangerous floodplains.

The Hon. JACQUI MUNRO: And no compensation.

The Hon. JOHN RUDDICK: Thanks for joining us, Minister. In recent months there has been an upsurge in public yimbyism—yes in my backyard—especially amongst younger generations of Australians. Owning a home is a desire of all Australians, and not everyone needs three bedrooms and a backyard. A major issue for new builds and renovations is the DA process. My party is pro-DA party. We want to empower property owners to build with as little government intervention as possible. Currently, however, we have red-tape heavy DA approval schemes that are complex, expensive and slow. You've recently asked your department to explore the use of artificial intelligence in speeding up the DA process. Can you explain where your department is up to in that regard and what the benefit-to-cost ratio might be?

Mr PAUL SCULLY: The allocation of funds for artificial intelligence to explore that within the planning system that was in the budget is about a couple of elements, but it's principally about improving the quality of applications. What you get through the planning system is people put in applications and then there's a series of checks as to whether they meet planning controls in a particular area. Artificial intelligence, because it's a rules-based system, lends itself to rules of code. In that sense, the artificial intelligence work that we believe should work and could improve things—it could improve speed and could improve the quality of applications—will help us to do those checks more quickly.

This is about complementing the work of town planners, not replacing them. We still need planners in the system, because there are simple DAs and there are highly complex DAs, and we have to have a system that manages both. What is happening at the moment is that recently I spoke at a meeting of local government professionals and said that we'll be looking for councils to volunteer themselves to be part and parcel of a trial and some work that could be done in terms of integrating artificial intelligence into the planning system. We've got some responses to that. Ms Fairley is responsible for the implementation of that. She may wish to add some more details. But I'm quite excited about the prospect that this will actually help us to speed up things in the system.

The Hon. JOHN RUDDICK: I'm pleased to hear that. What time frame do you think we're looking at until it might actually be utilised?

Mr PAUL SCULLY: I might let Ms Fairley shed some more light on the project time line.

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AMANDA FAIRLEY: The specific project that we're talking about is going to focus primarily on the pre-lodgement stage for development applications. We do understand that that is where the biggest opportunity currently exists. But we'll also be looking more broadly around the DA workflow. Our time frames are that we are looking to work with councils this month, November, and we actually want to do a collaborative approach to, firstly, doing identification of what some of the real challenges are, so a series of challenge statements. We've also met with the AI taskforce that the Department of Customer Service runs to introduce that with vendors as well. The approach will be, as I said, we'll meet with councils. We want to work with them to ensure that what we come up with through the challenge statements industry can then respond to through an EOI process early next year. Our goal is to have really clear identification but also thorough assessment of those ready-for-market AI products, particularly looking at that DA workflow, that we are confident, with councils, can work easily at little or no adjustment or additional cost. Our goal is to have that working as a panel arrangement by no later than mid-next year.

The Hon. JOHN RUDDICK: Anything that will make the process more efficient will be welcomed, so thank you for your efforts. My second question, Minister, is one of your first meetings as Minister for Planning and Public Spaces was with a collection of councils and organisations from flood-impacted regions of northern New South Wales.

Mr PAUL SCULLY: Yes.

The Hon. JOHN RUDDICK: You also met with them again on 29 June this year with an expanded group of attendees. Since 1850, Lismore has been flooded 150 times, 33 times of those have been considered to be major. It is the least insured LGA in Australia and is the unhappy recipient of ongoing reconstruction funding by taxpayers from across the State. Lismore council's 2022 flood report has indicated that the cost of rebuilding Lismore will be close to \$1 billion. Given the history—we're told that these floods in Lismore are because of global warming, but this is something that has been in that particular geography probably forever—isn't it smarter to encourage the residents of Lismore to consider relocating?

There was a town in Queensland, Grantham, which had been flooded on a repeated basis, and it was relocated in 2011. I'm not advocating that the Government tells them they have to move, but it is quite possible we're throwing good money after bad in continually rebuilding Lismore.

Mr PAUL SCULLY: I have met with the flood-affected communities of Lismore, the councils and the like. I did so with Minister Dib. Minister Dib and I have joint responsibility for the Reconstruction Authority. The task in front of the Northern Rivers—it's not just Lismore but there's an entire Northern Rivers—is a huge one. Some 20,000 homes have been damaged by emergency over the last couple of years, many of those in the Northern Rivers region. The Government has multiple approaches to this, all under the guise of the Resilient Homes Program. The Resilient Homes Program has a number of elements to it: the first one being the buybacks, the second one being retrofits and raisings, and the third one being resilient lands. So in a sense we are doing, to a degree, what you're asking the Government to do. This was a program—and I acknowledge the previous Government started this. I acknowledge the Commonwealth who has been fifty-fifty funding it with the New South Wales Government. At the moment, after some extensive flood modelling and expert advice, buybacks are being offered to a number of residents in Lismore and other parts of the Northern Rivers.

That process is underway. At the same time, there are sites being examined where there might be opportunities to have new housing development. What we don't want with buybacks is to say, "Okay, here's a buyback", and the only option available to people is to leave town, because that isn't good for a community. It isn't good for a society. It hollows out communities. So we're working a dual effect of, one, a buyback scheme; and two, land that people might be able to move to in the future. I appreciate that some in the Northern Rivers don't believe that that's happening necessarily as fast as they might like it to. I can understand that completely. I like to be settled as much as anyone else, but we are on par, I understand, with where the Queensland Reconstruction Authority is with similar programs in their 12 years of existence. The Reconstruction Authority in New South Wales hasn't even reached 12 months. We'll continue to do that. As the Premier has made abundantly clear, we are in for the long haul when it comes to the reconstruction and recovery of not only Lismore but the Northern Rivers.

The Hon. JOHN RUDDICK: You mentioned the term "buyback". Is the Government buying residential homes at a market value pre-flood so they can then relocate?

Mr PAUL SCULLY: Yes, in short.

The Hon. JOHN RUDDICK: That value is based on what the Government assessed it was worth prior to the floods?

Mr PAUL SCULLY: Perhaps Mr Draper would like to elaborate on that but, yes, that's essentially it.

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SIMON DRAPER: That's correct. There are offers going out. I think we've made around 649 offers as of about a week ago. Most of those are in the Lismore LGA. There are a number of valuations done, but they're all based on the pre-flood value and, I should say, before all the interest rate rises as well.

The Hon. JOHN RUDDICK: You're saying 649 home owners have begun discussions on this front?

SIMON DRAPER: They've received offers, and we're still making offers at the moment. The scale is very different to Grantham. Grantham was about 100 homes, I think, and the council owned a tract of land where they could offer people to do a one-for-one swap and move. So it was a much more manageable scale for a council, and it was led by the council, I should say, in that case, rather than the Queensland Government.

The CHAIR: Minister, the development on flood plains going forward has been a clear statement from your Government that we don't support the ongoing, unsafe development on flood plains.

Mr PAUL SCULLY: On dangerous flood plains.

The CHAIR: Yes. Can you explain, what have you done to enforce that or to mobilise that across New South Wales?

Mr PAUL SCULLY: The commitment we made prior to the election was to start with Western Sydney. On the weekend, when we released the long sought-after Flood Evacuation Model and when we resolved the long frustrations of people in rezoning areas that led to the decision that we announced, that was the start. We'll continue to work in conjunction—multiple things have to work together.

The CHAIR: I want to say one thing. I love your grapple with the issues. I can see how deeply you have a grasp on things. Your explanation on the Hawkesbury was very good. I've got limited time so I need really short answers. Western Sydney, that's great start.

Mr PAUL SCULLY: That's where we said we'd start.

The CHAIR: In terms of other development proposals that are happening now—I know that you and I have written about one in the Clarence Valley area around Yamba. There are currently LGAs that are enabling more floodplain development. Is there anything that you have done or that you're proposing to do in the next couple of months—a planning circular, a ministerial statement or something—to stop the madness of enabling this?

Mr PAUL SCULLY: Partly this will be informed by the State disaster mitigation plan. Partly this will be informed by local disaster work. Partly this will be informed by local floodplain modelling. Each flood area and each catchment operates in different ways, as you'd appreciate.

The CHAIR: Is it possible and have you contemplated some sort of precautionary measure to put a temporary hold on the really obvious ones? I could name five or six others but West Yamba—I was at the council meeting where the council was being asked not to carry on.

Mr PAUL SCULLY: If I recall correctly, and Ms Fishburn or Ms Gibson may be able to add to it—

The CHAIR: The councillors were saying, "We're waiting for the Minister for Planning and Public Spaces," and this was months ago.

Mr PAUL SCULLY: I understand that the work was still being done on some of the floodplain work there, so I can't—

The CHAIR: It's going to take months and months, possibly years, Minister.

Mr PAUL SCULLY: It will. This is not an easy task, as you yourself would agree. The flood inquiry is a great piece of work by Professor Mary O'Kane and Mick Fuller, as pointed to. The land use planning decisions around flooding are very complex.

The CHAIR: Placing particularly precautionary holds, moratoriums, stays—goodness, I remember Byron council doing it years ago on all development because their sewerage system wasn't up to scratch, and everybody was really grateful for that in the end. Why are we not—and you particularly as the State's Minister for Planning and Public Spaces—putting in a precautionary measure to say, "Hey, all development on flood plain right now needs to go through a hold and a specific lens"?

Mr PAUL SCULLY: As you would appreciate, sometimes generalisations lead to greater impacts than what you might actually have intended. I understand that there are areas where there are particular sensitivities and people have particular views.

The CHAIR: Minister, would you consider taking a special measure—an emergency measure?

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Mr PAUL SCULLY: We are looking at all options. Where there are cases where we believe there should be an intervention, that will happen. As a broader policy work, that continues. I accept that that may not be as quick as some communities might want, but where there are individual circumstances that warrant more detailed consideration, we absolutely do that.

The CHAIR: You will look at it. I feel like the Yamba one was one of those, and I did write, begging for some assistance. It was not a great response, but I accept that. Please, don't get me wrong. I absolutely see the work the department is doing, and it's admirable, commendable work. I have seen what we're going through in Lismore. I was on the inquiry in the Hawkesbury, so I absolutely see it. But I know we have levers in the planning system.

Mr PAUL SCULLY: I appreciate that. We've got similar things with coastal zones to look at; we've got similar things with bushfire risks to look. They are very complex issues. While it's easy to say moratoriums and those sorts of things, sometimes that isn't necessarily the best measure.

The CHAIR: It's actually hard to say it, and I think that's the issue. It's hard to say and do it, but I think we need that kind of courage. Minister, can I ask you about something a bit broader and less specific at this point in time? I wrote to you a while ago about the practice of the planning Minister in the past Government, and actually over the past 12 years, referring major State significant development projects by routine to the Independent Planning Commission and, even before that, to the Planning Assessment Commission, to a public hearing, which you and I know extinguishes third-party merit appeal rights. In no uncertain terms, this is not a good step, if we are looking at the broader public interest of developing jurisprudence around the merits of developments going forward. Will you commit to not doing what the previous planning Ministers have done and conveniently refer those projects, by routine, to the commission for a public hearing?

Mr PAUL SCULLY: Ms Higginson, I'll announce Government policy as the Government sees fit, and, disappointingly for you, perhaps, you may not get an announcement today. But I think it's important we examine this in the context of what it means. Public hearings are intended to provide a more substantial opportunity for community participation in the planning process.

The CHAIR: Minister, this is not about Government policy; it is a discretion. The discretion sits within the Environmental Planning and Assessment Act. It is your discretion.

Mr PAUL SCULLY: But you're asking for a broadscale policy change.

The CHAIR: No, I'm actually not. If, in fact, it is Government policy that you exercise discretion in a particular way, I would argue with you that that is actually not a proper application of the law. That is an inflexible application of policy, which breaches administrative law.

Mr PAUL SCULLY: That is up to you to argue.

The CHAIR: Minister, what I am asking you is, will you genuinely, case by case, look at whether in fact it is in the public interest to refer a project to a public hearing?

Mr PAUL SCULLY: Ms Higginson, I always look at things case by case when they come to me. That's the best way to do it. We have to think about what we're actually doing here.

The CHAIR: We do.

Mr PAUL SCULLY: And the public hearing process does allow for greater community participation. It allows for interested parties—

The CHAIR: Can I ask you then, what is your understanding of the difference between a public hearing and a public meeting?

Mr PAUL SCULLY: The public hearing allows for maximum participation.

The CHAIR: So does a public meeting.

Mr PAUL SCULLY: No, the public meeting doesn't give powers for the commission to require certain people to attend.

The CHAIR: Has the commission ever used those powers in the past 12 years?

Mr PAUL SCULLY: That's a question you would have to ask of the commission.

The CHAIR: I would suggest the answer is no, Minister.

Mr PAUL SCULLY: We can come back to you.

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The CHAIR: Minister, we need to be honest. There is no material difference—

Mr PAUL SCULLY: But there is actually a material difference.

The CHAIR: There is no material difference between a public meeting and a public hearing—

Mr PAUL SCULLY: However, as I've already undertaken—

The CHAIR: —except that you deny third parties.

Mr PAUL SCULLY: I am happy to look at things on a case-by-case basis. We have had this discussion before. I come from a mining community. I understand the issues that can create. I understand the tensions that are being created with other proposals at the moment. As I've said, I will look at things on a case-by-case basis when there's a referral to the IPC.

The CHAIR: Do you accept ICAC's suggestion that merit appeals are very good anti-corruption measures?

Mr PAUL SCULLY: I haven't seen those comments from ICAC, but I respect the views of ICAC.

The CHAIR: In 2012 ICAC said—

Mr PAUL SCULLY: That predates me a little bit.

The CHAIR: —that merit appeal rights are a very important anti-corruption safeguard. Land and Environment Court judges, former judges, have said that merits appeals are exceptionally good.

Mr PAUL SCULLY: I understand the views of you and your party on it.

The CHAIR: And it helps us get better decisions.

Mr PAUL SCULLY: I understand the views of you and your party on it. You asked me whether I would look at things on a case-by-case basis, and I agreed.

The CHAIR: It is actually the view of thousands of people in the New South Wales community who have had their procedural fairness rights literally extinguished, unfairly—

Mr PAUL SCULLY: I won't answer for decisions of—

The CHAIR: —by planning Minister after planning Minister.

Mr PAUL SCULLY: I can only answer for decisions I have made.

The CHAIR: We really hope that you will be a planning Minister who champions the causes.

Mr PAUL SCULLY: As I said, I will look at things on a case-by-case basis.

The CHAIR: One of the major problems right now is that people who are looking to assist the Government in its feat of reducing greenhouse gas emissions and who are looking at contributing to mining decisions, and to have input around the non-expansion of coalmines are finding that it's a complete and utter waste of time participating on merits, because there is currently a John Barilaro strategic statement of coal. The IPC, in making merit-based decisions—this is in the context of looking at zero emission targets and reducing emissions—has literally stated:

The current strategic direction of the NSW government, as set out in its policies, seeks to continue coal exploration, extraction and export.

And it's made clear statements in its statement of reasons that it doesn't feel it has the discretion or the power to depart from those strategic statements. What do you say about that?

Mr PAUL SCULLY: Two things I'd say to that. One, the strategic statement on coal and any review of that would be the responsibility of the Minister for Natural Resources. Two, the Government is embarking on a process of legislating its net zero emissions targets. I know this Committee is involved in that at the moment, and that will likely lead to changes in policy through time.

The CHAIR: Will you please consider writing to the IPC and letting them know that that review is happening and that that statement is under review?

Mr PAUL SCULLY: I'll undertake to continue to engage with the IPC, as I do regularly. They were one of the first I met with after I became the Minister.

The CHAIR: I'm sure.

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The Hon. JACQUI MUNRO: Minister, I know that you're aware of the Pitt Town evacuation route.

Mr PAUL SCULLY: Yes.

The Hon. JACQUI MUNRO: I believe you have walked it.

Mr PAUL SCULLY: Part of it; we couldn't get right the way through.

The Hon. JACQUI MUNRO: I'm wondering why the \$9 million required to fund the upgrade for that evacuation route was not in the budget.

Mr PAUL SCULLY: I'm not the Minister responsible for that, so I suggest you direct that to the relevant Minister.

The Hon. JACQUI MUNRO: So what was your role in walking the route? Why did you go there to have a look?

Mr PAUL SCULLY: Because the local member asked me to have a look at it and asked Minister Dib to have a look at it. I appreciate that there's some attempt at a gotcha moment coming here, fine.

The Hon. JACQUI MUNRO: No, it is not a gotcha moment.

The Hon. SCOTT FARLOW: It's a question.

The Hon. JACQUI MUNRO: It's part of this process.

Mr PAUL SCULLY: But you've asked about things that aren't under my portfolio responsibilities. We went out and looked at the Hawkesbury, in a context, along with the local member. If the local member wants to take you somewhere to show you something and walk something, then we do it. It's something that only one Minister ever did with me, as a local member.

The Hon. JACQUI MUNRO: It's presumably because he thought that you might have some impact on making a decision that will benefit the residents by ensuring that they have a safe evacuation route and, incidentally, would also materially change their insurance premiums.

Mr PAUL SCULLY: We continue to invest in evacuation routes throughout the Hawkesbury-Nepean and will continue to do so.

The Hon. JACQUI MUNRO: Not on this one, though.

The Hon. SCOTT FARLOW: Following that meeting with Ms Preston, did you advocate to the Minister for Roads then, for that to be—

Mr PAUL SCULLY: I've spoken to the Minister for Roads following that, yes.

The Hon. JACQUI MUNRO: You answered Mr Ruddick's question about 649 people or families in Lismore receiving offers for compensation. I'm just wondering if the same offers will be granted to people in the Hawkesbury-Nepean region?

Mr PAUL SCULLY: There's not a buyback program that applies to the Hawkesbury-Nepean region. However, there is a small buyback program that exists throughout the State. Any future decisions on the Hawkesbury-Nepean start with and will be informed by the local disaster adaptation plan.

The Hon. SCOTT FARLOW: Minister, on the back of that, what is your vision for future development in the Hawkesbury- Nepean Valley?

Mr PAUL SCULLY: In terms of the entire valley?

The Hon. SCOTT FARLOW: Yes.

Mr PAUL SCULLY: There will continue to be development that goes into the Hawkesbury-Nepean, that has been approved along the way, but what we won't be doing is allowing people to build residential properties on dangerous flood plains. If you have a look at the work of the independent flood inquiry, it said that just because you can't use a piece of land for residential use doesn't mean you can't use it for other uses. There are sporting fields. There's biodiversity. There is potential on some of it—I'm not saying on everything, and this is not a universal statement, so no-one should read into this about individual properties, but there's the potential for areas to be zoned as industrial or commercial. There are multiple zonings beyond residential, and just because an area will not be rezoned residential does not mean it won't be. That's why the Government has appointed Professor Roberta Ryan—an expert in strategic planning, who has done some extraordinary work around the aerotropolis and Orchard Hills with small landowners—to help them through that process and to look at options that may be available to them.

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The Hon. SCOTT FARLOW: You wrote to local councils this week asking them to identify "existing, well-located areas where terraces, small unit blocks or well-designed mini-rise apartments can be permitted". Did you write this letter to Hawkesbury council?

Mr PAUL SCULLY: I wrote it to every council. I don't pick and choose.

The Hon. SCOTT FARLOW: How do you envisage Hawkesbury council being able to achieve the goals that you've outlined in your letter?

Mr PAUL SCULLY: If you continue to read that letter, it also went to the continuation of approving or examining development applications during the caretaker period in the lead-up to the election. Everyone is going through an election except those under administration, and so the letter was multi-part. It's not to say—

The Hon. SCOTT FARLOW: But the key take-out of that letter was that rezonings were to occur to allow small, medium and high density in an area.

Mr PAUL SCULLY: Most of that actually is not a rezoning; it's an LEP change. You don't necessarily have to change the zoning to allow that to happen. What you need to do is make them permissible under the local environmental plans. Currently, only two local environmental plans across Greater Sydney do allow that.

The Hon. SCOTT FARLOW: But do you think it should be permissible in the Hawkesbury local government area?

Mr PAUL SCULLY: If it's in a responsible area of the local environmental plan then we should make elements permissible, yes.

The Hon. SCOTT FARLOW: But isn't the fundamental concern of that evacuation modelling all about the number of people that are actually within an area?

Mr PAUL SCULLY: No, you're actually conflating a couple of things here. The flood evacuation model states new rezonings shouldn't go ahead because that would put additional lives at risk. There are areas that may be examined. There's not universally—it may not apply. I'm not picking and choosing councils where I ask them to have a look at things in the context of confronting the housing crisis, and I think that's a responsible way to act.

The Hon. SCOTT FARLOW: Minister, you've signed up to 377,000 new homes. This week alone you've taken 16,000 new homes off the table. How will you reach your housing targets?

Mr PAUL SCULLY: Those homes weren't on the table. They hadn't been rezoned. We didn't take anything away. What we did is not proceed. It was 10,000 in the Hawkesbury-Nepean. At the same time, a few weeks ago we added 5,000 homes in the Hills. The Government has made it abundantly clear from the Premier down that we believe infill development, particularly around transport routes, is the way to go. We said that in the lead-up to the election, we've said that post-election and we'll keep saying it because we believe that is the best way, for a number of reasons. First, it maximises the benefit of our transport routes and the investment in that. Secondly, it's a better outcome on a climate basis. Thirdly, it costs taxpayers less in terms of the work that's been done by the NSW Productivity Commission that says it's up to a \$75,000 difference between a greenfield site and an infill site. Fourthly, as someone who lives in an apartment, it's a great way to live.

The Hon. SCOTT FARLOW: Minister, you've revised down growth targets from 6,000 to 2,000 at Frenchs Forest. Why was that the case? It was reported yesterday that at Frenchs Forest the housing target has been revised down from 6,000 to 2,000.

Mr PAUL SCULLY: No, I've missed that report. No, there have been no new housing targets set. We're still going through that process.

The Hon. SCOTT FARLOW: You're saying that's not the case?

Mr PAUL SCULLY: I'm saying I haven't seen the report, so I can't comment on the report.

The Hon. SCOTT FARLOW: Okay, so no revisions to housing targets in Brookvale either?

Mr PAUL SCULLY: I haven't seen the report, so I'm not sure what you're referring to.

The Hon. SCOTT FARLOW: You weren't watching Channel 7 last night?

Mr PAUL SCULLY: I wasn't, actually, no. I was caught up doing other things.

The Hon. SCOTT FARLOW: You should have a chat to your media advisers and see if you can get the clips. So that hasn't actually occurred?

KIERSTEN FISHBURN: The targets aren't out.

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Mr PAUL SCULLY: Targets aren't out; targets aren't set.

The Hon. SCOTT FARLOW: So there's no revision to housing targets for either Brookvale or Frenchs Forest?

Mr PAUL SCULLY: Targets are being revised but none have been released, so anything that may have been reported is speculation. People are perfectly entitled to speculate on a whole range of things, but they should wait for announcements.

The Hon. SCOTT FARLOW: Minister, will you be revising down housing targets for any other local government areas?

Mr PAUL SCULLY: We will be setting housing targets in accordance with the Act, and that's the work the Greater Cities Commission is doing at the moment. We'll be setting housing targets to achieve the housing target set at the National Cabinet level.

The Hon. SCOTT FARLOW: This week the mayor of Fairfield and the mayor of Liverpool have raised concerns about areas of their municipalities that they would like to have rezoned but that are impacted by flooding. What do you say to those concerns?

Mr PAUL SCULLY: What I say to those concerns is that floodplain modelling is an important part of examining the potential for any area to be used for various zoning types.

The Hon. SCOTT FARLOW: The mayor of Fairfield said that the areas impacted by those policies are close to train lines, are well located and are where people want to live—areas like Fairfield, Cabramatta and Carramar. How difficult will it be to reach your housing targets if areas close to train lines are being impacted by flooding decisions?

Mr PAUL SCULLY: Just because it's close to a train line doesn't mean it can't flood. Train lines were set a long time ago in New South Wales. I haven't been involved in establishing them. But what we are determined to achieve is our overall housing target, and that's what we'll be working towards. I extend to you, shadow Minister, the same offer, and I've written to your leader.

The Hon. SCOTT FARLOW: We're taking it up.

Mr PAUL SCULLY: Yes, which is great and I think you should.

The Hon. SCOTT FARLOW: It's a big open offer, and we're looking forward to it.

The CHAIR: Can I come too?

The Hon. SCOTT FARLOW: I hope you get on board because this is not only something that should be a shared goal of all parties but also a shared goal of all levels of government.

The Hon. SCOTT FARLOW: I think Local Government NSW has also requested to be part of that big open offer.

Mr PAUL SCULLY: I've also written—

The Hon. SCOTT FARLOW: Have you written to Darriea as well?

Mr PAUL SCULLY: I have, in fact.

The Hon. SCOTT FARLOW: There you go. We'll all be there together.

Mr PAUL SCULLY: Well, probably separate briefings.

The Hon. SCOTT FARLOW: I think I heard from Sue Higginson that she'd like to be part of it as well.

The CHAIR: I'll be there. I'll bring the croissants.

The Hon. SCOTT FARLOW: She's offering catering, even.

Mr PAUL SCULLY: I'll hold you to that.

The Hon. SCOTT FARLOW: We can't compete with that. In terms of your policy regarding dangerous floodplain development, what's your definition of a dangerous flood plain?

Mr PAUL SCULLY: I think it's one, not unreasonably, that puts lives at risk.

The Hon. SCOTT FARLOW: Do you have any parameters or detail around that?

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Mr PAUL SCULLY: I think you saw it on the weekend when we announced the flood evacuation model. The definition of "dangerous" will vary based on the frequency, the severity and the capacity for people to get out, and will be informed by the excellent work that's being undertaken at the moment by the Reconstruction Authority on the State disaster mitigation plan and local disaster adaptation plans.

The Hon. SCOTT FARLOW: When the Treasurer advocated for the \$3 billion New Home Bonus to be effectively dismantled by the Federal Government and communities to have the money up-front, was that your idea or the Treasurer's?

Mr PAUL SCULLY: The Treasurer and I speak about a lot of things, but I think it was the Treasurer's, primarily. But I've also advocated for some of that money to come up-front.

The Hon. SCOTT FARLOW: Do you believe that you'll reach your target of 378,000 homes over the next five years?

Mr PAUL SCULLY: We're determined to get there, and I hope that you're on board with what we're planning to do.

The Hon. JACQUI MUNRO: Are you planning on delivering the five-, 10- and 20-year housing targets by LGA as recommended by the NSW Productivity Commission?

Mr PAUL SCULLY: We'll be releasing housing targets in accordance with the Act, as we're required to do.

The Hon. JACQUI MUNRO: So will that be five, 10 and 20 years?

Mr PAUL SCULLY: The Greater Cities Commission is required to produce housing targets for five, 10 and 20 years.

The Hon. JACQUI MUNRO: Minister, have you been to Centennial Park recently?

Mr PAUL SCULLY: I have, actually, yes.

The Hon. JACQUI MUNRO: Did you find that it was chockers, to use a colloquial term?

Mr PAUL SCULLY: That is a very colloquial term that I think is without definition. It's a popular site within Sydney.

The Hon. JACQUI MUNRO: Were you able to sit down or wander comfortably without being disturbed by your fellow parkgoers?

Mr PAUL SCULLY: I think I was pretty comfortable in my time there.

The CHAIR: He was jogging.

Mr PAUL SCULLY: But comfort levels and whether people can sit down in a particular area is a matter for individuals as to how they judge how comfortable it might be.

The Hon. JACQUI MUNRO: It sounds like it wasn't full. Was the Moore Park Golf club informed of the full decision about turning it into a nine-hole golf course or only that there would be an announcement?

Mr PAUL SCULLY: I think the Premier has made it clear that there were discussions with his office and the golf course operators.

The Hon. JACQUI MUNRO: But were they actually informed of your decision to cut out half of their golf course before it was announced?

Mr PAUL SCULLY: I can't comment on conversations the Premier's office had with the individuals. I wasn't privy to them.

The Hon. JACQUI MUNRO: So you didn't meet with Moore Park Golf?

Mr PAUL SCULLY: I have met with the club and Golf NSW.

The Hon. JACQUI MUNRO: But you didn't say that there was a decision made.

Mr PAUL SCULLY: At that time there was no decision.

The Hon. JACQUI MUNRO: Were you consulted by the Premier about the decision?

Mr PAUL SCULLY: Yes.

The Hon. JACQUI MUNRO: And you didn't feel the need to communicate that to the golf club?

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Mr PAUL SCULLY: As I just said to you, the Premier's office was tasked with doing that.

The Hon. JACQUI MUNRO: Was Ron Hoenig aware of the decision?

Mr PAUL SCULLY: I don't know; you'd have to ask Mr Hoenig.

The Hon. JACQUI MUNRO: You didn't consult with Mr Hoenig?

Mr PAUL SCULLY: I speak with Mr Hoenig regularly.

The Hon. JACQUI MUNRO: But did you speak to him about this issue?

Mr PAUL SCULLY: I can't recall if I spoke to him about this particular issue, but we speak about Moore Park a lot. It is an important part of green space and public open space near to his constituents.

The Hon. JACQUI MUNRO: Mr Hoenig has been on the record for quite a few years arguing against the closure of half the golf course. That issue has been going on for long time because the Lord Mayor of Sydney, Clover Moore, has tried to ensure that the nine-hole golf course is a reality, rather than the 18-hole golf course. Mr Hoenig was very clearly against that change so, given his interest in the matter, I'm curious about whether you consulted with your own members.

Mr PAUL SCULLY: I'm pretty sure when it was decided to remove the zoo from Moore Park that the local member might have had a view at the time too. It doesn't mean you don't make decisions.

The Hon. JACQUI MUNRO: I'm not talking about the zoo. I'm talking about the golf club.

Mr PAUL SCULLY: This is the context of it. Sydney changes, cities change, and the demand changes.

The Hon. JACQUI MUNRO: That's right, but consultation about those changes is very important.

Mr PAUL SCULLY: The consultation process we've outlined will take place early next year.

The Hon. JACQUI MUNRO: You're saying the decision hasn't been made?

Mr PAUL SCULLY: No, the decision is very clear. We intend to repurpose up to 20 hectares of the golf course into a new central park.

The Hon. JACQUI MUNRO: So what's the point of the consultation?

Mr PAUL SCULLY: We will be issuing a discussion paper early next year to guide the consultation, including consultations with the golf course and the operator, the future holes and the operation of the clubhouse and the driving range, and what people may like to see out of that space.

The Hon. JACQUI MUNRO: The consultation won't change the decision to halve the golf course. It's one of Sydney's premier public golf courses—the only one in the area that is a public golf course—and you're saying—

Mr PAUL SCULLY: No, it's not the only one in the area that's a public golf course.

The Hon. JACQUI MUNRO: In the local area.

Mr PAUL SCULLY: No, there's many in the local area.

The Hon. JACQUI MUNRO: In the local area it is the only public course, and you've got—

Mr PAUL SCULLY: No, there's eight public courses nearby.

The Hon. JACQUI MUNRO: What you've got is a decision that is being made without consultation with local members. Was Alex Greenwich, the member for Sydney, consulted about this?

Mr PAUL SCULLY: I didn't speak to Mr Greenwich about it. However, in the past, in Opposition, Mr Greenwich raised the suggestion with me.

The Hon. JACQUI MUNRO: Who have you spoken to before this decision was made?

Mr PAUL SCULLY: I spoke to the Premier.

The Hon. JACQUI MUNRO: Did the Premier make this decision or did you make this decision?

Mr PAUL SCULLY: The Premier and I had discussions about this decision. As to who actually made it, it was a joint decision.

The Hon. SCOTT FARLOW: Did any advice come from the department to support this decision?

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Mr PAUL SCULLY: The advice from the department related to what the current arrangements were with respect to the operation of the golf course.

The Hon. SCOTT FARLOW: There was no Cabinet brief that was provided with respect to this, in terms of advocating the decision?

Mr PAUL SCULLY: I don't discuss what happens in Cabinet.

The Hon. JACQUI MUNRO: Did you consult with the Lord Mayor of Sydney, Clover Moore?

Mr PAUL SCULLY: I didn't personally, no.

The Hon. SCOTT FARLOW: Did your office?

Mr PAUL SCULLY: I'm aware of her views. Her views are long on the record. You'd have to be living under a rock not to know what her view about that is.

The Hon. JACQUI MUNRO: Were you aware of Mr Hoenig's views on the matter?

Mr PAUL SCULLY: Yes. It's the funny thing about public open space in Sydney or in any city: people have some really strong-held views. People have a range of views.

The Hon. JACQUI MUNRO: This is public open space; it's a public golf course. You've already said that there's lots of room in Centennial Park.

Mr PAUL SCULLY: That's right.

The Hon. JACQUI MUNRO: I just want to understand why this decision was made.

Mr PAUL SCULLY: And in the next little while there will be a more than doubling of the population around Green Square, and those people need public open space. Public open space is important. I think everyone understood—

The Hon. JACQUI MUNRO: Are you aware of how long it takes to get from Moore Park to Centennial Park on foot?

Mr PAUL SCULLY: I haven't timed it myself, but I might walk at a different pace to others.

The Hon. JACQUI MUNRO: It's about 10 minutes, possibly less.

Mr PAUL SCULLY: I'm not a very quick runner.

The Hon. JACQUI MUNRO: Possibly less than 10 minutes, depending on your pace. So it's very close by, and you're suggesting that you didn't let the golf club know about this decision before it was made.

Mr PAUL SCULLY: When I met with the golf course, there had been no decision—the club, sorry. I don't meet with the course, of course.

The Hon. JACQUI MUNRO: What about the Centennial Park and Moore Park Trust?

Mr PAUL SCULLY: They're one of the agencies that I'm responsible for, so they provided advice on what was happening. They were aware of the decision.

The Hon. JACQUI MUNRO: They were aware of the decision before it was announced publicly?

Mr PAUL SCULLY: Yes.

The Hon. JACQUI MUNRO: Were they requesting that change?

Mr PAUL SCULLY: No, they were aware of the decision. You asked whether they were aware of the decision. I told you the advice.

The Hon. JACQUI MUNRO: But now I am asking were they aware of the—

Mr PAUL SCULLY: I told you the advice that they provided, which was with respect to the lease arrangements, the course operator, the club and the course maintenance.

The Hon. SCOTT FARLOW: I imagine, when they provided that advice they weren't told of the decision?

Mr PAUL SCULLY: We asked for advice. I asked for advice. This is the standard practice.

The Hon. SCOTT FARLOW: When did you tell them of the decision?

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Mr PAUL SCULLY: They were aware of the decision in the days leading up to it.

The Hon. SCOTT FARLOW: They were advised before the golf club, then?

Mr PAUL SCULLY: We always work with the agencies. That's the job. We get advice. We work with the agencies. We get information, and governments make decisions. It was a decision of the Government, and we stand by it.

The Hon. JACQUI MUNRO: Did the trust recommend the closure of nine holes?

Mr PAUL SCULLY: The information from the trust, as I've just outlined to you, was what the current arrangements were, when the expiration of leases were et cetera.

The Hon. JACQUI MUNRO: They provided no view to you about what they would like to see happen?

Mr PAUL SCULLY: Nor were they asked to provide one.

The Hon. SCOTT FARLOW: Will you rule out using any of that land for housing?

Mr PAUL SCULLY: It's for parklands. We're creating a 20-hectare new central park. The Premier has been abundantly clear.

The Hon. SCOTT FARLOW: Even the existing nine holes, if it's found to not be viable into the future, you will exclude that from housing use?

Mr PAUL SCULLY: What, you're going to sell off the middle part, are you? That's a preposterous suggestion. It's going to be parkland, a public space.

The Hon. JACQUI MUNRO: Actually, Mr Hoenig—

Mr PAUL SCULLY: This is not even a privatisation, as has been suggested in some memes I've seen from Opposition members. You can't take public land and keep it as public land and call it a privatisation.

The Hon. JACQUI MUNRO: We are not talking memes here.

Mr PAUL SCULLY: That's what you're putting out there.

The Hon. JACQUI MUNRO: Your Labor Party colleague Mr Hoenig said that—

The Hon. SCOTT FARLOW: We have a few of your memes.

The Hon. JACQUI MUNRO: —this might impact the maintenance of other green space or encourage the club to further commercialise other assets. Is that something that you're comfortable with?

Mr PAUL SCULLY: The rules around it and any lease negotiation will be done at the time that the lease is up, which is in 2026.

The Hon. SCOTT FARLOW: Minister, will you rule out using other Crown land—let's say, for instance, bowling clubs or tennis courts—for housing development?

Mr PAUL SCULLY: Crown lands are a matter for Minister Kamper.

The Hon. SCOTT FARLOW: You're not going to rule that out?

Mr PAUL SCULLY: I'm not responsible for them, so I can't be asked to rule out something I'm not responsible for. It would be abundantly rude for me to be asked to operate in someone else's portfolio.

The Hon. SCOTT FARLOW: You'd never be rude, would you, Minister? How much open space does the City of Sydney have per hundred residents or per thousand residents?

Mr PAUL SCULLY: I'll take that on notice.

The Hon. SCOTT FARLOW: Do you think the City of Sydney is in a particularly difficult position compared to other LGAs?

Mr PAUL SCULLY: I think all LGAs can step up their amount of public space, which is why we did some of the infrastructure reforms to support that.

The CHAIR: Minister, the liveability survey that came out—the results that were released yesterday talked about one of the primary indicators to liveability and satisfaction was green spaces, particularly with mature vegetation and that capacity.

Mr PAUL SCULLY: It's going to be a great park at Moore Park. It's going to be fantastic.

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The CHAIR: I just wonder if you're willing to go a bit further and do the compulsory acquisition of the Randwick racetrack as well, Minister? Could that be something you consider, please?

Mr PAUL SCULLY: I understand it's Crown land, so we probably wouldn't have to compulsorily acquire it.

The CHAIR: There we go.

Mr PAUL SCULLY: But it's not on the agenda for any changes to that—my agenda, anyway.

The CHAIR: I think you should keep an open mind, Minister.

Mr PAUL SCULLY: I will take that as a comment and a thought, Ms Higginson.

The CHAIR: Thank you. Minister, are you in discussions with the Premier about his campaign against nimbys and the division that he's creating every time he stands up and carries on about nimbys?

Mr PAUL SCULLY: I'm in discussions with the Premier on a whole range of matters.

The CHAIR: Are you promoting this campaign he is doing? Are you egging him on and telling him, "You're doing great work, mate."?

Mr PAUL SCULLY: The Premier is doing an excellent job, I think, on all manner of things.

The CHAIR: So you agree? You think this discussion around creating this form of division on such a fundamentally important thing—

Mr PAUL SCULLY: No, I don't agree that it's creating division. What I believe it is doing is elevating the discussion around confronting the housing crisis and how all levels need to be involved. The Premier makes a very good point when he is saying some of these things in that, if one council area is frustrating things regularly and persistently, that means other council areas nearby have not only got to do their part, they've got to pick up the load from other people as well. There's a question of fairness about that.

The CHAIR: I hear what you're saying, but the reality is you and I both know the politicisation of the planning system has just been going on and on. That division with the nimbys, yimbys is not the approach of a responsible government when we are facing a housing crisis, and when we are facing a climate crisis and when our planning system is seriously overloaded with trying to get new data online. It's really not good politics.

Mr PAUL SCULLY: That's your assessment.

The CHAIR: Would you agree that at the root and base of nimbyism is generally a community that knows its local government area very well, knows its local and social environment very well and is trying very hard to have genuine input into the planning system?

Mr PAUL SCULLY: Not always. You would know yourself, Ms Higginson, from your own history, there are actors within the planning system who are self-interested and there are those who are genuine. I don't think that anyone can make generalised or sweeping statements about any of those people. Obviously it comes down to a case-by-case basis.

The CHAIR: What is your understanding of a nimby? Are you talking about a community member who is genuinely trying to engage in the planning system and put their views forward about protecting the local environment, whether it's the social or physical environment?

Mr PAUL SCULLY: There are some famous examples of those who simply try to frustrate all development in their area.

The CHAIR: I'm yet to meet one.

Mr PAUL SCULLY: Some of them we call local MPs. But what we are seeking to do is deliver on housing targets. We are seeking to stop people leaving Sydney—giving up on Sydney, giving up on New South Wales—because they simply cannot afford to buy a house.

The CHAIR: Will you commit to having a conversation with the Minister to tell him it's divisive and we don't need anymore division in our communities, and to drive a positive agenda on housing?

Mr PAUL SCULLY: We are driving a positive agenda on housing. I think we're—and I think you would agree—the first Opposition not to take an anti-development stance to an election.

The CHAIR: I think you're doing a good job of trying to push a housing agenda. I think it's time to stop the politics of division.

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Mr PAUL SCULLY: I will pass on your thoughts on his political approach.

The CHAIR: Thank you, Minister. Can I go back to coal and the coal projects that your department is assessing? At least six of the 13 current coal expansions in the planning system are for expansions that will not even commence until after 2030. It must be some kind of revelation that coal companies are trying to exploit the current weaker regulatory system. You haven't yet got climate enacted; it's something that you are doing. Is it possible for you to please look at those through the lens of a moratorium and strongly advise the department that approving coal projects that are not remotely even considering coming online until 2030 is not good development?

Mr PAUL SCULLY: We'll assess projects as they come to us.

The CHAIR: Because, ultimately, Minister—

Mr PAUL SCULLY: But I'm not the board of these companies, either. The planning system is not the board of these companies. The planning system is there to administer and oversee, essentially, land use conflicts—conflicts about alternate uses for land. Board decisions, financial decisions, investment decisions of individual organisations are a matter for them and their shareholders.

The CHAIR: Yes. But, Minister, it is the job of the planning Minister and the department to be clear about what is acceptable, what is unacceptable, in the overarching vision of the State.

Mr PAUL SCULLY: Sure.

The CHAIR: That is the role, and to suggest otherwise is not the brief.

Mr PAUL SCULLY: I'm not suggesting otherwise. However, you're saying that we should stop stuff at an arbitrary date in the future because it may not—

The CHAIR: Because it's based on your Government's committed climate targets that you took to the election.

Mr PAUL SCULLY: But there are also closures of mines going on as well.

The CHAIR: That's right, and I am literally talking, Minister, about those what would appear to be very sinister coal projects.

Mr PAUL SCULLY: I'm just saying the planning department will provide its advice based on the proposal and we do not sit in financial judgement over them.

The CHAIR: The only financial judgement, Minister, is the cost of the Reconstruction Authority wiping up the climate impacts of these projects. That's the reality. So the financial decision is actually a public decision. In terms of the coal companies, I would strongly suggest some serious signalling to those companies right now—any coal projects planning to not come online until 2030 is a sinister approach to the planning department.

Mr PAUL SCULLY: All right. Thank you.

The CHAIR: In terms of the mine closures, at the moment it seems that—and I don't think we have an exact figure—there is something like 20 final voids that your department under the previous Government has approved over years and years. These final voids are a significant issue for the State. Can you tell me how many voids have been approved in the Hunter and do you have a genuine plan around what the heck we're going to do to manage those from a safety perspective and a water equilibrium perspective?

Mr PAUL SCULLY: Sure. I don't have the number to hand. Ms Fishburn will—

KIERSTEN FISHBURN: No, we'll have to take that on notice, sorry.

Mr PAUL SCULLY: We'll come back to you and get you some advice on the actual number. There is some really interesting work going on in mine rehabilitation at the moment, and some really interesting proposals. Mine rehabilitation is a challenging policy area. It used to be the only approach was to take it back to its pre-mining state and do a lot of work there. However, that ignored the fact that there are often large investments in roads, in hard stands, in sheds, in electricity transmission and the like, that could be repurposed for additional employment.

The CHAIR: I realise that we are in that predicament.

Mr PAUL SCULLY: Even underground mines. There is a great company in the Illawarra called Green Gravity that's looking at using mine shafts from mines that have come to the end of their life to generate renewable energy—really innovative and creative stuff.

The CHAIR: I think it is really good—

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Mr PAUL SCULLY: We have to be open to those sorts of things, as well as the environmental consequences.

The CHAIR: I think it is very good that we are looking at mine rehabilitation through a new lens, because it's an enormous body of work.

Mr PAUL SCULLY: Yes. Pumped hydro is an option, there is logistics—there are real job-creating opportunities and, when it comes to the Hunter and the Illawarra, we've got to be open to those ideas.

The CHAIR: But in terms of the final voids, make no mistake, Minister, the only reason that your predecessors approved those was the economic favour to those mining corporations. That was, literally, it.

Mr PAUL SCULLY: I'll take that as your assessment of it.

The CHAIR: That's now a cost—

Mr PAUL SCULLY: I can't comment on it. I didn't approve them.

The CHAIR: It's written in black and white. For the past 20 years, the mining companies said, "We can't afford to fill them in", so your department approved them one after the other, after the other. The number would be great.

Mr PAUL SCULLY: It wasn't my department at the time. But I think there are some exciting opportunities in pumped hydro and the like for some of those voids.

The CHAIR: I think there is one of them that has that real potential.

Mr PAUL SCULLY: Well, I'll let engineers assess that.

The CHAIR: Great. The Sutherland shire is currently not included in the New South Wales koala SEPP as an LGA that the SEPP applies to, notwithstanding that there is a koala colony in the area. This is my understanding—things may have changed. What has the Department of Planning and Environment done to facilitate the Sutherland shire's engagement in koala planning?

Mr PAUL SCULLY: I might get some advice from—give the Committee some advice from Ms Sargeant on that.

ANTHEA SARGEANT: The SEPP currently doesn't apply to the Sutherland LGA. The department is aware that the LGA is not currently—sorry, I've just said that. The department is working with the council to discuss options for strengthening koala habitat, noting that the Biodiversity Conservation Act and the Biodiversity Offsets Scheme continue to apply. When the development application is lodged, we would look at the provisions under both the SEPP and the Act.

The CHAIR: Can I ask more specifically on that—and thank you, it's good to know—when you say the department is helping, are you assisting in terms of DA by DA? You are actually providing resources and assistance to that council in relation to—

ANTHEA SARGEANT: We would provide assistance to the council, Sutherland council, if they asked for it. The department assesses State-significant developments, so unless there was—

The CHAIR: Are you planning to add Sutherland to the koala SEPP, so that they can have the same benefits that other LGAs with koalas in do?

ANTHEA SARGEANT: I believe that's an ongoing assessment and at the moment there is no plan to do that, but that's not to say that it can't be done in the future.

Ms CATE FAEHRMANN: Good morning, Minister. Minister, to what extent were you briefed on the Rezoning Pathways Program when you became Minister?

Mr PAUL SCULLY: It was part of the incoming Minister's brief.

Ms CATE FAEHRMANN: Were you notified of the series of issues that various stakeholders raised about Walker's Appin development, including the lack of infrastructure to support that development, a lack of road access, no public transport, biodiversity issues? Was that a part of it?

Mr PAUL SCULLY: I'm from the Illawarra. I'm very familiar with that and it's just up the road.

Ms CATE FAEHRMANN: So you were?

Mr PAUL SCULLY: That's a personal reflection, but in terms of the briefing, I'm not going to go into detail of what was in the incoming government brief. Suffice to say, it was comprehensive.

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Ms CATE FAEHRMANN: So you were made aware of the issues around the Walker Appin development?

Mr PAUL SCULLY: I'm aware of issues of infrastructure in the Appin area and the south-west of Sydney. But the south-west Sydney growth area is one that has been around for some time.

Ms CATE FAEHRMANN: Were you also made aware at that time that, during the fast-tracked planning process for that development, objections were raised by the Office of Environment and Heritage, Transport for NSW, WaterNSW and NSW Health—that they had all raised objections to that development?

Mr PAUL SCULLY: I understand that there was work going on. Whether or not they were in the incoming government briefs or future ones, I can't recall when that information may have come to my attention.

Ms CATE FAEHRMANN: Are you aware now, regardless of whether it was part of an incoming brief or not, that all of those departments I just mentioned lodged objections to that development?

Mr PAUL SCULLY: Yes. Departments work through these things all the time. That is part and parcel of a rezoning proposal, is that all departments are consulted. I think there was—and Ms Gibson might be able to clarify—a technical advisory panel that was established with respect to that, and that is aimed at flushing out these sorts of issues and dealing with them and considering them in the context of the rezoning proposal. Ms Gibson might be able to shed some more light on the detail of those.

MONICA GIBSON: Yes, thank you, Minister. There was a technical assurance panel that was set up for the Greater Macarthur area. That started in 2020. That included two sites within the Greater Macarthur Growth Area, including the land at Appin referred to as the Walker Corporation holding as well as another parcel that is what we call Gilead Stage 2.

Ms CATE FAEHRMANN: Yes, thank you. I'm aware of that. I can explore that later this afternoon, if need be, in terms of that detail. Just continuing on that process, Minister, were you aware that local council members at Wollondilly, who were asked to provide advice on the project, were only given 24 hours to respond and were only able to give advice if they signed a non-disclosure agreement?

Mr PAUL SCULLY: I'm aware of the non-disclosure agreements, yes, but of the timing, I can't say.

Ms CATE FAEHRMANN: Does that concern you, that amount of time for the councillors to respond?

Mr PAUL SCULLY: I don't know. You're telling me that that's the case. I'm unsure whether that's the time or not.

Ms CATE FAEHRMANN: Is there a reason why councillors would be asked to sign non-disclosure agreements for something like that?

Mr PAUL SCULLY: I think it's important. The issue of non-disclosure agreements has come up before and I think it's important, and Ms Fishburn may be able to explain the purpose of why that's done.

KIERSTEN FISHBURN: In relation to the technical assurance panel, non-disclosure agreements were asked for so that planning decisions could be made without prejudice. I'm not sure about the timing matter in relation to the information to Wollondilly council. I'll take that on notice and come back to you in the afternoon.

Ms CATE FAEHRMANN: Minister, I think you're aware of the fact that the former Minister for Planning, Anthony Roberts, within days of him becoming the Minister for Planning for the second time in December 2021 met with Walker Corporation within days. You're aware of that?

Mr PAUL SCULLY: He may have. Within days, I can't say my recollection of how many days it might have been, but I'm aware he met with them.

Ms CATE FAEHRMANN: Are you aware that the Walker Corporation now employs the former head of Planning, Rob Vellar?

Mr PAUL SCULLY: Yes. I'm aware. Mick Cassel I think you're referring to.

Ms CATE FAEHRMANN: Yes, Mick Cassel. The Walker development was approved in November of 2022 and it was approved a month before the Rezoning Pathways Program guide was published. You're aware of all of this history?

Mr PAUL SCULLY: I am aware, yes.

Ms CATE FAEHRMANN: With Michael Cassel being employed by the Walker Corporation, what was the time frame between when he left the department and when he began with Walker Corp?

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Mr PAUL SCULLY: I understand the department was first advised that Mr Cassel had commenced a new role at Walker Corporation on 15 August 2023.

Ms CATE FAEHRMANN: When did he leave the department?

Mr PAUL SCULLY: I believe he left the department as of around 30 June, I think it was.

KIERSTEN FISHBURN: On 30 June he formally left the department, ceased the role.

Ms CATE FAEHRMANN: And his role, in terms of getting that approval fast-tracked through the department was?

Mr PAUL SCULLY: When I became aware of Mr Cassel being employed at Walker Corporation, I asked Ms Fishburn to have a look at and review decisions that he may have made in the department. I thought it was an important probity check. I asked Ms Fishburn to satisfy herself that all the probity and conflict of interest requirements had been met. I understand that that review was undertaken by law firm Maddocks. Ms Fishburn may wish to add to this answer in terms of that, but that review has recently concluded.

KIERSTEN FISHBURN: Just to add, in addition to the review, because I think this is useful information for the Committee to have, we have brought in a special probity framework to manage ongoing interactions with Walker Corporation and any meetings with Walker Corporation representatives. I'm happy to take you through the framework, if you're interested, either now or in the afternoon.

Ms CATE FAEHRMANN: I'm interested in knowing, thank you. So that's a new framework. Are you suggesting that there weren't those probity checks in place; that we're talking about this development that was fast-tracked after a number of meetings? I've got quite a few emails that indicate just how much Planning bent over backwards to facilitate Walker Corporation's access to planning department officials. There's a huge range of emails that document that. What probity measures were in place before this to ensure that that decision was undertaken with the utmost integrity, given we've now got senior former Planning departmental officials, one, working for Walker Corporation? Surely that should concern you. If you've got new probity measures in place, what about the entire decision, Minister?

Mr PAUL SCULLY: That's what I asked Ms Fishburn to do.

KIERSTEN FISHBURN: The review—I'm being cautious here because the review is under legal privilege, that's why I'm taking a little bit of time to look at this—undertaken by Maddocks was a very thorough review. It confirmed there had been no wrongdoing or probity concerns on the part of the department or Mr Cassel. None has been identified and all decisions were lawfully available to be made. Beyond that, we're in legal privilege territory.

Ms CATE FAEHRMANN: I've just got certain emails here. If I could table them, secretariat, that would be good. They indicate the extraordinary access, as I indicated earlier, that Walker Corporation has. This is an email dated 19 December 2022 with the head of Walker Corporation essentially talking about the Aboriginal heritage impact permit. He's very concerned that there are delays. He's emailed Michael Cassel and he has asked:

To assist in expedition of the delivery program, we are requesting the details of the key individuals tasked with assessing and issuing of an AHIP ... Walker would like to contact the appropriate person to brief them on the project and the AHIP application.

This was after expressing frustration that this has been delayed because of the implementation of the Cumberland Plain Conservation Plan. Departmental officials bent over backwards to get the names of those people undertaking the assessment so Walker Corporation could talk with them. Is that usual for big developers who are wanting something fast-tracked in the planning process to phone the department and get the name of an official who is undertaking an assessment to, what I would suggest, probably bully them into whatever outcome it is that they're after. Is that normal?

Mr PAUL SCULLY: As you indicated, that was late 2022 so I can't reflect on the work of other Ministers' administrations.

Ms CATE FAEHRMANN: But that's when the decision was made, Minister.

Mr PAUL SCULLY: Yes, but I can't—

Ms CATE FAEHRMANN: That's what I am talking about.

Mr PAUL SCULLY: It wasn't my decision. I was sworn in on 5 April 2023, several months after that.

Ms CATE FAEHRMANN: You're a Minister who has the power—

Mr PAUL SCULLY: That's why I've asked—

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Ms CATE FAEHRMANN: —to reverse previously bad decisions.

Mr PAUL SCULLY: —Ms Fishburn to undertake the assessment that she's done. That's why I asked.

Ms CATE FAEHRMANN: And I'm talking to you now, and showing you information—

Mr PAUL SCULLY: Sure. I haven't seen that so I can't reflect on it.

Ms CATE FAEHRMANN: I'm very happy to furnish you with them.

Mr PAUL SCULLY: What I've done, when it came to my attention that Mr Cassel had gained employment there, I asked Ms Fishburn to review the decisions and to satisfy herself that everything—that things were in order in terms of that decision-making process.

Ms CATE FAEHRMANN: This is an external consultancy. Is it Maddocks? Who's Maddocks? It's an external consultancy. Let's have a look at them.

Mr PAUL SCULLY: It's a law firm.

Ms CATE FAEHRMANN: Minister, honestly, something smells not right here, surely. We've got Michael Cassel going over to Walker Corporation within two months after finishing and he's bending over backwards—

Mr PAUL SCULLY: Which is why I asked—

Ms CATE FAEHRMANN: —to facilitate this developer.

Mr PAUL SCULLY: I'm not going to defend any decision of the previous Government. They weren't mine. I thought most of them weren't terribly great. But in the time line, that predates me, it predates his employment with Walker Corporation. When it came to my attention that he'd been employed by Walker Corporation, I asked the secretary to immediately start to satisfy herself that all of the probity requirements and everything had been done and was in order.

Ms CATE FAEHRMANN: I'm aware you did that.

Mr PAUL SCULLY: That's all I can do.

Ms CATE FAEHRMANN: Just my final question before—

Mr PAUL SCULLY: I can't turn back time. I'm not Cher.

Ms CATE FAEHRMANN: Just one last thing—

KIERSTEN FISHBURN: Can I please add something as well because there's some implications of my department following this line. We have undertaken an independent review. The review did indicate that there were no improper actions that were taken and that the planning department followed all due process. I just want to make sure that it's clear that my staff are not being implicated in some statement here. We have undertaken an independent review. It is not unusual for developers to contact the department and to make representation. The department responds in various different ways, and we've had this reviewed by Maddocks. I just want that on the record.

The CHAIR: Ms Fishburn, those emails that have been tabled are between Mr Cassel and Mr Ray. I understand Mr Ray is no longer with the department. Is that correct?

KIERSTEN FISHBURN: Mr Ray has taken a position in the Cabinet Office.

Ms CATE FAEHRMANN: Also in 2019, the planning department did tell the previous planning Minister, in relation to Appin, that that development wasn't needed until 2036 and then suddenly Anthony Roberts gets in. There's this fast-tracked process.

Mr PAUL SCULLY: I can't speak to what advice the department gave to earlier Ministers. I'm sorry but you know the rules.

The Hon. SCOTT FARLOW: Minister, you've made the decision with respect to Moore Park on the basis of the number of people who are going to be moving into Zetland, in particular.

Mr PAUL SCULLY: It was part of the decision.

The Hon. SCOTT FARLOW: Well part of the decision. What's the other part of the decision?

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Mr PAUL SCULLY: The need for ongoing investment in green space in Sydney. The fact that things change and evolve through time and that cities grow and change. It won't just be people in Green Square; there's other people who are going to be moving into Sydney in the future as well.

The Hon. SCOTT FARLOW: With respect to the City of Sydney, there's 526 residents per hectare of open space. Burwood has 1,000 residents per hectare of open space and it has proposed 15,500 new residences to be built there and is rumoured to be part of your priority planning precincts. What is the plan for open space in Burwood?

Mr PAUL SCULLY: This is why we reformed infrastructure contributions. I'm disappointed the Opposition didn't get on board with it.

The Hon. SCOTT FARLOW: But where are you going to find the room in Burwood?

Mr PAUL SCULLY: You asked me a question.

The Hon. SCOTT FARLOW: Yes.

Mr PAUL SCULLY: I'm endeavouring to answer it.

The Hon. SCOTT FARLOW: And I am asking for the answer; I'm redirecting you. Where are you going to find the room in Burwood?

Mr PAUL SCULLY: Part and parcel of our infrastructure contributions reforms is to make sure there's a pool of funds available for facilities, including public open space. Public open space doesn't need to be always at ground level. Public open space can be other parts as well. Look around the city.

The Hon. SCOTT FARLOW: Roof top parks?

Mr PAUL SCULLY: Not unheard of and already being done in a lot of places. We continue and we will continue to make investments in public open space into the future. It's disappointing, as I say, that the Opposition, after advocating for infrastructure reforms to do exactly that—

The Hon. SCOTT FARLOW: We didn't support your tax.

Mr PAUL SCULLY: —decided to vote against their own proposal. Well, a better version of their own proposal, I have to say. We improved it.

The Hon. JACQUI MUNRO: Do you know how much the removal of the nine holes and changing the use of that—what the percentage of that change adds to the total hectares already available in Centennial Park, Queens Park and Moore Park?

Mr PAUL SCULLY: It adds 20 hectares. I haven't done the maths off the top of my head.

The Hon. JACQUI MUNRO: It's 20 hectares, but there's already 330 hectares, so you're adding 6 per cent.

Mr PAUL SCULLY: Are you saying there should be less green space in the city? Is that your contention?

The CHAIR: We can come back to this because we are actually in the Government's time. We can come back to it after the morning tea.

The Hon. CAMERON MURPHY: We've got no questions, Chair.

The Hon. SCOTT FARLOW: I'm surprised.

The CHAIR: All right. We have an early mark, thanks to the Government so we will—

The Hon. CAMERON MURPHY: The Minister is doing an excellent job.

The CHAIR: We will reconvene at 11.15 a.m.

(Short adjournment)

The CHAIR: Welcome back, all. I will now hand over to the Opposition.

The Hon. JACQUI MUNRO: Minister, you're the planning Minister who wants more housing. Will you rule out asking the lands Minister to sell off, or supporting him to sell off, that area in Moore Park for housing and any remaining part of the nine holes of the current Moore Park Golf Course?

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Mr PAUL SCULLY: The Act that governs it, the Greater Sydney Parklands Trust Act, is one of the acts I administer and we won't be selling that land.

The Hon. JACQUI MUNRO: That's an iron-clad guarantee you won't be using that land for housing?

Mr PAUL SCULLY: I'm not sure which part is difficult to understand what the Government's intention is.

The Hon. JACQUI MUNRO: It's just a yes or no answer.

Mr PAUL SCULLY: We intend to return 20 hectares to make a new Central Park for Sydney, to add to the Parklands Estate, to add to access—

The Hon. JACQUI MUNRO: It's 6 per cent, yes.

Mr PAUL SCULLY: It might be 6 per cent, but 1 per cent is still an addition.

The Hon. JACQUI MUNRO: Yes, but the golf course is already open space.

Mr PAUL SCULLY: We're not selling it for housing. We're turning public land into public land.

The Hon. JACQUI MUNRO: Will you rule out using it for any housing?

Mr PAUL SCULLY: We're not using for housing.

The Hon. JACQUI MUNRO: You're not using for housing. Can you also make that confirmation for other Crown lands that are occupied, for example, by bowling clubs?

Mr PAUL SCULLY: The Government is going through a land audit and the land audit is the responsibility of Minister Kamper.

The Hon. JACQUI MUNRO: Will you be advocating to the lands Minister to use that Crown land for housing or will you explicitly be advocating against that?

Mr PAUL SCULLY: The surplus land audit is to identify potential parcels of land that could be used for housing and Minister Kamper will report that back to Cabinet in due course.

The Hon. JACQUI MUNRO: So land being used by bowling clubs could be considered surplus land?

Mr PAUL SCULLY: No, I'm not saying that. What I'm saying is the Government land audit will report back through Minister Kamper in due course.

The Hon. SCOTT FARLOW: Minister, do you have a role in that surplus land audit?

Mr PAUL SCULLY: The department was asked to appoint an official to have a look at the department's own land holdings to see if there is any surplus land. That's the process. In terms of other roles, the report, I understand, will come back to Cabinet from Minister Kamper and, as a Cabinet Minister, I will have a look at it then.

Mr PAUL SCULLY: Are you receiving weekly briefings in turns of that surplus land audit?

The Hon. SCOTT FARLOW: No, I'm not. It's not my responsibility. It's Minister Kamper's responsibility.

The Hon. SCOTT FARLOW: Minister, the post-pandemic return and migration and changes to housing preferences has left the State's housing supply struggling to catch up with demand? Would you agree?

Mr PAUL SCULLY: There are some megatrends that the housing system is dealing with, for instance the rise of the single-person household, as we've got an aging population as many countries around the world have. By 2041 the proportion of lone-person households will be about the same as households with two adults and two children. Every lone-person household is one household as opposed to two people and two children where it's four people. That's part of the megatrend we've got to deal with. One of the other megatrends that we need to deal with in the system where it impacts on housing is climate adaptation and mitigation. Some of the other megatrends we've got to deal with is the demands on infrastructure and the like. We're building a system where we're determined to meet our housing accord targets but we're also wanting to provide sufficient diversity in housing type that affords people a well-located, well-designed and well-built home.

The Hon. SCOTT FARLOW: There surely is an impact from migration in terms of housing demand in New South Wales, isn't there?

Mr PAUL SCULLY: Whether it's internal migration, whether it's external migration or whether it's natural births, all increase population and by virtue of increased population there is additional demand on housing.

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The Hon. SCOTT FARLOW: Minister, in terms of your forecasting, what are the impacts of housing demand from high net overseas migration?

Mr PAUL SCULLY: We don't separate into migration-related trends, internal migration or intrastate migration. What we look at is the housing accord target that has been set and agreed by the National Cabinet and how we work towards achieving that.

The Hon. SCOTT FARLOW: You have no input into that at all? Planning in New South Wales has had no role?

Mr PAUL SCULLY: Immigration policy is set by the Federal Government.

The Hon. SCOTT FARLOW: In terms of the Premier signing up to the extended housing target of 1.2 million, was that advised at all by the department of planning in New South Wales, dependent on the ability of the department to be able to deliver new housing in the State.

Mr PAUL SCULLY: That's a question for the department that Ms Fishburn might like to answer.

The Hon. SCOTT FARLOW: Ms Fishburn, was there any advice provided to the Premier on that target?

KIERSTEN FISHBURN: There was no specific advice provided on that target. However, having been given that target, the department adjusts policies and looks at measures to reach that target.

The Hon. SCOTT FARLOW: So the department had no input at all into determining that target?

KIERSTEN FISHBURN: No specific input into that number.

The Hon. SCOTT FARLOW: And the department had no forewarning of that before the Premier agreed to that target at National Cabinet?

KIERSTEN FISHBURN: We understood that the Premier was discussing targets at National Cabinet and, as I said, the department was ready and willing to adjust policy and look at measures to meet any target which we were given as a consequence of that.

The Hon. SCOTT FARLOW: So that target wasn't informed by any reality in terms of what the department could actually deliver; the department is effectively a gatekeeper when it comes to these targets and the department will just deliver on any target that's established by National Cabinet. Is that correct?

KIERSTEN FISHBURN: I think you're conflating a number of things. Obviously, depending on what need there is for housing, the department will adjust policies at any given time to make sure we work towards meeting that outcome. The target obviously is the discussion at the national level where there's been the identification of 1.2 million dwellings needed across Australia. National discussions have identified a 377,000 target for New South Wales and, as a consequence, we'll adjust our policy settings to work towards that target.

The Hon. SCOTT FARLOW: But how does the Premier sign up to these targets if he doesn't actually have advice from the department as to whether it's possible or not?

Mr PAUL SCULLY: That's a question for the Premier.

The Hon. SCOTT FARLOW: So you weren't consulted, Minister, in terms of that target?

Mr PAUL SCULLY: No, you've asked how does the Premier sign up to it. It's a question for the Premier.

The Hon. SCOTT FARLOW: We're interested in how government works in this State, Minister.

Mr PAUL SCULLY: I have regular conversations with the Premier about a whole range of issues, including planning issues.

The Hon. SCOTT FARLOW: When he signed up to that target, did he ask you for your advice on whether that was actually an achievable goal or not?

Mr PAUL SCULLY: I'm not going into conversations I have with the Premier. The Premier and I, however, have many conversations on housing, on employment, on the vibrancy of our city, and our cities, and how the planning system and the planning department might help facilitate that.

The Hon. SCOTT FARLOW: Minister, does the department do any modelling impact on overseas net migration and its impact on house prices at all in Sydney or greater New South Wales?

Mr PAUL SCULLY: You've asked the department, so I'll let Ms Fishburn answer that.

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KIERSTEN FISHBURN: I'll need to take that on notice. We've certainly looked at modelling in relation to migration figures, but I'm not sure whether they brought in the impact on house prices. That seems a little bit out of the scope that we would look at, but I'll take that on notice for you.

The Hon. SCOTT FARLOW: Minister, do you have any concerns about Australia having the highest migration rate both in the OECD and the G20?

Mr PAUL SCULLY: We've got some challenges that we need to deal with. Part of that is skilled migration. Part of that is the fact that we haven't got a sufficient workforce that will allow us to accommodate and care for an aging population, and we haven't got natural growth in population that will allow that to happen. That will change through time. Migration targets are set by the Commonwealth Government and are somewhat dynamic. I think the Albanese Government has been abundantly clear as to why it's going about its migration program as it is, but that would be one that perhaps you might wish to write to the Prime Minister about.

The Hon. SCOTT FARLOW: Minister, this is a Federal issue when it comes to immigration policy, of course.

Mr PAUL SCULLY: Correct.

The Hon. SCOTT FARLOW: But the States are left to carry the can when it comes to delivering new houses, and your department, in particular, is in the firing line when it comes to being able to actually deliver that housing for New South Wales. Do you have any concerns?

Mr PAUL SCULLY: Yes, and that's what we're working diligently towards. I'm not sure what you're suggesting. Are you suggesting that we put up borders around—

The Hon. SCOTT FARLOW: I'm asking questions, Minister; I'm not suggesting a thing.

Mr PAUL SCULLY: No, I'm just trying to understand where you might be coming from. I don't think you're suggesting we put up the borders around New South Wales and say to the Federal Government, "People can migrate to anywhere but New South Wales." I hope that's not the case because we're going to be seeing severe labour market shortages into the future if that's the Opposition's policy and I don't think that's the responsible approach. The Government will continue to work on meeting its housing targets to house its population, to stop the flight of people outside of New South Wales and to make sure that we do everything in our power to make sure that people and kids can live near their parents rather than being required to live with their parents.

The Hon. SCOTT FARLOW: Minister, do you think Australia should follow the lead of Canada, who have just announced that they'll incorporate planning for housing, health care and other services into their immigration strategy?

Mr PAUL SCULLY: Look, what I think is that we have a National Cabinet process that has determined some housing targets, and myself and the department of planning are determined to meet them.

The Hon. SCOTT FARLOW: So, Minister, do you think the State Government should have a larger role when it comes to setting those immigration targets at all?

Mr PAUL SCULLY: As a Minister in a State government, I'd always think that State governments should have a larger role.

The Hon. SCOTT FARLOW: That's always good to hear, Minister. Will you be advocating that to the Premier for National Cabinet discussions?

Mr PAUL SCULLY: No, but in this case there is a housing target that has been set. It's been agreed by the National Cabinet. The National Cabinet has the Federal Government, all of the State and Territory governments and a representative from local government of Australia as part of it.

The Hon. SCOTT FARLOW: But, from what you're telling us, that target was set without any advice from your department.

Mr PAUL SCULLY: The target is set. There has been ample discussion around the place. How it translates to New South Wales—

The Hon. SCOTT FARLOW: Except with your department, it seems.

Mr PAUL SCULLY: It was a national target. I don't think the department can be asked to set a national target. It can be asked to examine how we might—

The Hon. SCOTT FARLOW: But it can be asked to inform a Premier's decision about a national target.

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Mr PAUL SCULLY: Yes, and it can be asked to provide advice on how we might achieve that. It can be asked to provide advice on what the sufficient or the appropriate share in a national target for New South Wales might be—

The Hon. JACQUI MUNRO: They're great questions.

The Hon. SCOTT FARLOW: Too bad the Premier didn't ask you about them.

Mr PAUL SCULLY: —which is part and parcel of the ongoing discussions that the Premier and I have about a whole range of things. The fact is we now have a housing target. Clearly, the Opposition disagrees with that target. I don't know whether you think it should be higher or lower.

The Hon. SCOTT FARLOW: I think it should be informed.

Mr PAUL SCULLY: What we are diligently working towards is achieving that target. We have among the lowest vacancy rates for rental market in the country—about 1 per cent. We have pressures that come from those trends that I described before in terms of the way population acts. We've got other pressures that stem from internal migration within New South Wales where people are moving out of cities into regional communities. All of those things are part and parcel of what the planning department works through and diligently sets about achieving. We want to make sure that people have well-located, well-designed and well-built homes in dynamic and vibrant communities, and I hope the Opposition agrees.

The Hon. SCOTT FARLOW: You've got the trends as well from overseas net migration, don't you?

Mr PAUL SCULLY: Yes, and part of those trends are international students. International students and international education are our largest services export. Are you saying that we should curb that and limit that? I've worked in universities and those international students are great ambassadors for Australia. They go into business and government in their home countries into the future. They have ongoing connections with Australia. They allow us to expand our trade, expand our opportunity, which means jobs for our kids.

The Hon. SCOTT FARLOW: Would you agree with AMP Investments chief economist Shane Oliver that current immigration levels are running well in excess of the ability of the housing industry to supply enough homes, exacerbating an acute housing shortage and poor housing affordability?

Mr PAUL SCULLY: We're in a housing crisis. I don't think anyone is denying that.

The Hon. SCOTT FARLOW: Okay, so you would agree with the statement?

Mr PAUL SCULLY: No, I don't think you can say one segment alone, there's one cause alone, except I'd say there was one big contributing factor, and that's the last 10 years of the previous Government.

The Hon. SCOTT FARLOW: Minister, to that point, 45,000 was the anticipated number of homes that needed to be provided under last year's budget and 75,000 under this year's budget. How much of an impact is immigration having on those figures?

Mr PAUL SCULLY: Immigration contributes to it. Immigration varies and you might have seen that it has varied over the last couple of years. The fact is there's 76,000 homes under construction in New South Wales at the moment and we are reorientating the planning system and the planning department to help deliver on our housing targets, not just for the next five years but well into the future.

The Hon. SCOTT FARLOW: Minister, do you think that the current levels of net migration into Australia are having an impact on housing affordability and rental affordability in New South Wales?

Mr PAUL SCULLY: There are a range of impacts on housing affordability and rental affordability. Some of that comes from the fact that people have stood in the way of housing growth for the last decade.

The Hon. JACQUI MUNRO: Minister, what happens if New South Wales fails to meet its target of 75,000 new homes this year?

Mr PAUL SCULLY: We continue—well, the year-on-year targets are like anything else. They are a division. They're a division of 377 divided by five. As you would know from the construction of any house, it's a different construction period in terms of a single dwelling in a greenfield estate and a multi-unit dwelling nearby to the CBD. What it's about is the pipeline. We are setting about a system where we have a pipeline of supply that's coming through that will aim to deliver 377,000 new dwellings, in aggregate, by the end of June 2029. That's what it's about. Much like seasonal variation in employment numbers or seasonal variation in GDP or seasonable variation in any stock and flow measure, it's not the individual, or an individual month or an individual day or anything like that. What it is is a target to the end.

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The Hon. JACQUI MUNRO: That's right, and yet migration and visas are measured with targets annually. How do you link the appropriate service delivery with those Federal annual targets? Because when we don't get that 75,000 this year, what does that look like for people across New South Wales?

Mr PAUL SCULLY: What we're dealing with is a decline that started several years ago in terms of completions. The fact is there's 76,000 dwellings under construction right now in New South Wales. There are a number that have been rezoned. There are more DAs coming into the system every day. There are more compliant developments in the system every day. There are more State significant developments every day that relate to retail. And there is the great organisation called Landcom. We've got Landcom working again. They've been sidelined and put out to pasture for years. At a special dividend they were bled of their land stocks.

The Hon. JACQUI MUNRO: But, Minister—

Mr PAUL SCULLY: Hang on—this is all part of it.

The Hon. JACQUI MUNRO: But it's just going back to my question about the delivery of housing now to match migration levels. I understand what you're saying completely. Of course it's a pipeline. Of course homes take time to build. That's a critical feature of the system. But the reality is that migration will increase at an annual level.

Mr PAUL SCULLY: As will the number of houses.

The Hon. JACQUI MUNRO: But what happens when New South Wales doesn't hit 75,000 this year? What happens when there is a shortfall in comparison to annual migration?

Mr PAUL SCULLY: We didn't get to where we are today because of a couple of bad months. We got to where we are today—

The Hon. JACQUI MUNRO: But you have—

Mr PAUL SCULLY: No, you've asked me a question. I think you should afford me the opportunity to answer it.

The Hon. JACQUI MUNRO: Go ahead, Minister.

Mr PAUL SCULLY: We got to the position we're in because of a decade of this building up. We are setting about making sure there's a pipeline to deliver it. We will continue to diligently work towards establishing, maintaining and achieving that housing supply target into the future. Not only will we do that, but we want to set things up so that we continue to achieve our housing targets into the future.

The Hon. JACQUI MUNRO: I appreciate that. But what we're talking about now is advocating for the people of New South Wales to have housing targets that meet national housing targets that are related to migration.

Mr PAUL SCULLY: We have agreed our housing targets. We have—

The Hon. JACQUI MUNRO: I'm asking how they have aligned, because you're saying you haven't been involved in that discussion at a Federal level.

Mr PAUL SCULLY: I'm not on National Cabinet. That's the Premier's job.

The Hon. SCOTT FARLOW: But the Premier is.

Mr PAUL SCULLY: The Premier is. That's right. I don't know what was discussed in the room at National Cabinet. The Premier has made comments about migration in the past, and I expect that he raised that. What we are working towards is an agreed target, at the National Cabinet level, and we'll aim to deliver it. We're determined to deliver it. That's why we're setting up all parts of the system to try and do it. It starts with the public sector. We have a backlog of nearly 60,000 households to deal with in terms of social housing. So the \$610 million that the Federal Government contributed previously will help to release and get more social housing homes, as well as the Housing Affordability Fund. Thank goodness that has finally been approved. We've got Landcom back in the game, doing its job and helping deliver more houses. Over the next six years it will deliver more than 20,000 houses. I know you guys have got obsessed with 88, but it's 20,000—more than you guys ever delivered, more than the Opposition ever delivered in Government. And we'll have more reforms that are coming through.

We've changed self-assessment powers for community housing providers. We've reduced the lot size for dual occupancies for the Aboriginal Housing Office, the Land and Housing Corporation, Landcom and community housing providers to make sure we're getting more homes and more bedrooms out of the ground. We are determined and setting the system up, focused on delivery of that housing target, but delivery of homes beyond that target, because New South Wales is a fantastic place to live. Why wouldn't you want to come here? When you come here, we want to have a system in place that makes sure that there's housing available.

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The Hon. SCOTT FARLOW: But Minister, you've agreed national housing targets without any input from your department. The Premier has, at least. You're an economist. You know how supply and demand works.

Mr PAUL SCULLY: I do.

The Hon. SCOTT FARLOW: If demand isn't there—

The Hon. MARK BUTTIGIEG: He increased supply.

Mr PAUL SCULLY: Demand is there, and we're increasing supply.

The Hon. SCOTT FARLOW: If the demand is there and the supply is not, it's going to lead to additional costs for families across New South Wales.

Mr PAUL SCULLY: And what we are doing is addressing supply. The lack of supply didn't happen the day after National Cabinet. The lack of supply has—

The Hon. SCOTT FARLOW: But supply can't happen overnight.

Mr PAUL SCULLY: No, and a supply gap doesn't happen overnight, Mr Farlow. You know that as well as I do. This is a gap that has been building and building and building for a decade. This is a gap that happened when people got involved and reduced housing yield on some areas because they reduced height limits. This is what happened when people got involved and stopped work happening in particular areas of Sydney. This is what happened when there were insufficient investments over a decade.

The Hon. SCOTT FARLOW: You've taken another 16,000 off the table.

Mr PAUL SCULLY: Over a decade there were insufficient investments in basic water, sewerage and drainage infrastructure that didn't allow these things to happen. We are getting on with the task of working and changing the system to make sure we can achieve those housing targets. It is important to make sure people have an opportunity and to make sure that cleaners—my mum was a cleaner—don't have to travel three hours across Sydney and back in order to get to work. The hospitality workers, teachers, nurses, healthcare workers, firefighters, police—it's a productivity loss to the city, or to every city, if you've got key workers having to travel hours and hours forward and back just to get to work.

The Hon. JOHN RUDDICK: Minister, before coming to this place I owned a mortgage broking business for about 20 years. I probably helped 100 to 200 people build a granny flat in their backyard. After a few years I learnt that I had to give these borrowers a pep talk at the beginning. I said, "This is going to be worthwhile in the end, but you are going to go through hell to get there." I said, "It's going to be worthwhile because if you invest, say, \$100,000 in building this granny flat, the overall value of the property is probably going to go up \$200,000. So that's good." I said, "You're going to get a very good rental return. However, there will be, during the process, lots of sleepless nights and lots of moments where you're going to think, 'Why am I doing this?'" It was all because of strangling local council regulation around building granny flats.

Just a few weeks ago, CoreLogic, Archistar and Blackfort released a report called the granny flat report. They said that in Sydney there were 242,000 homes which would be suitable for a granny flat, which I think is a conservative estimate, and that would be about 17 per cent of Sydney's housing stock. You've just said we're in a housing crisis. We all know that. I think if we had a huge increase in building granny flats, that would probably be the most material thing we could do to alleviate that crisis. Is there anything we can do to deregulate the process of building a granny flat? It drives people nuts, and I don't think it serves any good purpose. I would prefer a laissez-faire approach. People aren't going to be stupid and build a granny flat that's going to fall down.

Mr PAUL SCULLY: Thanks. All parts of the housing delivery and housing types and housing tenures are going to be needed to confront the housing crisis we're in at the moment. Through Ms Fishburn, I might ask the officials to provide a little bit more insight into some of the matters around the approval process with respect to granny flats. But I think you've happened upon something very important. There's no one solution. Social housing won't do it alone. Landcom won't do it alone. High-rise towers won't do it alone. That's part of the reason why I wrote to councils in the last week to say, "Hey guys. There are restrictions here about permissibility of certain residential dwelling types in your local government area. You should have a look at that and see if a decision made years ago not to permit these things should not be reviewed and considered in the context of the local area." In terms of the detail of granny flats, I might ask Ms Fishburn or one of the officials if they can add information about that.

KIERSTEN FISHBURN: Thank you very much, Mr Ruddick. I think you and I talked yesterday about the fact that I'm a big supporter of granny flats as part of the housing solution. We're not aware of that report, but I'd love to get a copy of it so we'll have a definite look at it. We are aware that granny flat approvals can be frustrating for some people, and it is one of the things where we want to look at how we can simplify that. I won't

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go into detail now because we're working through the process, but it's certainly on the department's radar. I've also asked my team to ensure that we are counting granny flats in our dwelling approvals. It has been a little bit difficult to get it in the past. Amanda is nodding furiously because I spent some time talking about granny flats and counting them just the other day. We'll get a copy of that report, and we're happy to come back to further committees about further details as to what we're doing to ensure that it's easier for the approval process. I absolutely agree with you.

The Hon. JOHN RUDDICK: Good to hear. I would encourage you to find that report. To repeat, it's CoreLogic, Archistar and Blackfort. It's a very good report.

KIERSTEN FISHBURN: Fantastic.

The Hon. JOHN RUDDICK: I have one other question for the Minister. The biodiversity offset costs for the HumeLink project are approximately \$1 billion or about one-fifth of the cost of the total project. The biodiversity costs for raising the Warragamba Dam wall were going to be about \$1.3 billion or about double the cost of raising the wall itself. Given the massive scope of the Metro West project, what are the estimated biodiversity offset costs?

Mr PAUL SCULLY: I don't have those to hand. We might come back to you.

KIERSTEN FISHBURN: We might need to take that on notice. We'll come back after the lunchbreak.

The Hon. JOHN RUDDICK: Okay. The five-year statutory review, led by Ken Henry, into the Biodiversity Offsets Scheme made some troubling findings. Indeed, the opening line of the report says:

The Review Panel found that the present Biodiversity Conservation Act 2016 is not meeting its primary purpose of maintaining a healthy, productive and resilient environment, and is never likely to do so.

A report by the New South Wales Audit Office, in August last year, was equally scathing:

Key concerns around the Scheme's transparency, sustainability and integrity are yet to be fully resolved.

Minister, it sounds as though this scheme is failing. Have we considered scrapping it and starting again?

Mr PAUL SCULLY: The Government has received, obviously, the Henry report. There is also some work that is being done by Local Land Services and a whole-of-government response is being prepared.

The Hon. TANIA MIHAILUK: In July your colleague Minister Sharpe attended the Australian Clean Energy Summit and advised the summit that your Government intended to fast-track planning approval processes around renewable projects. What discussions have you had with the Minister, and what have you since proposed in order to fast-track these type of projects?

Mr PAUL SCULLY: The fact is that, when we came to government, we had a look at the previous Government's progress on the renewable energy road map, and it hadn't kept up with what the general public and we in opposition were led to believe. There is a need to make sure that we have sufficient energy generation capacity and that includes transmission.

The Hon. TANIA MIHAILUK: I understand that, Minister, but how do you intend to fast-track those planning approvals?

Mr PAUL SCULLY: I have ongoing discussions with Minister Sharpe about how we might address that, and there will be more to say from the Government.

The Hon. TANIA MIHAILUK: So there's nothing at the moment before the Cabinet? There's nothing concrete in how you will fast-track that?

Mr PAUL SCULLY: There will be more to say.

The Hon. TANIA MIHAILUK: Can you be clear that it won't impact the EIS processes around that or any community consultation? Will you be fast-tracking those projects at the expense of community consultation?

Mr PAUL SCULLY: No, I don't agree with that assessment. The Government will make announcements with respect to renewable energy projects into the future.

The Hon. TANIA MIHAILUK: Yes, but she specifically made an announcement they would fast-track these, and that means you're going to amend the planning approval processes around renewable projects. It's certainly what she committed to at that summit.

Mr PAUL SCULLY: Sure, and Ms Fishburn may wish to add to this, but there is a range of things governments can do to improve—and, once again, this is similar to our AI work.

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The Hon. TANIA MIHAILUK: Most of the hold-up is communities. Whether they're farmers or communities like, for example, your own area of Illawarra, which is very upset about the offshore wind farm, most of this is about people wanting information, wanting to be part of the process and understanding what's being proposed. You and I both know that any fast-tracking of that planning approval process will ultimately mean that you will potentially downgrade your EIS process but also impact community consultation.

Mr PAUL SCULLY: No, I don't agree with that at all, because there's an input process as well. Much the same way as the work being done around artificial intelligence is to improve the input process, there is lot of work that can be done by government to improve what proponents are putting forward into the planning system. If you have something put into the planning system that is of a higher quality to save the number of requests that people have to go back to for more information, you save time. Saving time improves speed. Improving speed doesn't compromise the quality of the assessment, but just speeds up the assessment. Ms Fishburn may wish to add to that in terms of what we're doing.

The Hon. TANIA MIHAILUK: You're ruling out any impact on community consultation process? That won't change when it comes to renewable projects?

Mr PAUL SCULLY: Community consultation remains part and parcel of the assessment of projects.

The Hon. TANIA MIHAILUK: Can I ask about biodiversity conservation projects? I have some questions about your Housing and Productivity Contribution. I call it the regressive tax that you have put on housing in New South Wales.

Mr PAUL SCULLY: We each put our own spin on things.

The Hon. TANIA MIHAILUK: It isn't a spin; it is a reality. Will you rule out funding any biodiversity conservation projects in other States as a result of that particular levy, because the Act allows you to fund biodiversity conservation projects in other States with that levy that you've collected from the mums and dads of New South Wales?

Mr PAUL SCULLY: We will support biodiversity projects with any funds generated from that biodiversity levy.

The Hon. TANIA MIHAILUK: So you will fund biodiversity conservation projects in other States on the back of that levy that you're picking up from people in New South Wales?

Mr PAUL SCULLY: You're asking me to rule out something forevermore, and biodiversity projects can be done in other States that assist New South Wales. For instance, you can do work upstream—

The Hon. TANIA MIHAILUK: This is a levy that mums and dads are going to be paying as they're buying homes in New South Wales. People of New South Wales are paying for this levy.

Mr PAUL SCULLY: You can do things upstream of a particular area that contribute to downstream of an area. It is not a case of ruling in or out; however, the New South Wales Government's priority, in terms of domestic manufacturing and in a whole range of things, is to put New South Wales projects first.

The Hon. TANIA MIHAILUK: Why did you make a decision to have the same levy across Greater Sydney Commission and not differentiate? You differentiated the pricing range with respect to the Hunter and Illawarra, understandably—

Mr PAUL SCULLY: And the Central Coast.

The Hon. TANIA MIHAILUK: —and the Central Coast. But why would you not do that for Greater Sydney, given there is a really big contrast between communities in Leppington, Penrith and Riverstone as opposed to Lane Cove, Mosman and Vaucluse?

Mr PAUL SCULLY: We had a closer look at that. As you may recall, we took a commitment to the election to have a look at the previous Government's plans with respect to infrastructure contribution.

The Hon. TANIA MIHAILUK: This tax was not put up to the electorate at all.

Mr PAUL SCULLY: It was.

The Hon. TANIA MIHAILUK: It was not—not in the context that you ended up proposing. Absolutely not.

Mr PAUL SCULLY: No, it was in the pre-election budget statement of the previous Government.

The Hon. TANIA MIHAILUK: Where was it? Page 58?

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Mr PAUL SCULLY: I can't remember the exact page number. There were two line items in there—very little detail.

The Hon. TANIA MIHAILUK: Two line items for such a big tax? This is a huge tax.

The Hon. SCOTT FARLOW: You called it a tax in a press release and said you were going to review it.

Mr PAUL SCULLY: I am just about to outline exactly what we did.

The Hon. TANIA MIHAILUK: And it got two lines.

Mr PAUL SCULLY: You probably should talk to the previous Government about that. Mr Farlow might be able to shed light on why it is only two lines and no explanation at the time. However, what we undertook to do at the election was to review the application of that tax. We had a look at whether or not it should be aligned, perhaps, on the basis of the three cities across Greater Sydney and, in the end, it was concluded that that wouldn't change anything.

The Hon. TANIA MIHAILUK: In the end, somebody living in Villawood and buying a home there would pay the same levy—because you and I know the developers will transfer the levy over to the cost of the home—as someone living in Lane Cove. Is this really fair? That's why it's a regressive tax, Minister.

Mr PAUL SCULLY: Ultimately, the infrastructure contribution will be reflected in land values and land prices. That's the way economics works.

The Hon. TANIA MIHAILUK: That's the way Labor economics works.

Mr PAUL SCULLY: And to restrict it—because there was also a hypothecation. As you have seen in the Illawarra, Lower Hunter and Central Coast, money collected in an area can only be spent in an area. When the demands of Western Sydney are considerable—

The Hon. TANIA MIHAILUK: Money spent in the area of Illawarra can only be spent in Illawarra, but money collected, for example, from Leppington or Riverstone could be spent in The Bays precinct, as you develop housing in the inner city—correct?

Mr PAUL SCULLY: And money collected from Vaucluse can be spent in Camden.

The Hon. TANIA MIHAILUK: Well, you haven't proposed any development in Vaucluse, as far as I can see.

Mr PAUL SCULLY: The situation is that if you did hypothecate it and you did reduce it to the three cities arrangement within Greater Sydney, you would actually disadvantage and probably lead to a much higher price in Western Sydney in order to recover the sufficient revenue—

The Hon. TANIA MIHAILUK: You didn't have to follow the Coalition Government's three-city approach, Minister. You could have come up with your own approach on how to divide up contributions across Greater Sydney.

Mr PAUL SCULLY: And, as I was just explaining, this is part of the examination of what we did. What it would have led to was a much higher amount being required to be collected to fund infrastructure requirements in Western Sydney, because the previous Government had abandoned infrastructure requirements in Western Sydney, than what it would have done in the east. The Productivity Commissioner also agreed—

The Hon. TANIA MIHAILUK: The way the legislation reads, Minister, we are relying on your good will or the good will of the Government, not on any specifics around legislation that actually mean that something collected in one part of Sydney, for example, Western Sydney, will actually be spent on Western Sydney. That's not how your Act reads.

Mr PAUL SCULLY: The way it works is money collected in Greater Sydney is spent in Greater Sydney.

The Hon. TANIA MIHAILUK: Greater Sydney meaning Vaucluse, Mosman—

Mr PAUL SCULLY: Yes.

The Hon. TANIA MIHAILUK: —Lane Cove. It is all Greater Sydney.

Mr PAUL SCULLY: Yes.

The Hon. TANIA MIHAILUK: Leppington and Villawood are all under the same—

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Mr PAUL SCULLY: What happened over the last decade is—as you are well aware, because you have made statements to this effect—areas missed out. Areas missed out under the previous Government. And areas that missed out means that the cumulative impact of the money required to match that infrastructure means that you would have had to likely collect more from Western Sydney households.

The Hon. TANIA MIHAILUK: Where are we up to with that tax now, Minister? I understand you had a grace period of 18 months before you started collecting, is that right?

Mr PAUL SCULLY: Which tax are you referring to?

The Hon. TANIA MIHAILUK: This levy, this housing contributions tax. How many taxes are there? So many.

Mr PAUL SCULLY: I don't accept that it's a tax.

The Hon. SCOTT FARLOW: You did before the election, though.

Mr PAUL SCULLY: I'm happy to refer to it as infrastructure contributions. It is a contribution.

The Hon. TANIA MIHAILUK: Okay, let's call it a housing productivity contribution or whatever you want to call it, Minister. When are you starting to collect that?

Mr PAUL SCULLY: It was started on 1 October. For the first year it's discounted at 50 per cent. The second year it's collected at a rate of 75 per cent.

The Hon. TANIA MIHAILUK: And then?

Mr PAUL SCULLY: And then 100 per cent, obviously, yes.

The Hon. TANIA MIHAILUK: Minister, everyone is particularly interested in the seven areas that you've now deemed for upzoning at a fast pace, and there's seven communities. I'm just going by this article. Is that—

Mr PAUL SCULLY: No, I don't know. There's all sorts of speculation, as you would appreciate.

The Hon. TANIA MIHAILUK: Okay, so it's all speculation. We don't know where the housing developments will go in Sydney at the moment, do we?

Mr PAUL SCULLY: I encourage you—

The Hon. TANIA MIHAILUK: The seven areas that have been cited—Bankstown, Burwood, the Bays Precinct, Waterloo—are just speculation? They're not going to have any fast-tracked upzoning?

Mr PAUL SCULLY: It hasn't come from me. When the Government is ready to make announcements about its planning policies, it will make them. I encourage people to look out for them.

The Hon. TANIA MIHAILUK: They usually leak them to a paper first, don't they? That's the Premier's way. I know how the Premier operates.

Mr PAUL SCULLY: I don't work like that, myself.

The Hon. TANIA MIHAILUK: Good.

The CHAIR: Clearly something is going on with the SMH at the moment. Premier—

The Hon. SCOTT FARLOW: You're being elevated already!

The CHAIR: Sorry, Minister.

Mr PAUL SCULLY: No, we've got a very good Premier in New South Wales, and we're hoping to keep him there for some time.

The Hon. TANIA MIHAILUK: Until you get there.

The CHAIR: Minister, can I just take you briefly to zombie DAs? We know what we're referring to.

Mr PAUL SCULLY: Yes—unlike the last planning Minister, who seemed surprised by the idea when you put it to him in the last estimates, if I recall correctly.

The CHAIR: That is correct. I currently am dealing with—as I'm sure you are in some manner or form—around 17 different zombie DAs across 11 communities across those incredibly sensitive environments. By not doing anything, Minister, you are literally siding with the developers and the status quo. You have got powers. You can intervene. You can assist those communities. Why are you choosing not to?

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Mr PAUL SCULLY: Well, local Government can also assist and intervene.

The CHAIR: It can, but this is for you. You are not the Minister for Local Government. Absolutely, perhaps Local Government can. Why are you not, as the planning Minister, with all of your department?

Mr PAUL SCULLY: Because these—for those unaware of what is being referred to as a zombie DA, this is a development application that was granted consent, sometimes several years ago or decades ago, and may have been acted upon sufficiently to retain the approval but has not amounted into the homes or the employment land or whatever it might be.

The CHAIR: And, arguably, completely no longer fit for purpose.

Mr PAUL SCULLY: Maybe, maybe not, but the reality is that councils provided the consent for these things. It was long before there were such things as State significant developments and the like. In the first instance, councils always are telling me that they know their communities and their areas best. I think in the first instance that councils should be having a look at this. However—

The CHAIR: Minister, I just want to interrupt—

Mr PAUL SCULLY: Sure.

The CHAIR: —because the reality is those councils have made it very clear they're too frightened to take steps and to act. They're worried about the consequences. I've watched councils do their very best to challenge them in court and spend hundreds of thousands of dollars having a go. You are the State. Why are you not helping these communities—these local environments of serious significance when it comes to public assets like biodiversity and so forth? Why are you not siding with them? Why are you siding with these few developers that stand to profit from a system that is not working?

Mr PAUL SCULLY: I'm not siding with developers.

The CHAIR: But you are by not doing it.

Mr PAUL SCULLY: That's your assessment, not mine. What I believe is that these local development applications should be looked at by councils in the first instance. Councils have the power under section 4.57 of the Act to change, modify or reject a development application. However, I can let you know, Ms Higginson, that the environment and planning committee of the Legislative Assembly has recently agreed to a set of terms of reference to examine this particular issue, at my request, because there are some really complex interactions here. There are private property rights involved. There are historic approvals. There are consent conditions and the like. There are supporters and opponents that are part of it. Those complex issues deserve to be fully fleshed out. I know that you're touching on some of it with your Committee.

The CHAIR: Yes, we'll be looking at it in an inquiry too.

Mr PAUL SCULLY: But this is a specific inquiry just into this thing. One of the other complexities is that we don't actually know how many might be out there. In talking to a number of councils, they've said to me, "Well, we don't actually know." I said, "What do you mean we don't know?" They said, "Our old filing system used to start at A-00001 and progress, and that filing system oftentimes bore no resemblance to the property that was involved."

The CHAIR: For sure, we definitely need to do more work.

Mr PAUL SCULLY: So without digital archives—

The CHAIR: But the reality is we've got 15 very controversial ones in front of us now.

Mr PAUL SCULLY: I'm confident that the Legislative Assembly environment and planning committee, led by the member for Cessnock, a great chair of that committee—someone who's really intellectually exercised by this particular inquiry—will come up with some good recommendations that we can have a look at.

The CHAIR: Minister, I wrote to you about one of those DAs, the Wallum development in Brunswick Heads. I asked you if you would refer the project to the Federal environment Minister under the EPBC Act because you're one of the few bodies that can refer a project under the EPBC Act. You wrote to me and stated, "While the EPBC Act allows for that, I'm advised this is generally not an approach taken by the department." Again, what is this inflexible application of policy? Why do we do that? Why would we not look at the merits of something and champion for our local communities and the environment?

Mr PAUL SCULLY: I haven't got the detail of that particular case in front of me, but I don't know if Ms Fishburn—

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KIERSTEN FISHBURN: Sorry, I don't have the detail in front of me, but we'll try to get some information and come back after the lunchbreak for you, Chair.

The CHAIR: Thank you. Over to you, Opposition.

The Hon. JACQUI MUNRO: Thanks, Chair. Minister, how do you feel about the performance of the newly updated NSW Planning Portal?

Mr PAUL SCULLY: It's a good first step, but we can always do better.

The Hon. JACQUI MUNRO: How is it performing? Obviously, after the transfer of the BASIX tool came into the Planning Portal on 1 October, there's been some change in its functionality.

Mr PAUL SCULLY: Correct. Ms Fairley might like to add some more to this but, with any digital system, there are constant improvements through time. You only need to look at any system we use, even within the Parliament. I think there's an update going on this weekend that I got an email about. We will continue to look at ways we can make the system more efficient and more user-friendly and assist people in progressing their development applications, but also assist councils in their work, because they're at the back end of that. But Ms Fairley may wish to comment on and provide some more advice on some of the detail of what's been happening with the ePlanning system.

The Hon. JACQUI MUNRO: I am happy to get those answers this afternoon, if that's okay, Ms Fairley.

KIERSTEN FISHBURN: Thank you. We'll come back this afternoon then.

The Hon. JACQUI MUNRO: Thank you so much. Minister, are you aware about the complaints that have come in from developers, architects and builders about the Planning Portal?

Mr PAUL SCULLY: I'm aware. The Planning Portal, as happens if you're shadow Minister for a period of time, has been raised with me on many occasions. It is an important part of the system. I'm aware that people have frustrations with it. It's a system that supports 340,000 users. It's a big system. It's a system that supports 128 local councils in dealing with their things. It conducts around 1.3 million transactions a year, so of course people are going to be frustrated with it from time to time. We are always looking at and I'm always looking at ways of improving it because, if we get a good digital system going, we could help to cut down time.

The Hon. JACQUI MUNRO: Are you aware of the most common complaints after the recent shift?

Mr PAUL SCULLY: What's the most common complaint that's been raised with you?

The Hon. JACQUI MUNRO: I'm asking you because you're the Minister.

Mr PAUL SCULLY: I haven't got a particularly common complaint. You're describing it as "the most common complaint". We get feedback regularly on it, and we look at ways that we can improve things.

The Hon. JACQUI MUNRO: So you don't think that there are some themes emerging in the common complaints that you've been receiving?

Mr PAUL SCULLY: I don't collect individual themes. A general frustration is usually presented to me. That general frustration had been, historically, from local government in that there were often too many updates and they were being updated too often, so we've changed that arrangement. We now update the portal three times a year: a simple, sensible approach. If there are some emerging trends in terms of some of the feedback that we're getting from users of the Planning Portal—from those 340,000 users of the Planning Portal—then we will look at the prioritisation of those, where we can apply sensible improvements and fixes into the future.

The Hon. JACQUI MUNRO: Have you taken any actions as Minister to fix the problems that have been arising from those complaints since the switch happened to the new Planning—

Mr PAUL SCULLY: I haven't done the coding myself, no.

The Hon. JACQUI MUNRO: The reality is the Planning Portal is your responsibility.

Mr PAUL SCULLY: What I do ask is I have regular reports from the department on the performance of all parts of the system. When information starts to come through to my office, which is generally the way people might raise a concern, it works one way. People might raise a concern. Those either individuals or trend-type cases are being looked at to see where there might be fixes. If there's other information coming through the customer service desk, through the customer service team or longer term actions, we look at those in the same way. Prioritisation is done. Ms Fairley will be able to add to this, but prioritisation is done where there are frustrations from the 340,000 users, if they are coming through in batches. In the same way that I'm sure your office, when it looks at multiple complaints on one issue—that starts to be prioritised.

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The Hon. SCOTT FARLOW: Minister, in terms of that prioritisation, after 1 October and BASIX being incorporated into the portal, I have received complaints—and I'm sure you have, as well—from architects and developers that they are not able to upload their drawings to the system. They are not able to get occupation certificates. Have you heard these concerns? Are you doing anything about it?

Mr PAUL SCULLY: Yes.

The Hon. SCOTT FARLOW: What are you doing about it?

Mr PAUL SCULLY: The system is being improved, as we know it. No digital system is static, nor should it be. If people are finding particular issues, then we fix them.

The Hon. JACQUI MUNRO: Do you have an understanding of how much this will contribute to delays in construction or approvals?

Mr PAUL SCULLY: What will contribute?

The Hon. JACQUI MUNRO: You're the planning Minister who wants to increase our housing supply, so if there are serious complaints and delays—

The Hon. SCOTT FARLOW: If you can't lodge a drawing, how do you get an approval?

Mr PAUL SCULLY: You're giving—we're going around in circles here. We just said when we get complaints through the customer service team, through department officials, through my office, through local members—and, Mr Farlow, if you're getting complaints, I encourage you to pass them on to my office so they can be addressed.

The Hon. SCOTT FARLOW: Most of them come to me after they've gone to you.

Mr PAUL SCULLY: There's no point sitting on them and pretending and waiting for a moment like this if there's something coming through to your office. However, when concerns and feedback come through, we act on it.

The Hon. JACQUI MUNRO: That's not really what we're hearing.

Mr PAUL SCULLY: We have got some really good people in the department.

The Hon. JACQUI MUNRO: We're getting complaints because the Government isn't acting on the complaint when it receives it.

Mr PAUL SCULLY: That's not the feedback I'm getting, so I guess we're at an impasse here. However, if you would wish to provide that feedback to my office that you've received, rather than hanging on to it for the next budget estimates—

The Hon. SCOTT FARLOW: Minister, I have received these complaints this week.

Mr PAUL SCULLY: And you've never raised it with me.

The Hon. SCOTT FARLOW: Minister, I have received these complaints this week.

Mr PAUL SCULLY: And you've never raised it with me, before today.

The Hon. SCOTT FARLOW: They have been in touch with your office. They have not been able to get anything from your office. I've got an architect who tells me that he is going to go on Centrelink. Will you meet with him to address his concerns?

Mr PAUL SCULLY: I could sit here and come up with those cases as well. I am not here to discuss individual cases. If there are cases you wish to raise with me or my office, forward them through. Don't sit on them and wait for budget estimates. Help people out.

The Hon. JACQUI MUNRO: They were actually received this week. But this goes very—

Mr PAUL SCULLY: Well, then you've had a week to get them to me, and I still haven't got them. This is the first time you've raised it.

The Hon. SCOTT FARLOW: Minister, they've gone to you. They've gone to you and they've got nothing from you.

Mr PAUL SCULLY: No, because you're asserting that. You have tabled nothing. You have provided me with nothing. You have sent nothing through to my office. If you have complaints, if you have feedback, if you have concerns, don't sit on them. Help people. Get them through to us.

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The Hon. JACQUI MUNRO: The problem is that this actually goes to the heart of process, and government process, and how people can raise their concerns and be sure that they will actually get a resolution from the people who are in charge.

Mr PAUL SCULLY: I think the people who might have raised their concerns with you would be disappointed that you have waited until today to act on them.

The Hon. JACQUI MUNRO: Quite the contrary, I think that people are very concerned that Ministers are not meeting with them, that Ministers are not replying to them and that they have to take whatever action they possibly can to get in front of a Minister and actually receive a response.

Mr PAUL SCULLY: Well, my office is very responsive. My department is very responsive. The customer service team, which has been added to when BASIX was introduced onto the planning system, is highly responsive. And all of the issues that I know have been raised through correspondence to my office have been acted on incredibly promptly. And that's why I'd encourage you to not sit on things, but to get them through. If you want to help people out, actually help; don't hinder.

The Hon. SCOTT FARLOW: Minister, people who have contacted us have been actually thrilled that this will be raised with you this week, because they haven't gotten any response from your office. They were glad that we had this forum to be able to raise it with you, Minister.

Mr PAUL SCULLY: Table the cases. Table the correspondence, and my department will look at it.

The Hon. SCOTT FARLOW: I'm happy that you'll take that on. But, Minister, do you acknowledge—

Mr PAUL SCULLY: Are you going to table it? Can you table it now, please?

The Hon. SCOTT FARLOW: I can't table it now, Minister.

Mr PAUL SCULLY: Why not? Because you're making them up?

The Hon. SCOTT FARLOW: I don't have the permission of those people to table it now, as I don't have their permission to be able to name them in this inquiry.

Mr PAUL SCULLY: You don't need the permission. I can come and get them off you right after this, in the break, if you like. But don't sit on things like that. If you genuinely want to help people out, don't sit on it. I never sat on it as an Opposition member.

The Hon. SCOTT FARLOW: Minister, these are people who have already contacted your office and they've come to me after they've contacted your office.

Mr PAUL SCULLY: So you claim. I can't respond to things I haven't seen.

The Hon. SCOTT FARLOW: They've contacted your office, Minister.

Mr PAUL SCULLY: Your assertion—

The Hon. SCOTT FARLOW: You've had the same opportunity to see it that I have.

Mr PAUL SCULLY: Your assertion. You have given me no evidence that that's the case. If you have cases, either table them now—

The Hon. SCOTT FARLOW: Minister, I'm happy provide you the details of these individuals afterwards, but I am not at liberty to be able to table them in a public inquiry.

Mr PAUL SCULLY: Send them to my office.

The Hon. SCOTT FARLOW: Minister, will you acknowledge that there are concerns when it comes to the introduction of your BASIX plans when it comes to the Planning Portal in terms of people being able to access the Planning Portal to be able to lodge their drawings or be able to get occupation certificates?

Mr PAUL SCULLY: I refer you to the opening remarks of this line of questioning, which is it's a good first step, but there are always improvements that need to be made.

The Hon. SCOTT FARLOW: Did DPE bring on any additional staff to be able to support—

Mr PAUL SCULLY: Yes.

The Hon. SCOTT FARLOW: They did? How many?

Mr PAUL SCULLY: I didn't remember off the top of my head. Ms Fairley might be able to add to that.

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AMANDA FAIRLEY: We brought on approximately seven additional staff, and they are dedicated specifically for the BASIX product. We've also got numerous policy people who sit within the department as well, who are contributing to those issues or matters raised by stakeholders. And we also have what we call a "hypercare" team, which is a specific, dedicated team that looks at the technical aspects of any issues that are raised so that they can specifically address those things. We've also extended that functionality to ensure that it's here until at least the end of this year—to your point—to make sure that we can specifically look at those things and then also look at if there is what you were referring to, which are broader, sort of global fixes that come through from that feedback to reduce the recurrence of those things being raised by individuals.

The Hon. SCOTT FARLOW: Ms Fairley, how many technical inquiries have been made to the department since 1 October?

AMANDA FAIRLEY: For BASIX?

The Hon. SCOTT FARLOW: Yes.

AMANDA FAIRLEY: We don't split them at point of contact between a general issue or challenge found with the BASIX product versus what we consider a technical, which could be something to do with the actual functionality of the system. We have had, I believe, just over 1,000, based on the records that I've had, but I can get you a specific number later today.

The Hon. SCOTT FARLOW: Thank you. If you can come back on notice, that would be good.

KIERSTEN FISHBURN: We'll come back after the break.

The Hon. SCOTT FARLOW: Thank you, Ms Fishburn. How large is the backlog of inquiries in the department relating to BASIX and the Planning Portal at the moment?

AMANDA FAIRLEY: I'll come back to you this afternoon with that specific number.

The Hon. SCOTT FARLOW: Okay, thank you.

The Hon. JACQUI MUNRO: On that issue—I mean, I just have to make sure that I understand correctly, Minister. You would be happy to meet with the architect that Mr Farlow was referring to?

Mr PAUL SCULLY: No. I think it would be a whole lot quicker if your office or Mr Farlow's office provided the information on the cases to my office, and we can get resolutions.

The Hon. JACQUI MUNRO: So you won't meet with him?

Mr PAUL SCULLY: No, I'm not saying I won't meet with him. But you want resolutions, don't you? Or do you want—

The Hon. JACQUI MUNRO: We want resolutions, absolutely.

Mr PAUL SCULLY: Do you want to try to pointscore, or do you want resolutions? What do you want?

The Hon. SCOTT FARLOW: We've heard there are thousands, potentially, out there who are in the same situation.

Mr PAUL SCULLY: Do you want resolutions or pointscore? Which is it? It's your choice. I mean, we can continue to do this all for the rest of the day—

The Hon. JACQUI MUNRO: This isn't about pointscore. This is about—

Mr PAUL SCULLY: —or you could actually agree to provide my office with information. We can get the department to have a look at it. If there is a systemic problem, that can then be addressed. If there are individual cases, those can then be addressed. You just heard from Ms Fairley how we have a dedicated team working towards both systemic problems, where they may occur, as well as individual problems. That's what good customer service is about.

The Hon. SCOTT FARLOW: But the fundamental problem is, despite what industry was telling you, you weren't ready for this introduction.

Mr PAUL SCULLY: No, that's rubbish.

The Hon. SCOTT FARLOW: Why are there now thousands of complaints and thousands of inquiries?

Mr PAUL SCULLY: Your assertion, not mine.

The Hon. SCOTT FARLOW: It's the assertion of people out there who can't actually get their things lodged on your Planning Portal.

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Mr PAUL SCULLY: Again, you have yet to provide any evidence of this.

The Hon. MARK BUTTIGIEG: Your one case, and you won't table it.

The Hon. JACQUI MUNRO: Minister, on the introduction of the passage of the housing and productivity contributions bill, you outlined that the Act contribution tax would secure \$1 billion over the forward estimates, and up to \$700 million per year beyond that. However, in the 2023-24 budget, the Government outlined that \$1.5 billion would be available through the Housing and Productivity Contribution. Where is that extra half a billion dollars coming from in a little over three months?

The Hon. TANIA MIHAILUK: Bankstown.

Mr PAUL SCULLY: It's not coming from Bankstown, Ms Mihailuk.

The Hon. JACQUI MUNRO: Where is it coming from?

Mr PAUL SCULLY: The amount over the forward estimates, the \$1.5 billion, is what we estimate to be part of the Housing and Productivity Contributions and it's the amount that we've committed to that infrastructure task. If it's not the entire 1.5 that's raised out of Housing and Productivity Contributions, then the remainder will come from consolidated revenue, as always it does.

The Hon. SCOTT FARLOW: But three months ago you were saying it was a billion dollars and then in the budget it's gone up to \$1.5 billion. That's a fairly material difference, half a billion dollars?

The Hon. JACQUI MUNRO: That's a huge increase.

Mr PAUL SCULLY: And part of the difference is the timing. Right? It was introduced on 1 October. The first couple of years were discounted. The amount is then reflective of housing supply changes, as it changes. I mean, if you've got—

The Hon. SCOTT FARLOW: But when you brought the bill forward you said that it was going to be introduced on 1 October. So what's changed?

Mr PAUL SCULLY: If you've got an issue with the way that revenue calculations are made that's something you should take up with the Minister for Finance, not with me. I rely on the advice provided, when it comes to that modelling, through the Treasury.

The Hon. JACQUI MUNRO: But aren't you interested in how that's calculated, given it comes from developments that are happening under your watch as Minister?

Mr PAUL SCULLY: I'm interested in delivering infrastructure that supports housing growth.

The Hon. SCOTT FARLOW: You had a billion dollars when you brought this proposal to the Parliament. It's then escalated to \$1.5 billion dollars in three months. Did you ask any—

Mr PAUL SCULLY: Housing growth.

The Hon. SCOTT FARLOW: So housing growth is the answer, is it?

Mr PAUL SCULLY: It would account for some of it, yes. Of course it would. We expect there to be more housing in the future. That's what we're all aiming towards, remember?

The Hon. SCOTT FARLOW: In three months you changed your housing projections. Is that the answer?

Mr PAUL SCULLY: No. I said whatever is not collected from the Housing and Productivity Contributions would come from consolidated revenue. The \$1.5 billion is what we have allocated towards infrastructure to support housing growth.

The Hon. SCOTT FARLOW: Okay. So that is \$1.5 billion for infrastructure and that is not dependent on the Housing and Productivity Contribution?

Mr PAUL SCULLY: No, Housing and Productivity Contributions will be contributing to that line item.

The Hon. JACQUI MUNRO: How much do you forecast that the contribution will make up of that \$1.5 billion?

Mr PAUL SCULLY: We'll come back to you on the profile of the collection.

The Hon. SCOTT FARLOW: With respect to the Housing and Productivity Contribution, will you make publicly available the receipts into the Special Deposits Account and distributions from the account?

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Mr PAUL SCULLY: I believe they're published as part and parcel of the budget papers.

The Hon. SCOTT FARLOW: Where in the budget papers?

Mr PAUL SCULLY: There had been none collected when the budget papers were issued.

The Hon. SCOTT FARLOW: But they will be into the future?

Mr PAUL SCULLY: To the best of my knowledge they are. I stand to be corrected. Mr Smith may be able to add some insight into that.

SHAUN SMITH: It's actually a matter for Treasury, about the formation of the budget papers. So whether the detail of the Special Deposits Account will be published or not is a question to refer to Treasury.

The Hon. SCOTT FARLOW: If it isn't, will you make that publicly available through your department?

Mr PAUL SCULLY: That's a matter for the Treasurer, as you just heard.

The Hon. SCOTT FARLOW: How will funding from the HAP Fund be allocated to individual government departments for the delivery of infrastructure?

Mr PAUL SCULLY: As we outlined to this Committee during the debate on the bill, there is a process that's been established that will ultimately end with the Treasurer and I taking forward an infrastructure spend to Cabinet for approval.

The Hon. SCOTT FARLOW: You indicated to this Committee earlier this year that you'd be doing that by the end of this year, the longlist, so to speak, or the infrastructure opportunities plan. Is that still envisaged to happen this year?

Mr PAUL SCULLY: The Government still intends to meet its time line, but I won't speculate on what goes to Cabinet and when.

The Hon. SCOTT FARLOW: You indicated as well to this Committee that that would be informed through stakeholder consultation and consultation with local government. Has that occurred to this date?

Mr PAUL SCULLY: We get, and I get, and the department gets, and every other department gets, regular feedback from people as to where they think those monies should be spent.

The Hon. SCOTT FARLOW: There is a difference between feedback and consultation, though?

Mr PAUL SCULLY: Yes, true.

The Hon. SCOTT FARLOW: Have you had any process in terms of consultation?

Mr PAUL SCULLY: In terms of the consultation—

The Hon. SCOTT FARLOW: In terms of the infrastructure opportunities plan?

KIERSTEN FISHBURN: Extensive consultation within government, including using the Urban Development Program to understand where infrastructure might be needed, the costs of that and the sequencing of that. That consultation occurs regularly.

The Hon. SCOTT FARLOW: What about with local government?

KIERSTEN FISHBURN: We do meet with local government. I, in fact, have a meeting coming up—I think it's on 14 November, my chief of staff will correct me if I'm wrong—with some of the councils that have the highest DAs submitted into their area. We meet with Local Government NSW on at least a fortnightly basis. We obviously speak to individual councils on planning matters all the time. The interrelationship between State planning and local planning is intricate and close. My department officers would talk with councils—

MONICA GIBSON: Daily.

KIERSTEN FISHBURN: —daily. More than daily. And, obviously, we consult in relation to planning proposals, planning matters. We provide advice on DAs when councils request it. It's an information flow, in and out, constantly.

The Hon. JACQUI MUNRO: Just back to the Minister's responsibilities, how do you intend on actually prioritising that list?

Mr PAUL SCULLY: That will be matter for Government.

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The Hon. JACQUI MUNRO: But you're the planning Minister. You will put a proposal to Cabinet, so how will you make those determinations and priorities?

Mr PAUL SCULLY: The overriding principle was areas that are taking on housing growth should have the infrastructure growth to match it, all right? So if there is an area that has housing growth then it needs infrastructure and, depending on the maturity of that, that would be part of the prioritisation task.

The Hon. JACQUI MUNRO: So it's going to be North Sydney, for example—they will be getting more infrastructure?

Mr PAUL SCULLY: If they take on housing.

The Hon. JACQUI MUNRO: So the amount of housing won't be directed by you, it will be determined by councils solely? You're not going to have any input into a strategic direction of where more housing should go?

Mr PAUL SCULLY: Each local government area has a housing plan—a strategic housing plan. They're required to do that. Local governments have housing targets. They're set in conjunction with the Greater Cities Commission. There are infrastructure needs of varying levels, depending on where they may be.

The Hon. JACQUI MUNRO: You know what those strategic plans are, and you know where those housing growth areas are, so surely you have an idea of how you're going to prioritise?

Mr PAUL SCULLY: Yes, but part of the problem is we've got a lot of catching up to do. The previous Government seemed to invest a lot of its infrastructure stuff in some of the areas that were—

The Hon. JACQUI MUNRO: But I'm asking about how you are going to prioritise, as Minister, this long list?

The Hon. SCOTT FARLOW: This is your policy.

Mr PAUL SCULLY: And if you would let me complete my answers before you got excited about where you might want to go with your line of questioning, I was saying that part of the—

The Hon. JACQUI MUNRO: I'm asking a genuine question.

Mr PAUL SCULLY: Ready to go?

The Hon. JACQUI MUNRO: Are you?

Mr PAUL SCULLY: I'm ready to answer whenever you're ready to not interrupt.

The CHAIR: You have 16 seconds.

The Hon. JACQUI MUNRO: Please go ahead.

Mr PAUL SCULLY: What's happened over the past few years is there has been a lot of investment in infrastructure in the east and not much in the west, and so that is going to inform us because much of the housing growth was in the west—

The Hon. SCOTT FARLOW: Just simply not true.

Mr PAUL SCULLY: Of Sydney? Yes.

The Hon. SCOTT FARLOW: It's simply not true.

Mr PAUL SCULLY: Similarly, in other parts. That's—

The Hon. SCOTT FARLOW: It is simply not true.

Mr PAUL SCULLY: Okay, well, that's probably some more assertions that you won't be able to provide any evidence to support.

The Hon. JACQUI MUNRO: Well, there is no understanding of prioritisation.

The Hon. SCOTT FARLOW: Have a look at the budget papers. Have a look at Western Sydney over the past 12 years.

The CHAIR: Minister, there is a recent advertisement for a property officer as part of the RA based in the Northern Rivers. Can you tell me what equivalent industry position was used to calculate the salary for the advertised position of a property officer? It's a rate of \$1,000 per day plus super. It's a part-time position with likely ongoing opportunities.

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Mr PAUL SCULLY: Ms Higginson, I defer to my colleagues. I'm not sure who might be best placed to answer that but, as you'd appreciate, I don't sit there and write the ads or write the position descriptions for people in the RA.

The CHAIR: Perhaps it's something I can follow up in the afternoon with the RA team?

Mr PAUL SCULLY: I mean, we've asked now so why don't we deal with it now and save coming back to it?

KIERON HENDICOTT: Absolutely. The property officer role is a role that is engaged in the Resilient Homes Program to support the transaction process as we process homes that are subject to voluntary buyback. We benchmark the advertised rates based on industry rates, based on the duration of the position and also giving regard to the fact that some of those skill sets are quite specialised and there is a relatively limited labour pool in the Northern Rivers, so we can attract suitably qualified staff to deliver what is a complex role.

The CHAIR: What was the equivalent industry benchmark we used?

KIERON HENDICOTT: I will have to come back and give that one to you later this afternoon.

The CHAIR: Okay. Was it an oversight that this position hasn't come online sooner or is this the timing of the program?

KIERON HENDICOTT: Yes, we—as the program's accelerated, the demands for that type of function have increased.

The CHAIR: Thank you. Minister, just on the housing targets, are you confident that we will meet them?

Mr PAUL SCULLY: I'm determined to do everything in my power to make sure that we've got the planning system working towards meeting that housing core target.

The CHAIR: Has the department or the Government more broadly modelled what proportion of the approximate 75,000 homes for Sydney will be infill versus greenfield?

Mr PAUL SCULLY: Yes.

The CHAIR: You've modelled that?

Mr PAUL SCULLY: Yes.

The CHAIR: And is that available?

Mr PAUL SCULLY: You'll be able to determine that from the housing targets once they're finalised and released.

The CHAIR: That modelling will come? Rather than just implying your interpretation of the modelling, will that—

Mr PAUL SCULLY: Perhaps Ms Fishburn can add some information on the modelling itself.

KIERSTEN FISHBURN: Again, it's somewhat one of those circular arguments because you have a certain level of housing supply, depending on the policy settings that you put in a certain area. What we've done is look at a range of different policy settings, which are yet to be finalised by government, and then worked out what they would yield, and then that sets a particular target. Instead of the modelling coming first, what we do is look at if you do X what number of dwellings would you get as a consequence of that. That information is embedded into the work that the GCC does in terms of providing the housing targets, which will be released in the fullness of time.

The CHAIR: Once those localities are released, or where those targets for dwellings will be, will we understand what fed into that in terms of the policy settings and then your interpretation of them to suggest that they're the most appropriate places for greenfield and infill?

Mr PAUL SCULLY: The Government will make announcements with respect to policy settings through time.

The CHAIR: But my understanding is you're going to announce and say, "This is the target. We want this many here. We want this many here. We want this sort here." Everybody has a different version of, say, what's appropriate for them, what's safe, what risk they're willing to take, whether it's greenfield, infill.

Mr PAUL SCULLY: That's all part and parcel of the inputs that go into the Greater Cities Commission's consideration of where those targets will be.

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The CHAIR: Precisely.

Mr PAUL SCULLY: It's not sitting there mucking around with spreadsheets and going, "Okay, right, we've got", for instance, "an extra 10,000 to put in somewhere. Look, if we just bump these guys up by a couple of thousand here, it'll fix it." There's actually a great deal of work and perhaps Mr Hanger might like to give some insight into the amount of detailed work that sits behind establishing and setting housing targets, the work that goes on with local government. It's really quite detailed, really good work—

The CHAIR: As a planning lawyer, I reckon I've got a bit of an idea of what's been going on and how complex it is.

Mr PAUL SCULLY: Yes, but I think it might benefit the rest of the Committee because they have less of an idea about planning than you do, right?

The CHAIR: Yes.

Mr PAUL SCULLY: So it may benefit the rest of the Committee to just understand what work has to go behind setting housing targets.

The CHAIR: The question ultimately will be what level of visibility will everybody else have once you release, in terms of all of those things you've done.

CHRIS HANGER: As the Minister indicated, the targets will go out on public consultation. Communities will absolutely have an opportunity to provide feedback. That's part of the exhibition process for the region and the city plans. At the point where the targets are released, absolutely we will talk through how those targets have been set.

The CHAIR: Great. In terms of the way everybody is now looking at hazards and how they make decisions about what level of risk they're willing to live with or not, how will the hazard data be shared and will the end product of that be that it will be on section 10.7 certificates? Are we looking at how far we're going through with that kind of planning?

CHRIS HANGER: The conversation this morning about flooding is a similar one around bushfires, is a similar one, potentially, around coastal inundation. Those environmental impacts are a key input into how we're thinking about what housing supply looks like across the Six Cities Region and more broadly what it'll look like across the State. There's also affordability and deliverability questions, which I'm sure we'll probably cover off as well later this afternoon: What are the demands in particular locations for certain types of housing? What can developers feasibly deliver in those locations and, absolutely, what are the community expectations around that? As the Minister indicated, there are a lot of inputs into this and we really look forward to engaging the community, at the point where those targets are released, to talk through how they've been developed.

The CHAIR: Do we anticipate that we're going to see a carry on of the similar system with a flood overlay, a coastal hazard overlay, a bushfire overlay, or will we have new ones—adaptation zones, loss or damage zones? Are we looking at that kind of thing or are we sticking with the current settings?

CHRIS HANGER: We look at all of those environmental inputs. It's probably good to look at the last set of plans that were done for *A Metropolis of Three Cities* and the ways in which we've talked about the key drivers for growth in—in that case it was the three cities but in this case that will expand out to the six cities; also the discussion paper that we released late last year that talked about housing—the inputs required to understand the diverse, well-located housing that we need across the six cities. They're good guides for what's informing the work the commission is doing now.

The CHAIR: Minister, can you provide the details in terms of meeting the housing targets? Can you provide the details on the number of meetings and time spent, both by the department and your office, engaging with the Urban Taskforce and other developers and peak property groups compared to the amount of meetings and time spent engaging with councils, peak professional groups like the AIA and AILA and the Nature Conservation Council and those other civil society groups?

Mr PAUL SCULLY: My diary disclosures are a matter of public record. If you look at that I think there's been one meeting with the Urban Taskforce and there's been a pretty balanced approach. In fact, it's been an interesting few months as you meet stakeholders, a number of them from the non-developer side of the industry—that section, if you like.

The CHAIR: What about the department, though? What do we do there? How do we find out? If you're suggesting you've got a very even—

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Mr PAUL SCULLY: Well, I'll come to that in a moment. A number of those, whether it be the Nature Conservation Council or architects or the like, have reflected that I was the first planning Minister that they'd met with in several planning Ministers. Some of them weren't getting any access at all. I've been deliberate, very deliberate, in making sure I take a wide range of views on planning matters into the future because there are complex interactions. Yes, feasibility is one but there's also design, there's also the environmental aspects, there's also the consideration of Indigenous matters and the like, and that's part and parcel of it. In terms of ongoing stakeholder consultation with the department, the department has a number of regular and long-established mechanisms to do that, and perhaps Ms Fishburn is able to elaborate on those.

KIERSTEN FISHBURN: Yes, thank you. We do have a range of stakeholder mechanisms. There are obviously formal meetings where we meet with stakeholders. That includes PIA and the architects institute as well, I'm very pleased to say. We also meet with councils, as I've already detailed. It would be somewhat hard to quantify the meetings with councils because they genuinely are so regular and so comprehensive. And, of course, we have Mr Hanger here, too. The GCC has done a significant amount of work. I mean, everyone's smiling just because we meet with councils so often, and obviously the discussions from a planning perspective with councils are about planning matters and about their aspirations for their local area, particularly when we're looking at Gateway assessments for things like LEPs. While we can give you the number approximately—I'm sure I'll miss a couple of those regular stakeholder meetings, noting that the development industry, PIA, AILA, we all meet with them in about the same cadence—I really would find it very difficult to quantify the number of meetings we've had with local government entities in relation to planning matters, or indeed the development of housing targets for housing plans and so on.

The CHAIR: Can I just ask about rooftop colour in Western Sydney?

Mr PAUL SCULLY: Yes.

The CHAIR: Have we made moves, or are we still in the—I think it was you who said, "Another week, another component of the New South Wales Government's net zero commitment appears to have fallen by the wayside."

Mr PAUL SCULLY: Yes, I did say that, and it's true. Let's start at the beginning of this because there was a great pronouncement by a predecessor of mine that dark roofs were banned in Sydney. It was never the case. Never did such a ban exist. However—and I'd like to acknowledge the Leader of the Opposition in supporting this change—the introduction of the new BASIX requirements effectively means that dark roofs are banned under the DIY tool. Under the one assessment tool that you use—the simplest one, the DIY one that people do—you can't get a dark roof through it in the Sydney climate zone and other climate zones. In cooler climate zones, you can, and you still can use dark roofs but you have to go through a longer process. So in effect, they are banned.

In speaking with BlueScope when I was out there earlier this week, they're working on coatings, too, that may allow for dark roofs to continue but offset the heat absorption, which is an interesting new approach. However, I think in a lot of people's minds—in terms of those particularly who are living in Western Sydney, in West Dapto, in parts of Newcastle—that probably the days of the dark roofs might be numbered, as far as the consumer is aware. Certainly with our new country-leading—Australia-leading—energy efficiency standards, dark roofs are very difficult to get through.

The CHAIR: I've got one question before I hand over to Ms Mihailuk. Are you committed to delivering the \$1.5 billion in the funding to the Resilient Homes Program?

Mr PAUL SCULLY: We have made some commitments in the budget, as you would have seen: an additional \$100 million. We are committed to the recovery in the Northern Rivers.

The CHAIR: I will have some more questions later for the RA.

Mr PAUL SCULLY: I'm sure you will.

The Hon. TANIA MIHAILUK: Minister, back on to the issue of the new modelling that your department is looking at with respect to the higher net migration numbers that Australia is experiencing, if you go back to your original targets, you assumed there would be about 300,000, I think, back in June.

Mr PAUL SCULLY: It was 314,000. Is that housing targets, sorry?

The Hon. TANIA MIHAILUK: You assessed the net migration target—sorry, not target but numbers—being around 300,000. That was back in your speech of May 2023 when you were speaking on the bill before. That now, of course, has skyrocketed—up to 500,000 is the latest figures that we're getting. You've got economists like Shane Oliver essentially saying that it's absolutely desperate—and I'm paraphrasing here—there's

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a desperate need to reduce the numbers of migration because we won't be able to match the housing that's required. Do you accept that the 75,000 yearly target now is not sufficient to provide housing for the mums and dads of New South Wales and the migrants that are going to come in?

Mr PAUL SCULLY: No, I don't. I don't because part of—

The Hon. TANIA MIHAILUK: But the modelling is not there. You've just said earlier that you still need to do modelling to reflect these new net migration numbers.

Mr PAUL SCULLY: Let's step through what we've got. We've got a housing target which translates to New South Wales at 377,000. Migration goes both—

The Hon. TANIA MIHAILUK: Yes, but that target changed within two months, Minister. Let's accept that. What you were thinking back in May—

Mr PAUL SCULLY: I'm not disagreeing; I've spoken about it regularly.

The Hon. TANIA MIHAILUK: —has changed in August, okay?

Mr PAUL SCULLY: Yes.

The Hon. TANIA MIHAILUK: I can only put to you that when the final net migration figures come through, it would be clear that that target will need to be readdressed.

Mr PAUL SCULLY: You've gone to the heart of that issue, right. Migration is a two-way flow.

The Hon. TANIA MIHAILUK: Okay, but more people are coming here than leaving, Minister, so I'm not sure what you're saying by that.

Mr PAUL SCULLY: At the moment, that is connect.

The Hon. TANIA MIHAILUK: That's always the case, Minister—always the case. Let's be very clear about this. Let's not—

The Hon. JACQUI MUNRO: Our State is going to be so bad that people are going to be leaving in droves.

Mr PAUL SCULLY: And you and I share surnames that are part and parcel of migration. My mum's German and she quite happy—thrilled—to have moved here and made a great life for herself, and thankfully for her family as well. We are working towards—

The Hon. TANIA MIHAILUK: We've all migrated here, haven't we? Minister, that's not the point. The point is that the targets you had back in May are different from the targets in August.

Mr PAUL SCULLY: Yes.

The Hon. TANIA MIHAILUK: I'm putting to you that you've said earlier that your department will be remodelling the housing target and I suspect that the target will be a lot higher than the 75,000 per year that you're suggesting.

Mr PAUL SCULLY: No, you're conflating different targets here. The housing target is set by the Housing Accord, right. A total of 1.2 million homes which translates into New South Wales' share of 377,000 homes. What we're doing with those targets—

The Hon. TANIA MIHAILUK: What does that annually—each year—come up to?

Mr PAUL SCULLY: What we're doing with those targets is translating those into housing targets through the work of the Greater Cities Commission as to where they might be throughout New South Wales.

The Hon. TANIA MIHAILUK: I understand exactly what I'm saying to you, Minister. I'm saying to you that that target is probably going to be reassessed by your department, I would suggest to you, with the current net migration numbers and it's likely to be a lot higher.

Mr PAUL SCULLY: We're going down a path of speculation. What we are working towards, as the target under the Housing Accord, is 377,000 homes and we're adjusting policy settings to meet that.

The Hon. TANIA MIHAILUK: When you're going to make an assessment with the Cabinet about where new housing will take place in Sydney, specifically, or New South Wales—the sites we're hearing a lot of rumours about in the papers in relation to Bankstown, Burwood, Waterloo—will you be considering the migration intake? Is that a factor for you? Because you would think—

Mr PAUL SCULLY: All of the factors—

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The Hon. TANIA MIHAILUK: I think it will be a factor, won't it? It's not going to be just about infrastructure because it couldn't possibly be if Bankstown and Burwood are on the cards, given there's no infrastructure there.

Mr PAUL SCULLY: Ready for an answer? Excellent. We have a housing target of—

The Hon. TANIA MIHAILUK: If you're capable.

Mr PAUL SCULLY: We have a housing target of 377,000 homes. That was set at the National Cabinet.

The Hon. TANIA MIHAILUK: Which Ms Fishburn said you're remodelling, as a result of the migration numbers. I heard her say that earlier.

KIERSTEN FISHBURN: No, I don't think I said that.

Mr PAUL SCULLY: No, that's not what she said.

The Hon. ANTHONY D'ADAM: Can I just take a point of order? The Minister was mid—

The Hon. TANIA MIHAILUK: So you're set with that target? That won't change despite what the final migration numbers will be?

The CHAIR: Excuse me, Ms Mihailuk. Hang on a sec. We've got a point of order.

The Hon. ANTHONY D'ADAM: Point of order: The Minister has to be afforded an opportunity to complete his answer before the member asks another question. Now, this has been happening a number of times.

The Hon. TANIA MIHAILUK: I accept that.

The CHAIR: Okay. Thanks, Ms Mihailuk.

Mr PAUL SCULLY: Let's step through. We have a housing target set at the National Cabinet under the National Housing Accord of 1.2 million new dwellings over five years to mid-2029 across Australia. That translates into 377,000 new homes.

The Hon. TANIA MIHAILUK: Correct.

Mr PAUL SCULLY: The Department of Planning is agnostic as to where the people who might live in those homes are from, whether they're from one suburb moving to another, one part of the State moving to Sydney, or the reverse—

The Hon. TANIA MIHAILUK: Or any of the immigrants coming through.

Mr PAUL SCULLY: —or part of another State—Queensland—moving to Sydney. We have a housing target. We're setting ourselves up in our policy settings and our delivery arrangements to deliver on that housing target. That is our priority. The work that goes into that is the work of a whole range of other governments. I expect that how migration is reflected in that housing target is better a question for either the Prime Minister or the immigration Minister or the Minister for Housing at a Federal level because that's where those matters are.

The Hon. TANIA MIHAILUK: Do you speak with them directly or not?

Mr PAUL SCULLY: I speak with my Federal colleagues on a regular basis.

The Hon. TANIA MIHAILUK: About this issue specifically? You've raised your concerns and the pressure on New South Wales?

Mr PAUL SCULLY: I speak with my Federal colleagues on a regular basis. I speak with other States and Territories through the Planning Ministers' Meeting.

The Hon. TANIA MIHAILUK: Minister, I'll leave that. Thank you for your answer—I'll leave that. I just want to ask you a couple of other questions. I want to ask you very briefly about the Greater Cities Commission, which was previously referred to as the Greater Sydney Commission. When I used to sit in that shadow Cabinet in my old Labor days we talked about how we were going to scrap the Greater Sydney Commission. Where is that up to now? You're committed to it?

Mr PAUL SCULLY: The Greater Cities Commission has some work to do. It's going through the process of setting housing targets at the moment. We made some changes early on to bring staff of both the Greater Cities Commission and the Western Parkland City Authority back within the department. Now a number of those staff continue to support—

The Hon. TANIA MIHAILUK: But when will it end? When will it end, as an authority?

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Mr PAUL SCULLY: If you wish to end it, then introduce legislation.

The Hon. TANIA MIHAILUK: No, I don't, but I'm saying to you it was something that you guys considered in Opposition. Where is it now? I've noticed that all the executive directors are all acting positions.

Mr PAUL SCULLY: We didn't take a—

The Hon. TANIA MIHAILUK: Is there a long-term commitment to this commission continuing with the work? You're disregarding the three cities model now. That wasn't even a consideration when you did the levy. So where is it now?

Mr PAUL SCULLY: The Greater Cities Commission continues to do the work to set the housing targets. Beyond that we will look at how the Greater Cities Commission can play a role—a constructive role and a facilitating role—in helping us to deliver on those housing targets.

The Hon. SCOTT FARLOW: Thank you, Minister. Just following on that from that, the Eastern Harbour City and the Central River City commissioners' terms expire on 1 December, I believe. Is there any move afoot to either continue their terms or to seek new commissioners?

Mr PAUL SCULLY: We will make announcements with respect to the future of those positions in due course.

The Hon. TANIA MIHAILUK: They're scrapping it, mate.

The Hon. SCOTT FARLOW: Do you believe that the housing targets will be completed by the end of this year?

Mr PAUL SCULLY: I believe the housing targets will be completed by mid-next year, as they're required to do under the legislation.

The Hon. SCOTT FARLOW: Will the Greater Cities Commission survive until mid-next year?

Mr PAUL SCULLY: There is no legislative arrangement—

The Hon. TANIA MIHAILUK: Not yet.

Mr PAUL SCULLY: In order to get rid of the Greater Cities Commission, we'd have to introduce—

The Hon. SCOTT FARLOW: You've subsumed it into Planning already.

Mr PAUL SCULLY: Again, if I could finish an answer, that'd be nice. There's no plans to introduce legislation to get rid of the Greater Cities Commission. They've a job to do, right. We expect them to do that. Beyond the work on the housing targets, we've asked them to assist us with helping to design rules around floods and work on floods. So there's still a task for strategic planning. What we need to do is make sure that we have all arms of the Government aligned to deliver on our housing target, deliver on job creation, deliver on good, vibrant communities and deliver on a great Sydney and a great New South Wales that encourages people to stay, invest and grow opportunities.

The Hon. SCOTT FARLOW: So with that being the case, why isn't Homes NSW coming under the new Department of Planning and staying in the Department of Communities and Justice?

Mr PAUL SCULLY: Because Homes NSW is the responsibility of Minister Jackson, because it is the combination of Land and Housing Corporation and—it is the landowner and tenant responsibilities of social housing, which is the responsibility of the Minister for Housing.

The Hon. SCOTT FARLOW: But isn't a fundamental delivery agency when it comes to housing in New South Wales?

Mr PAUL SCULLY: It is part of the delivery agencies. The other one is that great organisation over there run by Alex, which is Landcom.

The Hon. SCOTT FARLOW: But wouldn't it be ideal to have them all together?

Mr PAUL SCULLY: No, I think Minister Jackson is doing an excellent job in social housing. There's more to social housing. I appreciate this wasn't a focus of the previous Government, because I lived it in the electorate every single day, that the tenants weren't a big priority for the previous Government. But you can't separate the tenants and tenancy arrangements, and the asset arrangements, when it comes to social housing, and that's what this Government is focused on.

The Hon. JACQUI MUNRO: Minister, I want to understand how many houses are you going to deliver in this financial year.

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Mr PAUL SCULLY: There are 76,000 currently under construction.

The Hon. JACQUI MUNRO: But how many are you going to deliver? What's the expected delivery?

Mr PAUL SCULLY: The planning department doesn't build houses.

The Hon. JACQUI MUNRO: That's right, but you must have delivery expectations.

Mr PAUL SCULLY: The planning department, along with local government, along with complying developments, assess and allow houses to be delivered. The private sector, through a combination of financing, a combination of construction and a combination of private individuals taking on risk, are the ones who actually deliver the homes—

The Hon. JACQUI MUNRO: So are you suggesting—

Mr PAUL SCULLY: We're in a facilitation role and we'll make sure that we're aligning—

The Hon. JACQUI MUNRO: Minister, I'm sorry to interrupt, but we do have limited time.

Mr PAUL SCULLY: Well, you're not sorry to interrupt. Everyone interrupts. It's been like it all day.

The Hon. JACQUI MUNRO: I'm just asking, Minister: Are you saying that your department doesn't have an expectation of the number of dwellings that will be delivered by the end of 30 June 2024?

Mr PAUL SCULLY: We'll come back to you with the exact number, but, as I say, there are 76,000 under construction at the moment and—

The Hon. JACQUI MUNRO: Okay, so you'll take it on notice.

Mr PAUL SCULLY: No, I won't take it on notice. We'll come back to you later today with that number.

The Hon. JACQUI MUNRO: Thank you. My next question is what are your population expectations for this financial year?

Mr PAUL SCULLY: The population numbers are published on the department's website and—

The Hon. JACQUI MUNRO: Sorry, the net—

Mr PAUL SCULLY: —they're part of the common planning assumptions, but the exact number I don't have to hand.

The Hon. JACQUI MUNRO: The net migration—

Mr PAUL SCULLY: The exact number I don't have to hand and we'll come back to you with that.

The Hon. JACQUI MUNRO: So you'll take on notice the net migration to New South Wales?

Mr PAUL SCULLY: No, the exact number of the population forecast the department has, we'll come back to you with.

The Hon. JACQUI MUNRO: Could I just clarify that my question is about net migration, not just population?

Mr PAUL SCULLY: We deal with population. I don't believe that we break it down into net migration.

The Hon. JACQUI MUNRO: I don't think that that's true.

Mr PAUL SCULLY: We work to an aggregate population. As I said, the planning system is agnostic as to where people come from. People are people.

The Hon. JACQUI MUNRO: That's right.

Mr PAUL SCULLY: People are people that need to be housed, and they need to have jobs.

The Hon. JACQUI MUNRO: I'm just asking about net migration. I'm not asking about whether it's interstate or overseas; I'm just asking about net migration.

Mr PAUL SCULLY: Okay. If you want—

The Hon. SCOTT FARLOW: Net migration to New South Wales.

The Hon. ANTHONY D'ADAM: Point of order—

The CHAIR: I will hear the point of order. The Minister has responded.

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The Hon. ANTHONY D'ADAM: The Minister has fielded the question. He's undertaken to provide some information in the later session. That information will be provided. There's no further question that needs to be answered.

The CHAIR: And we're on my time. If you need to seek further clarification, I'm sure you can do.

Mr PAUL SCULLY: I would suggest that, if you're after net migration and immigration figures, you speak to the Federal Government.

The Hon. JACQUI MUNRO: It is not forming part of your strategy to deliver houses?

Mr PAUL SCULLY: No, we work to a population number. Where they come from is—

The CHAIR: Thank you, Minister. Do you expect that the Reconstruction Authority will remain the primary vehicle for disaster recovery? Given the \$6.8 billion in insured damages over the last few years, how are we going to support it? Are we sure that it's not going to suffer the same fate as Resilience NSW?

Mr PAUL SCULLY: I'm confident they won't, because they're a great organisation.

The CHAIR: I'm not questioning—yes.

Mr PAUL SCULLY: Look, I think people have to understand. The Reconstruction Authority—and I will give credit to the previous Government for bringing forward this legislation. We supported it. We did make some amendments to make it better—that's how we roll—in the last Parliament. It set up late last year, in effect earlier this year, and has been doing a magnificent job ever since. They're working on some firsts: State disaster mitigation plan and local disaster adaptation plan. What happened with Resilience NSW is it wasn't given sufficient funding. In the budget, not only did we tidy up a whole heap of unfunded disaster recovery plans worth billions—billions—that had to be dealt with because the previous Government did not allocate funds for disaster recovery—it wrote the cheques, but didn't fund it—but we also put in \$121 million, \$115 million of operating expenses and \$6 million of capital, to the Reconstruction Authority to bolster it. What we found on coming to office is that the Reconstruction Authority had been given three times the task or four times the task of Resilience NSW without the resourcing for it. We're now along the path of doing that. The guys are doing a fantastic job.

The CHAIR: They're a small team, Minister.

Mr PAUL SCULLY: They are a small team. They're a small team, and a lot are being taken up by an SO52 at the moment. Twenty-two staff are working on that.

The CHAIR: Bad swipe. I understand.

Mr PAUL SCULLY: No, but that's serious. Twenty-two people have been taken out of the Northern Rivers recovery to work on an SO52.

The CHAIR: Absolutely, and the intent of that is to assist in transparency, accountability and public trust.

Mr PAUL SCULLY: And they were documents offered.

The CHAIR: Minister, with the introduction of climate legislation and targets, there are currently targets of New South Wales to reach 50 per cent reduction by 2050.

Mr PAUL SCULLY: Yes.

The CHAIR: How are you factoring all of that into your development approvals of high-emitting industries that you are still delivering? Are you budgeting? Does your department assess amongst the State's carbon budget?

Mr PAUL SCULLY: There are a couple of things that come into it. In the first instance, high-emitting industries—I represent Wollongong and proudly represent the Port Kembla steelworks, and those high-emitting industries have responsibilities under national law that they've got to take through with that. Most of those large developments are required, either through State and national law or the like, to have reduction plans—

The CHAIR: Minister, just to clarify, I understand the existing ones; I'm talking about your development assessment arm and about projects before it now that have not yet been approved. Are you working as if you have a climate trigger with the current targets?

Mr PAUL SCULLY: Most of that work will come and stem as a result of the work of—when it, hopefully, passes the Parliament—the Net Zero Commission. However, the department is absolutely cognisant of the need to address climate change, the need to reduce emissions, and most proponents who are coming through

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with proposals for high-emitting industries already have that path in place. For instance, if you look at the planning proposal—one I'm familiar with—for the No. 6 Blast Furnace—

The CHAIR: Minister, how do you reconcile the statement of the IPC that at the moment the strategies are saying emit, emit, emit? I'm just curious about what you're doing with the existing carbon budget with your Government continuing the former Government—

Mr PAUL SCULLY: We have a department that will work towards achieving and helping to achieve those shared ambitions and shared goals that hopefully will be legislated very soon.

The CHAIR: Thank you. Government time.

The Hon. PETER PRIMROSE: Despite the constant interruptions—

The Hon. SCOTT FARLOW: It wasn't that bad.

The CHAIR: It's a brutal forum.

The Hon. PETER PRIMROSE: —the Minister's answers have been clear and concise, so we're satisfied.

The Hon. TANIA MIHAILUK: It's questions, not statements.

Mr PAUL SCULLY: Thanks, Mr Primrose.

The CHAIR: And, Minister, we do always apologise for our brutal interruptions, but it's the time. We have such limited time and so many things we'd like to hear from you.

Mr PAUL SCULLY: The great thing about the planning system is it's so complex, but it's important that everyone understands here, because there are different levels of information—

The Hon. TANIA MIHAILUK: Thanks very much, Minister.

Mr PAUL SCULLY: —and different levels of understanding of the planning system, as we've seen on display today.

The Hon. JACQUI MUNRO: The Minister is obviously not used to robust debate.

Mr PAUL SCULLY: I think it's important that everyone tries to work with a common understanding of how it actually works—

The Hon. TANIA MIHAILUK: Hopefully you'll get your head around it soon, Minister.

Mr PAUL SCULLY: —rather than some of the misguided reporting on some stuff that's been happening over the last few days.

The CHAIR: Thank you very much for attending this hearing.

Mr PAUL SCULLY: Thank you. Thanks, members.

The Hon. TANIA MIHAILUK: You would have been a great police Minister, and you should have been police Minister.

The CHAIR: We have finished with your questioning. The Committee will now break for lunch. We will return at 2.00 p.m. for further questioning.

(The Minister withdrew.)

(Luncheon adjournment)

Ms VALENTINA MISEVSKA, Chief Executive, Hunter and Central Coast Development Corporation, Department of Planning and Environment, affirmed and examined

The CHAIR: Welcome back. We've got some answers to questions.

KIERSTEN FISHBURN: Thank you very much, Chair. We've tried to get as many answers as we can, but there are obviously a few things we've still got on notice. But I'll try and clear through a few matters for you now. We were asked a question in regard to public space in the City of Sydney. According to the City of Sydney's *Greening Sydney Strategy* of 2023, there's a total of 421 parks—I might add that 285 of those are pocket parks—covering a total of 401.7 hectares. That's about 15 per cent of the city land area, and 15 per cent is a usual type of

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metric we look at for public open space. They're owned and managed by a number of government agencies including the city, the Royal Botanic Gardens and Domain Trust, Centennial Parklands, as the Committee alluded to, and Property NSW. According to a report undertaken by the Office of Local Government, published in 2019, the City of Sydney has approximately 500 residents per hectare of open space. We do know the city's population has increased quite significantly since 2019, so that metric has probably gone up, but it's a good measure to work from.

In regard to consultation with Wollondilly council, we are unaware of that suggestion that we only provided 24-hour consultation. I speak to Ben, the general manager, fairly regularly, and put on the record that if Ben would like to speak to me, I will certainly take his call and discuss processes. In relation to the draft instruments and maps, council was provided them on 30 May 2022, and they returned their advice on 8 June 2022. Secondly, Wollondilly council was given multiple opportunities to provide feedback and make submissions during the technical assurance panel process, which we discussed during the earlier session, and the statutory rezoning process. But, as I always would, I do put it out that if councils want to talk to me about process improvements I am more than happy to hear them. We did discuss looking at the NDAs. I believe they are a bit too prescriptive for councils, and they can put council general managers in a difficult position. The department will work with me to look at what we can do to improve that process.

In relation to granny flats, the Housing SEPP, as you're probably aware, allows for granny flats to be complying development on lots 450 square metres or bigger. DA council approvals are required for any land smaller than that. I think that threshold can be looked at. As I said, the department will look at that. I was very pleased—you will recall I said I asked my department to start counting granny flats. I then failed to check whether they had done it, but they have, in fact, started counting granny flats from 1 September. The data I've got from 1 September to 31 October shows that 478 granny flats were lodged, 371 were determined and the others are still in the system. That's a lot of granny flats, I think, which does speak to their role as part of the solution for the housing crisis. I was very pleased to get that data, and I'll now be able to provide you updates whenever you like on how many granny flats are in the system.

The Hon. JOHN RUDDICK: Thank you for that data, but that is not many granny flats. That report that we mentioned earlier said there's—

KIERSTEN FISHBURN: That's in a two-month period. I'm trying to extrapolate that out. That's 3,000 granny flats if you're looking at the same projection per annum. But I agree the thresholds need a look at and, if you change the threshold, you probably get more people coming in. In regard to the policy of referring RSDAs to the environment Minister under the EPBC Act, the onus is on the applicant to refer a proposal that will or is likely to have a significant impact on a matter of national environment significance for the approval under the EPBC Act. In relation to the particular DA in Brunswick Heads, which was approved earlier this year, the northern regional planning panel were satisfied that it met requirements under the New South Wales Biodiversity Conservation Act—just to clarify there.

With regard to the HPC funding profile—there were questions as to where that funding profile came from—the forecasting and the profiling of the HPC is a matter for Treasury and the Treasurer, so those questions would need to be put to the Treasurer. In regard to the number of homes to be completed in the financial year 2023-24, I've got the Greater Sydney 20-year rolling completion average, which is about 23,670. That's Greater Sydney. It excludes regional. We are still collating for you the medium and high growth forecasts for 2023-24. We'll try and come back to you before the end of the session today but may not be able to. One thing I should say, though, is that when you change policy settings or when you change directions, obviously you're going to see changes there, and at the moment Government is considering a number of policy settings. While we can try and get you an accurate figure, if Government chooses to change the policy, you are going to see a change in the data.

The Hon. JACQUI MUNRO: Just to clarify, is there a New South Wales figure available?

KIERSTEN FISHBURN: We've got good certainty on the Greater Sydney figure. We're less certain on the figure that includes regional. If I were giving it to you, it would be an approximation, and it's data I'm not confident in. I can say it's approximately 40,000. While I can say with confidence that we're confident with the Greater Sydney piece, I am just going to give you an approximate figure for that other one because we're on the record, and I don't want to give you an inaccurate figure.

The Hon. SCOTT FARLOW: Thank you, Ms Fishburn. There has been a lot of focus on improving assessment time frames. What more can be done to improve this, if we're going to have a sufficient pipeline to deliver on the accord completion targets?

KIERSTEN FISHBURN: There are a number of aspects that go into assessment time frames. Firstly—and I think the Minister alluded to this too—the quality of applications makes an enormous difference. The

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planning system doesn't work in isolation. It works with industry, with developers and with councils as well, working with industry to be clear about what our expectations are in terms of the quality of applications. The Minister spoke about the AI work, and Ms Fairley gave some details about trying to get in at pre-DA so we've got quality information in the system. If you've ever sat in a council planning department, there is an awful lot of time that council planners spend on the phone trying to get information from applicants because the information is inadequate in the first instance. So applying AI technology to try and get better input into the system is one aspect.

Helping councils when they've got big backlogs of planning matters is another aspect. You'll probably be familiar with the flying squad, which is delivered through the Planning Delivery Unit, who will go into councils when they've got significant backlog and help work with them, working collaboratively with local government. I think—Ms Fairley, correct me if I'm wrong—we've got planning staff in the Central Coast, Liverpool and Sutherland at present, which are all high-growth councils with high DAs. So we are working collaboratively there.

Looking at where we can take elements in the planning system that add time but don't really add value, one of the things that the department is working on—and it's in Ms Gibson's area, so correct me if I'm putting anything inaccurate out—is where the department is doing Gateway approvals for very, very low-risk matters that council should be handling themselves. If we change that, we take time out of the system as well. We're looking again at concurrence and referrals. They've always been a contentious part of the planning system but, inarguably, other areas of government should be making comment on planning as well. So you do want to have concurrence and referrals.

What you want to do is make sure they're dealt with in the most timely fashion. As of our last dataset, 92 per cent of concurrence and referrals are dealt with on statutory time. That's up from about 67 per cent when we first established the Planning Delivery Unit, so significant work has been done. What we want to do is another sweep through—and I believe the Minister announced it the other day—of what concurrence and referrals are unnecessary in the system. A lot of work was done about two years ago, under Minister Stokes, to take out a lot of the low-hanging fruit. I still believe there is more work that can be done, and the Minister has directed the department to do that.

So we are really looking at what are all of the elements in the planning system. It's not like something gets bogged down just at a particular point. There are many, many aspects where you can either remove something that is not adding any meaningful data or meaningful assistance to the assessment process, or where you can get into councils and you can help work with them when they've got an overload, or where you can make the relationships between other government agencies or other utility agencies more streamlined for those councils as well. I could go on for much longer. As you can tell, I'm passionate about this, so tell me when you'd like me to stop.

The Hon. SCOTT FARLOW: No, I appreciate that. That's what you're doing every day. Thank you very much. Turning to the planning portal, it's now measuring how long councils take between submission to the portal and issuing the invoice or official lodgement. However, what can be done where councils are not allowing a DA to actually proceed, to be able to get an insight into that sort of data or that sort of behaviour?

KIERSTEN FISHBURN: You're asking a question where a council rejects a DA.

The Hon. SCOTT FARLOW: Maybe it's back to that pre-DA process, for instance, and actually holding off a lodgement. Is there any indicator you are working towards with councils so you can get an insight into that?

KIERSTEN FISHBURN: It's a good question. And I think there is some truth to the fact that some councils are rejecting DAs for reasons that are not a determination reason. But there's also some apocryphal stuff that goes on about whether councils are doing that or not. One of the things that we want to explore with councils, as we are doing the work into the AI, is where are these blockages? Ms Fairley talked about what is the actual problem statement, so I do think that will provide us with some significant intelligence into how we make some improvements into that area. It's a kind of watch this space. We do know that there are some problems that can be solved. We do think AI is probably one of the tools to resolve it, and our first meeting is 16 November.

The Hon. SCOTT FARLOW: Turning to some of the data that is not publicly accessible for each council through the planning portal map and your insights into whether this is something that might be considered, potentially. The number of full-time equivalent planners assessing DAs—is there any view to providing that sort of breakdown by council?

KIERSTEN FISHBURN: I am going to take that on notice, because I actually think that dataset is held in a different form of council reporting. I am trying to think back to my council general manager days. I will take that on notice and get back to you. I just want to seek advice from the Office of Local Government, because they may hold that, and it might be a question for Minister Hoenig, when it comes to his meeting.

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The Hon. SCOTT FARLOW: Fantastic. Also, is there any view taken to breaking down development applications on the portal by their size, value, residential development applications or the size and number of dwellings?

KIERSTEN FISHBURN: We obviously already hold that data. Ms Fairley, can you give some detail into how we break that down?

AMANDA FAIRLEY: At the moment we're looking to actually do that. So we hope to be able to have a look at the complexity. It's a matter of looking at both the State DAs and the local DAs, but it is actually a work in progress for us.

The Hon. SCOTT FARLOW: Likewise, is reporting on the assessment times and the submitted to lodged times according to the breakdown by size, value and number of dwellings in consideration as well?

AMANDA FAIRLEY: It is, yes.

The Hon. SCOTT FARLOW: Is there any reporting on the number of DA withdrawals by each local council?

KIERSTEN FISHBURN: I don't believe we formally report on that, though, obviously, we're able to unpack that data, but as a formal reporting, no.

The Hon. SCOTT FARLOW: And what about capturing and including the time that assessment is paused for while RFIs are outstanding?

KIERSTEN FISHBURN: That gets captured, doesn't it?

AMANDA FAIRLEY: It does.

KIERSTEN FISHBURN: It does, yes.

The Hon. SCOTT FARLOW: Is that reported?

KIERSTEN FISHBURN: No, I don't believe we formally report on it.

The Hon. SCOTT FARLOW: Is there any view to reporting on it?

KIERSTEN FISHBURN: To be honest, I would like to have that conversation with Local Government rather than make a direction at this point.

The Hon. SCOTT FARLOW: Okay. What about the number of requests for information that are issued? Is that something that you capture and, if so, is there any consideration to reporting?

KIERSTEN FISHBURN: Can we capture it?

AMANDA FAIRLEY: Yes.

KIERSTEN FISHBURN: Do we capture it?

AMANDA FAIRLEY: I'd need to come back on that.

KIERSTEN FISHBURN: Can we have a look at that one?

The Hon. SCOTT FARLOW: That's fine. You can take that on notice.

KIERSTEN FISHBURN: Yes.

The Hon. SCOTT FARLOW: Also in terms of reporting data on the number of Land and Environment Court cases in each LGA and the success or otherwise of those cases?

KIERSTEN FISHBURN: We obviously hold that data. Anything that goes to the Land and Environment Court is on the public record. I don't think that we formally reported on it. I will double-check for you, but you could extrapolate it, should you choose to. I would have to speak to the Minister to see whether he wants that as part of the formal reporting regime.

The Hon. SCOTT FARLOW: Sure. Mr Wendler, I might just turn to you, with respect to Landcom. Depending on my colleagues' views, we might even be able to release you early, if that is the case. Do you have anything for Mr Wendler, Chair?

The CHAIR: I think we can release you early, Mr Wendler.

The Hon. SCOTT FARLOW: There you go. You might get an early mark this afternoon, Mr Wendler. How much does it take, on average, for Landcom to be able to build a home?

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ALEX WENDLER: If I may take a step back just to explain what Landcom does. I can refer to the budget papers, at page 7-5, which really explains that we are a land developer—so Landcom develops land—and, as well, how we deliver dwellings through master-planned communities and development projects. First and foremost, we are a land developer. What we do is we do the heavy lifting to turn land that is not in use or not available for building a home and investing money, doing earthworks, putting streets in and parks and therefore making it available for the building of homes. So our biggest business is not to build homes.

The Hon. SCOTT FARLOW: Are you familiar with any developer or any government builder being able to deliver a home for \$65,000?

ALEX WENDLER: That is a question I can't answer. I can tell you that, in our forecasts, based on the numbers that we have provided, we are not assuming to develop at that price.

The Hon. SCOTT FARLOW: The Government has stated it will expand the role of Landcom in delivering more housing. Considering the Government announced funding for affordable homes in 2040, is this where the reform ends, or have you got a larger brief from Government in terms of your role now?

ALEX WENDLER: We've been given new priorities from the Government, and these priorities include us expanding into the regions, us working on build-to-rent pilot projects and, as well, making sure that we are a leader in affordable housing. The numbers that I think you were referring to just refer to the \$300 million, which is an additional investment to capital we already have.

The Hon. SCOTT FARLOW: The Government's policy in the budget states that Landcom will build 3,288 market homes. How much do you estimate these homes will sell for on the private market?

ALEX WENDLER: As I said, we are a land developer, first and foremost, so the numbers we have been provided are based on benchmarks that we have and the modelling that we have in regards to land development. Some of these home sites we will provide to the market directly; some of the home sites we will build on, and that is something that we will decide over time. At the moment, I cannot give you any price, because this is really driven by the market at the time.

The Hon. SCOTT FARLOW: With respect to dividends from Landcom, after delivering dividends of between \$63 million and \$68 million between 2022-23 and 2025-26, why is it projected in the budget that dividends from Landcom will increase by nearly 60 per cent to \$105 million in 2026-27? What is the reason for that?

ALEX WENDLER: The dividend that we paid out this year is \$41 million, and all dividends that we have provided as a forecast to Treasury are really based on forecasts that have been board-approved.

The Hon. SCOTT FARLOW: So what is leading to that significant uptick in that year? It's fairly stable, in terms of the dividends being provided by Landcom, and then there is a significant jump which is occurring for—

ALEX WENDLER: Can you tell me where you got the number from?

The Hon. SCOTT FARLOW: That is from *Budget Paper No. 01*, page 7-10. The Landcom dividends are across two parts in there. So there is 40 and 65 as the Landcom figures, and they are increasing significantly from what it is in the estimated actual, this year, of 26 and 42 for the two figures. I just wonder why it is that, after what are fairly consistent dividends, year on year, there is a jump in that 2026-27 year?

ALEX WENDLER: I'll have to take that on notice because, based on my numbers, the dividend profile is really stable, so that is really something that must have to do with accounting practices. I either can come back to you or we'll have to ask Treasury.

The Hon. SCOTT FARLOW: Thank you very much. The Government has listed \$60 million in the budget for the Landcom build-to-rent pilot project on the South Coast and in the Northern Rivers.

ALEX WENDLER: That's correct.

The Hon. SCOTT FARLOW: Capital works are within \$3.3 million for capital expenditure in 2023-24. Does that include any of that work at all?

ALEX WENDLER: Sorry, can you go back to the numbers?

The Hon. SCOTT FARLOW: The Government has outlined that there will be \$60 million for the build-to-rent pilot. The budget is only providing an allocation for minor works of \$3.287 million this year. Will any of that be used for that build-to-rent pilot?

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ALEX WENDLER: We are looking at starting construction on the build-to-rent pilot in calendar year 2025.

The Hon. SCOTT FARLOW: Is there any preparation funding or planning funding for that?

ALEX WENDLER: There would be funding for acquisition that will be undertaken beforehand, that's correct. But I can't give you any detail about the exact number. We are still in the process of doing investigation and site acquisition.

The Hon. SCOTT FARLOW: You expect construction to commence in 2025. When do you expect the project to be delivered?

ALEX WENDLER: Keys in doors, we expect it to be finalised in June 2026.

The Hon. SCOTT FARLOW: Are you pursuing any other build-to-rent trials through Landcom, or is this the only one that you have on the list at the moment?

ALEX WENDLER: Yes, we got two times \$30 million, as you pointed out before, so we have two pilots. The idea is, based on the priorities that we received from the Minister, to see if they are viable—if this is a business model that we can use going forward, and then that will turn into a program. But at this moment we only have funding for two projects: one in the Northern Rivers and one on the South Coast.

The Hon. SCOTT FARLOW: Mr Wendler, there's been quite a bit of commentary about Landcom and its new role and, potentially, a role as a private developer. Would you like to say anything to the Committee about that?

ALEX WENDLER: There has been a lot of conversation about an expanded role and, as I mentioned before, it is about us having clear priorities. We are a key tool of government, and our role is to support the Government in the housing policies and in the fight against the housing crisis. These priorities see us expanding into the regions, doing the build-to-rent and increasing the supply and affordability of homes. That is really the extent of it.

The Hon. SCOTT FARLOW: But Mr Wendler, as you outlined before, your role is very much as an enabler in the market, so to speak, in enabling properties to be brought to market.

ALEX WENDLER: Yes.

The Hon. SCOTT FARLOW: But it isn't actually as a developer, per se, is it?

ALEX WENDLER: It's best to say that our main focus has been, over the last few years and going forward as well, as a land developer. That's where we really get the biggest return for the government's investment in housing. But we, as well—and have done this in the past and will do this in the future as well—if needed, if there are marketless locations, can go a step further and work with builders to construct homes. That is what we are going to do with the build-to-rent products. We are looking closely as well at doing it on other home sites, making sure that we support the Government in increasing the supply. In particular now when, as I said, the market is quite dislocated, we see an opportunity there as well.

The Hon. SCOTT FARLOW: Thank you very much, Mr Wendler. I think that's all the questions I have for Mr Wendler, unless there are any other questions from any other members of the Committee.

The CHAIR: Not at this stage, no.

(Alex Wendler withdrew.)

The Hon. SCOTT FARLOW: I might turn back now to the idea of pattern book designs. What work is being done to look at pattern book designs and the role that they could potentially play within housing in New South Wales?

KIERSTEN FISHBURN: The Government Architect, as you would like to hope, is currently looking at pattern books and how they can be used to make planning assessments simpler and also to put great design into the market as well. The Government Architect is currently working on it.

The Hon. SCOTT FARLOW: Is there a time line for the Government Architect to report back or to have something implemented?

KIERSTEN FISHBURN: We're in the process of undertaking that work now. I don't have a formal time line for it but, obviously, it's something that the Government has a real interest in. As a consequence, that usually puts some acceleration into my department as well.

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The Hon. SCOTT FARLOW: Indeed. Are you looking at any particular classes where pattern book designs could be applied? In terms of the Government Architect's brief, is anything excluded from consideration?

KIERSTEN FISHBURN: The predominant typology that we're looking at is the type of house or apartment that would be more appropriate for a pattern book: your terracing, your manor houses or your three- to six-storey walk-ups, where you can get some simplification of design, and assessment isn't as complex either.

The Hon. SCOTT FARLOW: In terms of the pattern book designs and the Government Architect, is it envisaged that there'd be some sort of public competition to have the industry give some feedback or input into what the pattern book design would look like?

KIERSTEN FISHBURN: We're still working through the process, so I can't answer that at this point.

The Hon. SCOTT FARLOW: What role do you think local governments will play in pattern book designs and their implementation in their local communities?

KIERSTEN FISHBURN: We need to do the consultation with local government. I very much hope that they're actively engaged. The pattern book is a really good solution to coming up with ways to make easy assessment but not sacrificing design as well. I think if you listen to local councils, one of the things they're absolutely passionate about is great design, so we will be working collaboratively with them as we develop these.

The Hon. SCOTT FARLOW: Recently it was reported that the Building Commissioner presented to the Government on mid-sized complexes that have a community of design. Has the Department of Planning and Environment done any work on that at all?

KIERSTEN FISHBURN: That's really a question for the Building Commissioner, but I can assure you we meet with the Building Commissioner regularly. We'll obviously input into the Building Commission's work and vice versa—they provide expertise to us as well.

The Hon. JACQUI MUNRO: Ms Fishburn, the NSW Productivity Commission's white paper recommended that there be a requirement to calculate any new regulation's contribution to building cost versus social benefit. Were you aware of that? Is that being considered or implemented in the department?

KIERSTEN FISHBURN: Yes, I'm absolutely aware of that recommendation. One of the elements that we're particularly pleased about with the new Housing and Productivity Contribution is that it really does pick up the opportunity to deliver infrastructure that has a social benefit. We've talked significantly about open space. That's probably the most easy-to-articulate example.

The Hon. JACQUI MUNRO: As part of the modelling process, I understand that a tool called the development capacity modelling tool is used by the department. Could you please explain the algorithm work that goes into that? Is that being used publicly at all by planners and developers to assist with the efficiency process by either getting developments through the department more quickly or even designing them more efficiently to suit the needs of that tool, before they go through the department?

KIERSTEN FISHBURN: I'll ask Ms Gibson to give some information.

MONICA GIBSON: Thank you, and thanks for the question. The development capacity model is an internal-to-the-department model that we use in a number of different ways in our planning work. It assists us in understanding how the planning controls—be they zoning controls, but also height, floor-space ratio and minimum lot size controls—might assist in determining the total number of homes that could be in a precinct, a suburb, a street or a rezoning plan from council. We use it in a number of different ways. While it's not an externally available tool, we do often talk with councils about the information in our assessment and how that information from our development capacity model is helping us understand whether those heights, controls and zones are leading towards the housing targets or the housing outcomes that we are co-planning with councils.

The Hon. JACQUI MUNRO: Do you think it would be useful for people to make that model more public, so that they could align their proposals more closely with what the department is looking for in its recommendations or approvals?

MONICA GIBSON: It's really helpful when we work collaboratively with councils on getting the right plans in place. The way that we prepare guidelines or prepare assessment requirements is one of those examples. I'm really happy to look at any improvements to make sure that we can continue to co-plan with councils on good housing outcomes.

The Hon. JACQUI MUNRO: I am aware that our time is up for now. Thank you very much for answering.

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The CHAIR: There will be plenty more. You will be back. On 28 September I wrote to the Minister and asked what I thought was something just completely simple, straightforward and a given, and that was if the community that had contacted me could have a two-week extension period to lodge submissions to a State significant development, which was significant to them. It's actually a pumped hydro project—Oven Mountain. The Minister responded to me and said, "I asked the Department of Planning and Environment to consider this matter further. I am advised there are no exceptional circumstances for an extension to be granted on this occasion." I am just curious. In former capacities I have written to the department so many times for something as simple and straightforward as a two-week extension to a submission period. What has changed? Is there something that has changed in the department, that we wouldn't lend two weeks for procedural fairness for communities that are looking at State significant developments?

KIERSTEN FISHBURN: We certainly do grant extensions. In fact, I was rapidly texting yesterday in Minister Sharpe's about the Central-West Orana REZ, where we have granted a two-week extension there. I don't know the specific item you are referring to. I will just ask Ms Sargeant.

The CHAIR: Perhaps even just this "exceptional circumstances" threshold. What is that?

ANTHEA SARGEANT: I also can't comment on that specific example.

The CHAIR: That's okay.

ANTHEA SARGEANT: But what I can say is that we do look at examples like this on a case-by-case situation, and where we think that an extension of time to allow communities to write an informed submission—we do grant that. There are a number of examples recently where we have done that. But, as I said, I can't comment on that specific example.

The CHAIR: So what is the best—I mean, clearly I feel I am completely rendered ineffective. Once upon a time, every time I wrote, it was fine. But clearly I did it this way, thinking it was the proper exercise of my office and responsibility to constituents, and we got told no. And it was literally an extension period of two weeks to a project that will have significant impacts on that community. I am just wondering what the exceptional circumstances are.

ANTHEA SARGEANT: The exceptional circumstances would depend on the complexity of the project. It also might look at the number of communities that the project might be impacting. For example, some linear infrastructure that goes through multiple communities and LGAs—we would look at that.

The CHAIR: What if it's a project that impacts the environment significantly and perhaps, possibly, not many local people?

ANTHEA SARGEANT: As I said before, I don't know the specific example that you are referring to. But, yes, where there is a clear reason as to why the proposal is of a nature that requires extra time by the community to consider the documents that are out on public exhibition, we will do that.

The CHAIR: When there's exceptional circumstances? Is that right? Whatever they are—and we have to work out what they are. And somehow we will second-guess when we're telling people whether we think they'll get an extension or not.

KIERSTEN FISHBURN: If we need to communicate that better, then we will communicate that better, Chair. I think it's broadly understood, but clearly not. We are always happy to provide further information to communities. As Ms Sargeant has detailed, and as I just described, very recently we have extended the exhibition period for a number of things. It is always a balance, as you know. On one hand, the department is constantly being accused of taking too long to assess matters. We do have a 28-day statutory time frame for consultation. We, of course, never breach our statutory time frame. But it's balancing out the need for speed in the planning system with good community consultation, and we do take exceptional circumstances into consideration.

The CHAIR: Thank you. I think that, after decades, the most important aspect is public trust in the system and that it is functioning and that people are afforded procedural fairness and opportunities.

KIERSTEN FISHBURN: We don't disagree with you, and if we need to provide greater clarity to community, we will.

The CHAIR: Thank you. There is one project at the moment that is being considered—I think it is still being considered—and that is the Stone Ridge Quarry project. It's a project that is being considered within the public forest estate as a quarry. This goes to my point and a question that I raised with the Minister earlier about the merit appeals and the idea of a public hearing. I am just curious about how it works. When you've assessed a project and it is then a matter for the Minister to request the IPC to hold a public hearing, where does that happen? Who advises the Minister at that point?

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KIERSTEN FISHBURN: Ms Sargeant, can you talk through the thresholds for referral to IPC?

The CHAIR: Sorry, not to the IPC—the separate decision, which is a separate exercise of discretion, to refer the project for a public hearing.

ANTHEA SARGEANT: The department would provide advice to the Minister about the project and the nature of the project. Again, the project that you have referred to—I'm not familiar with that project and I can't comment as to why that project may or may not have a public inquiry recommended. I could take that on notice and come back to you.

The CHAIR: That's fine. But I suppose, with this project—it could be any project, particularly ones that have a heightened public interest around them. Does the assessment team provide advice to the Minister about his discretion whether to refer a project to a public hearing or not?

ANTHEA SARGEANT: The department would provide advice, yes.

The CHAIR: Is it the department's belief that sending projects to the IPC for a public hearing, which we know extinguishes third-party appeal rights—what is the main basis for thinking that that is an important step forward, as opposed to requesting or advising the IPC to hold a public meeting?

ANTHEA SARGEANT: It's my understanding that there would be a number of things: the complexity of the project, the nature of the issues that had been raised throughout the assessment process and also the benefit that the project has from a social, economic, environmental perspective.

The CHAIR: I see that. What I'm trying to understand is what the department does, in their advice, to balance the consideration that a public hearing will extinguish a community's right of appeal to the Land and Environment Court on the merits. Where does that consideration happen and who makes that assessment? Or is it not part of the assessment?

ANTHEA SARGEANT: That would not be part of the advice that we provide.

The CHAIR: Why not, when it is such a significant thing to do to a community involving a project that will impact their local environment largely for the rest of their lives?

KIERSTEN FISHBURN: I think Ms Sargeant has answered that there are certain thresholds where the department would provide advice on a hearing or a meeting. You really are asking questions that are for the Minister's determination. We provide recommendations to the Minister.

The CHAIR: No. I hear what you are saying, Ms Fishburn. I am happy to cavil with that, because I think this is a problem. The Minister has basically said this morning that he will make a decision. This is about how his department is assisting him to make that decision. He is a one-person Minister that signs a piece of paper, and we all know that he signs that paper heavily on the advice of his expert department, which is you guys. And I don't for a moment question your expertise. I genuinely observe a serious error here in the operation of the department. It would be good to try to understand how we got here and why we got here. I have a clear understanding of how we got here back in 2013, but the practice has continued. I really am concerned about why we are continuing a practice of the past in relation to referring projects to the IPC for a public hearing without the full acknowledgement that it extinguishes—for no benefit, in real terms—the community's rights, whether they choose to exercise them or not, to access justice through the Land and Environment Court's merits appeal process. If it's an unconscious happening of the department, then it's something that the department really needs to address.

KIERSTEN FISHBURN: I can hear and understand your passion for this particular topic, and the Minister did speak about it this morning. I think Ms Sargeant has answered the question in relation to the type of matters that the department takes into consideration when we make advice to the Minister in terms of a hearing or meeting. I appreciate and understand what you've said. I think these are matters that probably should be raised further with the Minister in conversation.

The CHAIR: So just for clarity, Ms Sargeant, are you saying that when that advice is provided to the Minister there is no consideration or there is consideration?

ANTHEA SARGEANT: No, so we would provide advice based on the merit of the project. But I think it's well known that that is the situation. So, yes, our advice is informed by that but, really, we talk about the technical merits of the project when we provide our advice.

The CHAIR: Thank you. Can I just go to the RA, Mr Draper? You look happy to be—

SIMON DRAPER: No—well, Ms Fishburn seems relieved.

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The CHAIR: Okay. I think this is before your time at the RA, but I know that you're across everything. When everything was on the table for the Northern Rivers recovery response and we were looking at what should be in the mix in terms of fixing homes, home buybacks and land swaps, land swaps was taken off the table. My understanding from discussions that we've had is that there was a lot of work that had been undertaken by the good folk on the ground at the then NRRC to look at facilitating that kind of response for communities in this position, and particularly that community. And then, when we were told what was in the mix, the idea of a land swap was out. I'm still trying to grapple how we got to that decision where that was taken out, given my understanding that all sorts of work to enable that had happened, including the development of financial instruments and so on to help in terms of mortgage arrangements and all of that. Why did we take that out?

SIMON DRAPER: I might start and then ask Mr Hendicott to elaborate. Yes, land swaps are—there are different ways of relocating houses or communities that are deemed to be at high risk of a natural hazard. Land swaps was effectively—I think, earlier today, we might have spoken about the experience in Queensland.

The CHAIR: Much smaller, yes.

SIMON DRAPER: Yes, much smaller, so that is much more manageable. In the Northern Rivers, the program has really got two parts. One is called the Resilient Homes Program. It can include buybacks, it can include raisings of homes and it can include retrofits of homes. The latter two really are about property protection and allowing them to withstand those flood events, and the former, the buybacks, are really about reducing risk to life. The Government at that time also introduced a program called Resilient Land, which was meant to complement that by providing, at least in part, some opportunity for relocation of homes or creation of new home sites for people to move into. The scale of the Northern Rivers program has grown. At the time I think it was announced it wasn't really well-known how many people would register. But in the end, I think it's been about 7,800 homes have registered. There might be some people who have registered more than once—there might be a few duplicates in there—but it's a very big number.

Managing that process, managing movements of people at that scale, I don't think that's ever been done—at least in Australia. I know in Queensland there are probably two things that fed into the process. In Queensland they had already had a Resilient Homes program underway. I think that started in about April 2022. They had been planning theirs for a very long time. They had done the studies et cetera, so they'd commenced that. There was a model on the ground, and then the flood inquiry which Mary O'Kane and Mick Fuller undertook in 2022 recommended getting people off floodplains. That, I guess, provided some momentum to the idea of a buyback program. That's as I understand it.

The program was announced at the end of October, just over 12 months ago—at the end of October 2022. As it's turned out, it's just over 1,000 homes that have been prioritised for buybacks and 300 to 400 for raising or retrofits. That's within the current financial parameters of the program. The Minister referred earlier to the fact that the State Government has allocated some more money to that. There is potentially money going to be left in the \$700 million and we haven't yet spent the \$100 million available for the Resilient Land element, although that's reasonably advanced. That's, kind of, the background as I understand it. I am not aware of the exploration of the land swap process, but Mr Hendicott might be able to expand.

KIERON HENDICOTT: Yes, thanks.

The CHAIR: When you do, Mr Hendicott, I think you and I both know that in those very, very early stages of recovery, when the former Premier stood and said it was the worst thing he'd seen and we wouldn't spare a dollar, we were very much talking about community-led. We have to let the community lead this recovery if we're going to succeed and do it the best. As a community, there was an enormous responsibility, with all of the trauma, that we were going to model how we can do this. We weren't just going to recover, we were going to show the whole State, the whole country, the whole world how we could best recover. And the first thing the community asked for, those that really were too frightened to return to their homes that were non-existent, they said, "We just want a land swap. If we could, that's the main thing we want." And then there were others saying, "Well, I'd settle for a buyback" or "If I could fix my house, I would." The land swap was the serious request of that community most impacted, and we took it. Who told us we couldn't do it?

KIERON HENDICOTT: Thanks for the question. There are a few things to unpack there with that, so I'll do my best to probably touch a little bit about, I guess, the objectives of the program overall, which are largely around assisted relocation. There are lots of ways that we're looking at to facilitate and assist the relocation of communities from the buyback zones to new locations. That program is really starting to ramp up now we're getting much closer to securing land. Securing land is probably one of the fundamental reasons why the land swaps haven't been pursued. There are three fundamental elements, basically. The first is the scale and availability of land proximate to where the areas of the buyback are. There is not really any flat, flood-free affordable land close to where the buyback zones are, which would be really vital to underpin an equitable land swap program.

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We also did a range of modelling around costs to look at a land swap program on the scale that would be needed to facilitate the relocation of circa 1,100 homes. Our initial estimate was that that's in the order of circa \$400 million, just for land alone. I remind the Committee that the budget for the—or the funding available under the Resilient Land Program is \$100 million. So we are looking at more sophisticated ways to try to accelerate the delivery of housing and accelerate the release of land supply and facilitate the relocation of buyback participants with the funding that we've got. And then the other element is around inflexibility of a land swap option. A land swap option, to some degree, constrains the choices that participants in a land swap program might have in terms of what we could subsequently bring to bear as part of that.

The CHAIR: Mr Hendicott, I accept all those things and I can accept them more and more, here and now. But at the time, as you're aware, there were people who wanted that inflexibility. They even were prepared to take as long as it would take to be offered a land swap, and we were told that we could have it. I think it was Mr Witherdin—he was there. He was promising that this was absolutely on the table, and you guys were working towards it happening. Something happened and it was taken off the table. We were told all options were on the table. It was taken off the table. I understand we're fixing that and retrospectively working through that potentially, whether it's someone's got a buyback but they can keep their house and they might be eligible. I understand we're fixing, we're doing, but we can never fix the journey that those people who just wanted that from the outset have been on. What changed? What happened and where was that decision made?

KIERON HENDICOTT: Yes, I guess it's really quite prosaic. We looked at the levers that we have to bring a large scale supply of land and housing to the table as quick as we can. The measures that we, I guess, landed on to do that, and for the reasons that I outlined just then around the land swap side of things, it's not economical, it's not flexible and it's not able to do it at the scale that we need to to facilitate the assisted relocation of community from one place to another across the seven local government areas, across 1,100 homes in the region.

The Hon. SCOTT FARLOW: Ms Fishburn, just turning back to the Housing and Productivity Contribution, there was indicated a billion-dollar fund for local government for 10 years. Is that going to be administered by the department of planning?

KIERSTEN FISHBURN: They will be administered by the Treasury department, I think, is the final decision. I'll just get confirmation. Yes, correct.

The Hon. SCOTT FARLOW: There's no involvement of the department of planning when it comes to—

KIERSTEN FISHBURN: No, obviously we will provide advice into that. As the Minister determined, it's the Minister and the Treasurer in consultation as to where infrastructure contributions will be spent.

The Hon. SCOTT FARLOW: But there's the two different pieces, aren't there?

KIERSTEN FISHBURN: Correct.

The Hon. SCOTT FARLOW: There's the Housing and Productivity Contribution and then there's the long list that that will support. But there's also, I believe, a competitive grants process that was outlined to this Committee when we were considering that bill earlier this year. Will that be administered by your department?

KIERSTEN FISHBURN: Ms Fairley?

AMANDA FAIRLEY: It will be led through our department, but there will be a necessary governance component around that to make sure that there's transparency and that other areas of government are able to be a part of that process.

The Hon. SCOTT FARLOW: Has any work been done to establish that open round?

KIERSTEN FISHBURN: No, not at this point.

The Hon. SCOTT FARLOW: When do you envisage that starting for local government to be able to access funds through that?

KIERSTEN FISHBURN: We haven't taken any money through the scheme yet. There is no money available so I can't give you a date at this point in time. I'll take on notice to come back in case work has been done and it hasn't raised its way up to my office at this point.

The Hon. SCOTT FARLOW: In terms of that funding, even though it is separate to the Housing and Productivity Contribution fund, that will not be going out until funding is received within the Housing and Productivity Contribution. Is that correct?

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KIERSTEN FISHBURN: I need to take it on notice around the timing.

The Hon. SCOTT FARLOW: In terms of the transport project component of the Housing and Productivity Contribution, one is being applied to the Pymont Peninsula at present, even though a decision hasn't been made with respect to Metro West and the station at Pymont. Is that correct?

KIERSTEN FISHBURN: There has been significant rezoning that has occurred at Pymont including the Pymont place strategy. I'm just looking to my staff in relation to that one. We're just getting some information up for you. Can we return to that one? I just don't want to put out information that's inaccurate.

The Hon. SCOTT FARLOW: Yes, you can. Is any work being done to consider a transport project component on any other rail corridor sites?

KIERSTEN FISHBURN: No, not at this point.

The Hon. SCOTT FARLOW: In terms of the strategic biodiversity component, the Government outlined in its Housing and Productivity Contribution implementation guideline of August 2023 that it will consider collecting strategic biodiversity component contributions from certification programs into the future. Is there any insight into what these certification programs may include?

KIERSTEN FISHBURN: That was not part of the commencement on 1 October, so at this point I can't provide you and—

The Hon. SCOTT FARLOW: But is there any view of the certification program?

KIERSTEN FISHBURN: I can't provide you any further information.

The Hon. SCOTT FARLOW: Is there any consideration to applying a strategic biodiversity plan to any area outside of the Cumberland Plain conservation?

KIERSTEN FISHBURN: At present, there's no consideration on that matter.

The Hon. JACQUI MUNRO: I want to ask about the letter that has been sent to mayors about the department developing a toolkit to help councils and State agencies to deliver the outcomes that we need, specifically in the context of small apartments and low rise multi-dwelling housing options. I was just wondering when the toolkit will become available.

KIERSTEN FISHBURN: That's part of the work that the Government Architect is doing. We talk about the work pad and book, but obviously there's other work going behind that as well. We are working on that. I don't want to give a fixed date at this point in time because I don't have one, and ultimately the release of it is the decision of the Minister, not my decision. But I can assure you it's pretty much top of the list in the department at present.

The Hon. JACQUI MUNRO: Would you say it's more like six months or 12 months?

KIERSTEN FISHBURN: I can't speak to that because it's when the Minister chooses to release it. We need to do the work. We need to do the work in consultation with the councils as well. There is no point developing a tool that they're dissatisfied with and they're not going to use. Obviously when you do consultation it takes more time, so that's why I'm being a little bit cautious about putting a final date on it.

The Hon. JACQUI MUNRO: You've spoken about some of the things that evidently will be in the toolkit, but do you have any expansion about what other things will be in the kit?

KIERSTEN FISHBURN: I've talked about looking at built form, guidance, looking at design outcomes. You'll be familiar, I'm sure, with the Apartment Design Guide and the type of guidance that that provides to councils as well. If you can use that as a kind of ready reckoner to think about some of the elements that we might be building in, that's probably a useful way to think about it.

The Hon. JACQUI MUNRO: What part of the department is actually developing the toolkit?

KIERSTEN FISHBURN: Government Architect is leading it, but while that is the lead, obviously it has inputs from across a whole different range of people in the department, from the assessment planners to the strategic planners. It's the type of thing where you can't just do it in isolation, and I really want to stress again as well, we need to do it with the councils as well. I'm not going to put a three-month figure on it because we want to do the consultation adequately.

The Hon. JACQUI MUNRO: You've obviously asked, or the Minister has asked, councils to identify existing well-located areas where terraces, small unit blocks or well-designed mid-rise apartments can be permitted, and also to begin work, identifying locations and permitting more low and mid-rise homes immediately.

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Has the department provided guidelines for councils to use when assessing what would be considered an appropriate area?

KIERSTEN FISHBURN: I think in the Minister's letter he talks about "well located". We haven't formally provided any information. I think "well located" is a fairly generally understood term, that it's near public transport, it's near public open space. That's one of the things, though, that we can continue to talk about there. Actually, there may be a definition. Is there a strict definition of "well located"?

MONICA GIBSON: There isn't.

KIERSTEN FISHBURN: I think we all broadly understand what it is. I think local government would understand what it is as well.

The Hon. JACQUI MUNRO: I'm sure they would all have different definitions about that.

The CHAIR: Yes, very different views.

KIERSTEN FISHBURN: I'm sure they probably would.

The CHAIR: Lismore was once perfect.

KIERSTEN FISHBURN: I feel like I'm speaking for the Minister here because it is his letter, but it is why the Minister has asked councils to look at their own local areas because, of course, where they want to see some change to density and development—councils are regularly telling us and Local Government NSW tells us as well they want to be part of the solution, but they want to do it in their own local area. So the Minister has suggested to them that they get on with the work.

The Hon. JACQUI MUNRO: I guess one of the problems that has been identified is that rezoning will likely have to occur to get these projects underway once areas have been identified. Is that something that you anticipate as part of the process? An area that is not zoned appropriately for apartments or mid-rise, are they being considered as appropriate areas to make changes to zoning?

KIERSTEN FISHBURN: I think the Minister said in the earlier session as well that a lot of councils have, either deliberately or inadvertently, prohibited this type of housing typology in their LEPs, so they would need to be looking at their LEPs to make those amendments. We'd be most happy to work with them to do that. We work with councils all the time, but the Minister has been quite clear that he would like to see councils starting to do that work themselves.

The Hon. JACQUI MUNRO: Is there a due date for councils to get back to the department about where these areas might be appropriately looked at?

KIERSTEN FISHBURN: I don't have a copy of the Minister's letter in front of me. I don't think there was—was there a specific date on it?

MONICA GIBSON: No.

KIERSTEN FISHBURN: No, there wasn't a specific date on it. I should say as well that planning is iterative and councils may choose to look at one area at a particular time because it suits them, and then work forward on other LEP changes. All of these things go together and one of the delights about having the GCC now in the same house is we're working much more collaboratively together. When housing targets are released, obviously councils will be responding to the housing targets, and they will be making relevant changes to work with the State Government to deliver on the housing supply issue. I'd love to be able to say, "Come June 30 the whole problem will be solved", but we see this as something where councils will work over time to find solutions. The Government will work over time to make changes as well, and we'll all be working together to get to our Housing Accord target.

The Hon. JACQUI MUNRO: Will the housing targets be informed by this process? Or is it the other way around?

KIERSTEN FISHBURN: I think we went through this at some detail in the morning session. If I come back to what the Minister said, and we talked through as well, there are housing targets that are set at a national level. The State has a particular number of those housing targets and, certainly, I've got full confidence in my colleagues in the Commonwealth to have set those reasonably and fairly. We've looked at those housing targets. They have been fed into the Greater Cities Commission and into my own housing research team as well.

What we look at is how can we deliver those targets over a five-year period; how can we do that in a way that is fair and balanced; and importantly—I think this is the really important piece—how can we do it with the lowest possible infrastructure spend. That means looking really geographically, as well, about what can go where

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without having to spend an enormous amount on infrastructure. You're always going to have to spend something on infrastructure but not a huge amount. And then, as I detailed as well, what changes would you want to make into the planning system which will allow delivery of those targets. It's a full system, if that makes sense. You don't just pick off a bit; you need to do all the pieces of the work.

The Hon. JACQUI MUNRO: Just to clarify, is there a date that those targets will be announced?

KIERSTEN FISHBURN: That's for government to determine. I can't give you a date.

The Hon. JACQUI MUNRO: With the councils coming back in response to this letter, do you know if there are any repercussions if councils actually don't respond at all?

KIERSTEN FISHBURN: The Minister's asked them to do this; he has not directed them to do this. The Minister has been clear that he wants to see councils be part of the solution. I feel like I'm speaking for my Minister, which could be a career-limiting move, so I'll be careful about how I answer.

The Hon. SCOTT FARLOW: You're doing well so far.

KIERSTEN FISHBURN: Obviously we will be in continued conversation with councils about what our expectations are. The housing targets make those expectations very clear as well, and we'll work with them to look at what strategies they might want to bring into place to deliver on those targets. Councils have the same '29 date that the State Government has in terms of meeting the Housing Accord target. This is an instance where we really are all in this together—national, State and councils—but also the industry and development community as well. We come back to some of the things I've been talking about: Submit great-quality stuff and the system will be faster and we will see more people living in beautiful, well-designed homes.

The Hon. JACQUI MUNRO: I love your optimism and I hope it's well founded.

KIERSTEN FISHBURN: Thank you.

The Hon. SCOTT FARLOW: Ms Fishburn, following on from Ms Munro's questioning with respect to the housing targets and consequences, the Premier has outlined that if councils don't meet the housing targets there will be a nuclear option that he will use. Have you been asked to do any work on what that nuclear option looks like?

KIERSTEN FISHBURN: If you don't want to speak for the Minister, you are even more reluctant to speak for the Premier, right?

The CHAIR: We reckon you should go for it.

KIERSTEN FISHBURN: No, it's a very career-limiting move. There are numbers of elements within the planning system where the State Government can intervene should councils fail to take action. There are mechanisms that are used all the time for various reasons. For instance, we might apply a SEPP rather than an LEP. Often that's at the behest of a council, to be honest, rather than us just intervening, but that always exists. We can make changes into planning policy. Ultimately, and I don't believe it's been done for quite some time, but planning administrators can be brought into councils as well.

The Hon. SCOTT FARLOW: That's under 9.2, is it?

KIERSTEN FISHBURN: That's a decision for the planning Minister in consultation with the Minister for Local Government.

The Hon. SCOTT FARLOW: And that's the suite you see in terms of State government interventions?

KIERSTEN FISHBURN: I am very loathe to talk on behalf of a political decision.

The Hon. SCOTT FARLOW: I appreciate that.

KIERSTEN FISHBURN: I've given you some examples of the ways in which the State can and has intervened, although I can't remember the last time we had a planning administrator, but it has been done in the past.

The Hon. SCOTT FARLOW: Could you take that on notice, by chance? Is that possible? Just out of my own personal interest.

KIERSTEN FISHBURN: Yes, I'm more than happy to. Do you know what? I am actually genuinely curious myself so we'll take that on notice and try and find out for you.

The Hon. SCOTT FARLOW: Turning to the infill affordable housing SEPP that was announced by the Minister earlier this year, has the Government done any work to understand the viability of the bonus, the

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number of sites that can access the full 30 per cent height and FSR increase and the expected number of affordable rental units and additional market units that are likely to be delivered as a result of this policy?

KIERSTEN FISHBURN: Yes, we have done feasibility work. I'll ask Ms Gibson to speak to that. I will just preface, though, that, of course, while we have done feasibility and we have looked at numbers, you never fully understand the outcome of anything until it occurs in the system. Until I actually start getting DA in, I can't give you, with real predictability, what the numbers are, but we've done some feasibility to start to have a sense.

MONICA GIBSON: Yes, that's right. The infill affordable housing provisions are voluntary. They have been in place for some time, and proposals to make changes to the amount of that bonus and the requirements of those bonuses will continue to be voluntary for developers to access. We have looked at what would incentivise more of those bonuses to be taken up and how would those incentives help to offset the cost of delivering the affordable housing so that, as part of market housing projects, there could be more affordable housing delivered at the same time.

We've listened to the industry, we've listened to community housing providers and we've listened to councils about the matters that encourage or incentivise more of that affordable housing to be delivered, and what are the types of controls and the types of settings that we could have under the State planning policy for that. We, of course, have done some analysis ourselves about the different feasibility on different sites to understand whether the proposed sets of controls that we have been consulting on will deliver housing. As Ms Fishburn has mentioned, it doesn't mean that it will be achievable on every block in every suburb in every part of the State, but in locations where there is quite high land value, the controls are demonstrating that they are feasible.

The Hon. SCOTT FARLOW: St George Community Housing has said that, in its current form, this won't be taken up by private developers or CHPs unless they are guaranteed full access to the 30 per cent bonus, as nothing less is economically feasible. Would you agree with that, that the 30 per cent bonus needs to be there in full to make a project feasible?

MONICA GIBSON: We have done an assessment in setting those controls to understand what might be a feasible option. We know that our previous set of controls have not been as successful in delivering affordable housing. Quite a small number of affordable homes have come under the current settings. So we have looked at the 30 per cent as being the right settings on a range of sites. In terms of some impact through the assessment of applications, we've also recently been consulting with people like the community housing sector, as well as the development industry, to understand if there is a scaling of those controls that might also be feasible. We're currently interpreting and understanding that advice to provide guidance back to the Minister for his final decision.

The Hon. SCOTT FARLOW: It's been reported that some industry projections are that only one in six apartment projects will even qualify for these affordable housing bonuses under the draft version of the policy, when you take into consideration the other restraints on sites. Is that something you would agree with in terms of the limited application of this policy at many sites?

MONICA GIBSON: As I've mentioned, they are voluntary bonuses and it's a voluntary option for developers to access. The controls are more likely to work on sites where there are high land values to begin with. I want to emphasise that this would not be the only way that affordable housing could be provided under the New South Wales planning system. There are a range of other mechanisms that can be delivered, both by agencies like Landcom, Land and Housing Corporation and the Aboriginal Housing Office and community housing providers, to also be accessing the planning system to be able to deliver affordable housing.

The Hon. SCOTT FARLOW: Has any consideration been given to easing sunlight requirements in infill developments and considering changes to the SEPP to achieve that?

MONICA GIBSON: There have been discussions about councils' local planning controls. In some local planning instruments, they set very careful planning controls to be able to manage access to public spaces—public squares, public parks—to ensure that good sunlight is in those locations, typically planning for the darkest day of the year and to make sure that there is adequate sunlight on that darkest day of the year. There are also longstanding provisions in the Apartment Design Guide, which is the State Planning's set of design guides when it comes to apartment construction, that also talk about sunlight and access to sunlight. It's reasonably complicated about how all of these things interact and are assessed in the planning system, and the merits of those matters.

We are taking on board feedback that we've received during the consultation about the interaction with councils' local environmental plans and the carefully thought-out work that councils have done to plan for sunlight into those public spaces. There will be some difference, potentially, with how this might be assessed at a local level for a smaller scale affordable housing project and how it might be assessed for a very large-scale project. We want to make sure that we're setting the right set of controls that get to the best outcomes in terms of delivery

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of affordable housing, but also that is well designed and is creating good amenity for existing as well as new residents.

The Hon. SCOTT FARLOW: When do you expect the consultation to finish and to have a formalised final completed SEPP—or component of a SEPP, I should say?

MONICA GIBSON: We're working very hard to do that as quickly as possible because it is super critical during the period of the accord to be delivering more housing and I don't think anybody would disagree that more affordable housing in New South Wales would be terrific. We're working very quickly to finalise that consultation, to provide our advice to the Minister and to set those controls. I can't give you an exact date because there are a few variables there and it's at the discretion of the Minister.

The CHAIR: I am going to come back to you, if I may, Mr Hendicott. Somebody made a decision at some point because something changed. I suppose what I'm getting at is was it the NRRC as a group—you were a small group. Was it you, was it Mr Witherdin, was it the Minister, was it the Premier or was it somebody else? Where was the decision at that particular time, just before October when everything was announced, to take out that option of actually having a land swap?

KIERON HENDICOTT: Again, in terms of the development of the—I will step back. The outcomes around land swaps where people, I guess, have the opportunity to facilitate relocation from one place to another, and that could include relocating their home or include relocating or porting over their mortgage, a securitisation swap essentially, and putting the support structures in place to enable that to happen—are all elements of the program that we've designed and are delivering. In fact, we've achieved a couple of securitisation swaps already where people have been able to port their mortgage over and settle in a new location, and we're working closely with home owners to do the relocation.

We looked at a range of different measures in terms of how we could accelerate the supply of land and housing in the region in acknowledgement that there was a quite significant housing crisis in the region at the moment—deficits of somewhere between 14,000 to 18,000, housing production rates dropping by about 25 per cent over the last five years, and really significant decreases in affordability—so really challenging pre-conditions before we got there. Because of the scale of the affected home owners in the buyback scheme, because of the need to provide flexibility and the need to provide choice for home owners, and the need to move quickly, the decision was taken to take the approach where a buyback scheme would be offered to give people the flexibility to receive their money up-front and make choices around what they might want to do, and, on the other hand, the complementary part of the program, to bring as much land, as much housing to market as possible, and put the structures in place to support people to move through that.

Again, we looked at a range of different options both on the supply side and the demand side in terms of how we can achieve that outcome from more pure play acquisition and development to provision of enabling infrastructure to activate the market and catalyse the market to deliver land. We looked at more exotic arrangements of providing underwriting for developers to overcome the barriers that they were facing in terms of funding and financing, and the conditions that have changed in previous years.

What it all boiled down to is that, with the funding that was made available, the toolkit that we developed in terms of the way to do that, and those points I made earlier around the challenges with a land swap at the scale that we're looking at, and the availability of that land in the near term and the limitations on choice that that provides, and the feedback that we'd received around the need for flexibility and the fact that many people were living in homes that were perhaps not suited for them going forward. Being able to achieve those outcomes of a land swap where the home is relocated and when their financial situation and their securitisation instrument is ported—to achieve those outcomes, the toolkit that we have available and that we're deploying now was deemed to be the most suitable approach to take.

SIMON DRAPER: Do you mind if I add, and I don't want to pretend to have been there and know the actual events, but I've also wondered the same question. How do we get to a buyback at such a scale? It's never been done before in New South Wales and I've discussed with community leaders and others in the Northern Rivers. One of the observations that I would have is that there seems to be this urgency about proceeding with the program. In discussions since then, I've formed the view that actually that's not very helpful in a post-disaster environment, that actually time is required for the community to decide what they want to do and also for government decision-makers to decide what is the best approach. We'd normally expect to get to something like a buyback after many years of planning, and work with the community and councils and others through the disaster adaptation plans that the Minister was referring to this morning. I think that's what they had done in Queensland. But there is this overriding sense of urgency. In terms of the decision-making process, there are a number of parties involved in this, remembering it's jointly funded with the Commonwealth, so they have to sign off on the approach as well and then it's a Government decision about the overall program.

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The CHAIR: It may well be absolutely spot on; it may be the best thing that we've done, and certainly there are things that are very good, but someone somewhere, just before October, pulled an option that we were all thinking was going to be delivered. I just want to know—and if it's not appropriate to know, then Mr Hendicott let me know that. Someone, somewhere, made a decision and told the community, "That's no longer an option," after weeks and weeks of the legitimate expectation it was what we were going to do—and rightly so. The decision may have been the best decision, but someone made that decision and it's never really been explained.

KIERON HENDICOTT: As I said, my understanding is it's not a case that an option was pulled or a decision was made. It was the way that the Resilient Land Program and the buyback—

The CHAIR: Mr Witherden was on the public record. He stood up in front of people and he said, "These are the things". Then, when they were announced, that was the one thing out of all the things that was not on the table, again, with really good reason. But who made that decision?

KIERON HENDICOTT: What I can say is that, based on an evaluation of the most appropriate tools to most effectively deliver the assisted relocation outcomes that we wanted to, those measures that I've spoken about before are the superior ones. It's been as simple as choosing the best tool for the job.

The CHAIR: I really apologise because I've got a feeling that during these estimates you may have answered some of these questions already, but I haven't been in those hearings at the time. My understanding is that, in the Byron Shire, 977 applications were made for buybacks. Do you have those numbers?

KIERON HENDICOTT: I do, bear with me.

The CHAIR: It's no problem; thank you. While you're looking, I've got 977 applications that were made. I understand the complexities of people making an application and then perhaps they change their mind or things happen, but 977 applications were made and just four have been approved since 29 September. Is that possibly correct?

KIERON HENDICOTT: No, that is not quite correct. I should, maybe, just clarify. As of 27 October 2023 there have been 7,803 registrations for the program. There have been 34 properties in the Byron shire eligible for a buyback, and 46 have been confirmed as eligible for our house raising and retrofit. I will probably just make one point to clarify those. People, when they register for the program, they don't apply for a buyback or they don't apply for a raising and a retrofit. For the benefit of the Committee, they apply for the program, and we undertake an assessment based on the risk of that location and its suitability for either of those treatments, acknowledging that those treatments solve different problems. The buybacks solve or are a treatment for where a home is in a location where there is a significant risk to life. And the house raisings and retrofits are different treatments that are targeted to reduce the economic and social costs of a more minor flood event and, consequently, in a lower risk location.

The CHAIR: All right, those numbers are much better. What is the situation with the people who went ahead and did their raising and retrofitting and there was an understanding, whether they were told directly, that they would get a reimbursement? Is that something that is underway?

KIERON HENDICOTT: Of the 310 folk that have already been confirmed for a raising and a retrofit, we are working with a group of about 30 of those home owners that have already completed work. As we work through their applications, we will be compensating them for the suitable works that have already been undertaken on their properties.

The CHAIR: Can I just say that I have friends who have gone through every stream and they're very happy. It's what I was saying to the Minister: Unfortunately, the bits here are the bits that are the more prickly bits. Please be assured that we are getting some really good messages out there of people who are genuinely getting outcomes that are really suitable for being able to stay in the community and carry on in the community. And then there's others—lots of others. I just want to make that clear.

KIERON HENDICOTT: We also hear some of those positive stories. They don't get as much air time, unfortunately, but it is what it is.

The CHAIR: That's how we get better, I suppose. Just going back to the mapping, I feel like so much time has gone on since October, when all of this was happening. But, with the mapping, there was the idea that the mapping came out, but the flood wasn't in that mapping and wasn't in that modelling because it was such an outlier. Have we reconciled that? Are we still content with that and what we're using, or have we made adjustments?

KIERON HENDICOTT: I might jump in there, if you're comfortable. One element to acknowledge, first, with the release of the maps, we took the view that it was important to provide transparency in terms of the

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flood assessment that underpinned the program. We appreciate some of the outcomes of that mapping were difficult for the community to hear, understanding that they're in quite high-risk locations. I understand that is a difficult message to hear, but the counterfactual is that we didn't provide that transparency, and we were keen to make sure we provided that.

In terms of the flood scenarios that underpinned that mapping, the flood assessment is essentially a composite index that looked at a range of different flood events. We looked at flood events with an annual exceedance probability of one in 20, of one in 100 and also one in 500. The one-in-500 AEP, I will just acknowledge, is a very significant flood event. The other thing I will note is that the program is a whole-of-region program. It goes over seven local government areas and it looks at four different river catchments—the Tweed, Brunswick, Richmond, Wilsons and also the Clarence. The flood event, as deeply traumatic and impactful as it was, had variable impacts across those four river catchments, and Lismore and some of the Richmond catchment was the most acutely impacted.

The other element I will probably acknowledge is the outcomes or the objective of the Resilient Homes and the Resilient Land Program is really an adaptation program, and I really want to make the distinction that it is not a recovery program. That is sometimes misconstrued. The objectives of the program are really to respond to future flood risk. Using the modelling, our objective was to really get to a property-by-property understanding of the relative risk for a range of different flood events. By simply adopting the 2022 flood event would lead to an unequal understanding of risk across the entire catchment, which is the scope of the program. By also using such a significant event in one catchment, it really obscures the granularity and the relativity of risk between one property and another.

There were many properties that were severely impacted in Lismore with the event that happened, and if we'd used that, all the homes would be red, largely, and you'd be unable to distinguish the relativity between properties at a fine-grained—which we needed to do to be able to prioritise from the very worst to the least worst. By adopting those one-in-20, one-in-100 and one-in-500 flood events, it allowed us to have a much more sophisticated and granular view of risk, to enable us to really get to that relative prioritisation that we're now working through.

SIMON DRAPER: Do you mind if I add something just very briefly, because Mr Hendicott said something really important about it being an adaptation program. Again, this is something we have talked a lot with other community leaders in the Northern Rivers. One of the big lessons, I think, is you don't try and do bigger, disruptive adaptation programs straight after a disaster. You really have to focus on recovery. I think a lot of the angst that people have experienced, which has compounded the trauma of the actual disaster, has been because they had expectations about this being a recovery program, and really the way it's been implemented is more like an adaptation program. I think if we had our time again, we would have thrown much, much more energy into the recovery process and making sure people were living in homes where they had a dignified life and they had all the services they needed before we got onto that much more disruptive and long-term adaptation work.

KIERON HENDICOTT: One other point you asked me to address around still standing by the modelling—

The CHAIR: Before you do that, can I just point out—and I'm sure you heard it too. There was serious criticism—and I thought it was very valid—around the fact that there was no peer review of that modelling, and also the fact that there was clear advice that actually the flood that we experienced could have been worse than it was. It was so bad that we tend to not consider it being any worse, but the modelling would suggest it could have come even more severely from those tributaries.

KIERON HENDICOTT: Absolutely. I think that is a really important point, firstly, to acknowledge that, again, that flood event is not the worst possible flood that can happen in that catchment. With respect to the development of that modelling, we worked with a very well-regarded team of flood experts to pull that together in the first instance. We also set up a technical peer review from experts across the New South Wales Government to review the approach we have taken. We also opted in to undertake—sorry, the other element I will add is we worked with council to initially use the data they had, and then get their views on the modelling approach. We consistently haven't received any negative feedback from technical experts in terms of the approach that we have taken. Irrespective of that, we have established an independent peer review of the modelling. That is happening now. There is a team of independent experts that are looking at that. That's also informed by a technical reference group of council flood experts as well that are part of that program.

The CHAIR: Is there a time frame on when that peer review will be complete?

KIERON HENDICOTT: Yes. We are aiming to have that complete by the end of this month.

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SIMON DRAPER: Maybe just to add again that I think it's really tough for people to—the mapping is a very stark, technical document. If you're living in one of those homes—and people in the community who know each other and know what the experiences they had. One person receives a buyback, another person doesn't receive a buyback, and understanding the logic of that—we could all appreciate that that's really hard for those people who haven't received a buyback. Those who have received a buyback—in some cases they're very happy with the offer they've received, but they also experience a degree of guilt about why they're getting it and others are not. We're learning a lot. Unfortunately these people are living this in real time and they're real lives, so we have to try to keep throwing ourselves into it and address the issues as we work with that community.

The CHAIR: We have hit 3.30 p.m. I think we will take a break and come back in 15 minutes' time.

(Short adjournment)

The CHAIR: Welcome back after that short break. We will recommence, and it's over to questions from the Opposition.

KIERSTEN FISHBURN: Chair, can I just clarify—

The CHAIR: I apologise. Before we go to the Opposition, we just have a couple of answers to questions.

KIERSTEN FISHBURN: Thank you very much. I'm very pleased to provide you some planning history. The last time a planning administrator was put in place was Cessnock council in 2010. As I thought, it's been some time. But the power remains with the planning Minister, in consultation with the Minister for Local Government. Ms Fairley just wanted to provide a bit more information on Pymont for you, because we've got some more fulsome information.

AMANDA FAIRLEY: We do. The Pymont Peninsula special infrastructure contribution was made in July 2022. This will actually form the first transport project component of what is now the Housing and Productivity Contribution, but it is an administrative shift. Just to confirm, the rates are the same and, of course, the land that it applies to is the same. The funds collected will be used for the metro station site.

The Hon. SCOTT FARLOW: If it goes ahead. Thank you very much. How many qualified planners are there within the Department of Planning and Environment?

KIERSTEN FISHBURN: I would have to take that on notice. Can I ask your definition as well? Is it someone with a planning degree or someone working within the Planning system? I have many people who are working within Planning who do not necessarily have a degree in planning.

The Hon. SCOTT FARLOW: Somebody with a planning degree.

KIERSTEN FISHBURN: I'll definitely have to take that one on notice.

The Hon. SCOTT FARLOW: Similarly, if you could take on notice how many there were on 24 March 2023 and whether that's increased or decreased.

KIERSTEN FISHBURN: Again, sorry, just for purposes of definition, planners—people working in Planning with a specific planning qualification?

The Hon. SCOTT FARLOW: Yes.

KIERSTEN FISHBURN: As, I assume, recognised by PIA? I know I'm being picky but, depending on your definitional piece—

The Hon. SCOTT FARLOW: No, that's fine. I'm happy for us to agree on the definitions now rather than dispute them later on.

KIERSTEN FISHBURN: Thank you.

The Hon. SCOTT FARLOW: With respect to the State significant development planning pathways that have been made available, have any more planners been taken on by the department to meet those assessment requirements?

KIERSTEN FISHBURN: You're talking in relation to the changes to the housing SEPP?

The Hon. SCOTT FARLOW: The housing SEPP and the self-assessment criteria as well.

KIERSTEN FISHBURN: Well, self-assessment obviously is self-assessment, so it's not for me to take on more planners. That's a question that should have been put to Landcom or LAHC in their relevant area.

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The Hon. SCOTT FARLOW: For Mr Wendler, yes.

KIERSTEN FISHBURN: In relation to the SSD pathways, no planners have been specifically put on. But there is a program of work that is occurring in the department at the moment, and it's on the public record that the Premier and the Minister have asked for me to look at the structure of the planning department to look at where we can make resources available for those SSDs.

The Hon. SCOTT FARLOW: How many qualified planners moved across to the Department of Planning following—I don't know how you classify it, but the abolition of the Greater Cities Commission and Western Parkland City Authority as standalone agencies?

KIERSTEN FISHBURN: Let's make sure that we're correct about this. The staff agencies were moved under me in the Department of Planning. Are you happy for us to use the same definitional piece for a qualified planner?

The Hon. SCOTT FARLOW: Yes.

KIERSTEN FISHBURN: Sorry, I will definitely have to take that on notice.

The Hon. SCOTT FARLOW: Indeed, that's fine. Do you have any plans to expand the Strong Start Cadetship Program into the future?

KIERSTEN FISHBURN: At the moment the program is as it stands. That would be a decision for the Minister to make if he wishes to expand the program. We think it's a terrific program but it has only just commenced, so we haven't even undertaken a review of the outcomes yet.

The Hon. SCOTT FARLOW: While it was talked about as being for regional and rural councils, was there any allocation of planners to metropolitan councils as well?

AMANDA FAIRLEY: We'll take it on notice.

KIERSTEN FISHBURN: Yes, we'll take that on notice and give you the breakdown.

The Hon. JACQUI MUNRO: I'm sorry to bring this back again, but I am really keen to understand this. Our population is increasing, rents are increasing, housing prices are increasing and vacancies are at record lows. Obviously, interest rates are rising. People are experiencing homelessness who have never even considered that they would be homeless before. To me, it demonstrates that supply and demand are off kilter. I'm just wondering if you feel confident that by the end of this financial year, where we have about—what is it?—say, 64,000, approximately, new dwellings built, that that will be enough to house the population that will be coming into New South Wales. I mean, we're looking at, say, 500,000 in Australia, and about 36 per cent of those are usually taken in by New South Wales. Obviously you've got the public Planning Portal that uses averages. But you've got, say, 180,000 people coming into New South Wales in the next financial year with about 64,000 dwellings to be built. Are you confident that that is adequate?

KIERSTEN FISHBURN: All I can speak to, really, is the work that's obviously been done at the Commonwealth level to determine the dwelling need across the country and then the allocation to New South Wales. We obviously have that target, which we are required to meet over a five-year period. So I am reluctant—and I think the Minister indicated this as well—to really break it in year to year. Obviously any changes that are made in the planning system take some time to have effect. You make a change and then people need to submit a DA or make a planning proposal or council needs to change an LEP. There are a number of activities that might occur. So you're not going to have a blunt instrument of 75,000 per year. All I can say is that the work that the department is doing is geared towards, ideally, meeting that target, and I'd like to hope potentially exceeding it, even though it's a stretched target, in and of itself. So while we are probably not going to get to that blanket 75,000, which is when you divide it by five in the first year, because we haven't made those changes yet, we are looking at what is required in the planning system to meet that five-year target.

The Hon. JACQUI MUNRO: Yes, it definitely seems that migration is front-loading, and obviously COVID is a part of that. But naturally, as you say, the development takes some time. I am concerned about the capacity of the State to house people.

KIERSTEN FISHBURN: I think we all share your concern, which is why we are so committed to working towards that target and to looking at what changes need to be made in planning policies and, of course, the incredibly valuable work that councils do as well in ensuring that housing supply is delivered.

The Hon. SCOTT FARLOW: Just following on from this, Mr Hanger, I might turn to you with respect to the establishment of housing targets. We talked before about it being complicated. It's not just picking a number

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from the air. What sort of parameters go into your determination of what housing targets will be for a local government area or for one of the six city regions, of course?

CHRIS HANGER: As we've said, we start with the—and this is five-year targets; we can talk in more detail about 10- and 20-year targets, which the commission also sets—National Housing Accord, which is 377,000 over five years. In terms of the factors that we look at—if you want to take notes, I'll read through some of the key ones and then talk about some of the data inputs—we are focused around population and demography. That, as we've indicated, looks at immigration, it looks at changes in the communities within the six cities, we look at housing completion trends and we look at housing capacity under current planning controls. We obviously work very closely with the department on changes to controls and what that might mean. We look at market take-up and feasibility: What are the likely take-up rates for the different types of properties that are being proposed in the different locations across the six cities, LGA by LGA?

There is an overarching—and, again, we've covered this today—frame around environmental impacts and resilience in terms of where we are looking to construct homes. The region and the city context, which includes alignment with infrastructure—so what is already there? What is the capacity of the infrastructure, both enabling infrastructure, which is typically roads, rail, water, sewer, power, but also what I would call the supporting community infrastructure—the capacity in health systems, the capacity in the education system? How the community infrastructure, the green space—what does that look like? What are the characteristics of the locations that we are talking about—the communities that we are talking about?

And, really importantly, we work very closely with councils around their own local housing strategies—their strategic planning context. We need to understand how they have worked with their community to grow their communities and what our housing targets will mean in that context.

In regards to data sources, we have talked about the National Housing Accord. That sets the five-year target. We look at population projections and the common planning assumptions that are established by the Department of Planning and Environment. We obviously look at historical housing approvals, so we are not starting from a clean slate here. Housing targets have been in place for five years from 2018, so we look at the performance of councils over that time, as well as completions. It's really important. I think a couple of times we have called out—government is only one part. The levels of government are only one part of the solution here. We, in theory, could put everything in place, only for industry, perhaps, not to be able to find a way to feasibly deliver in a location. We need to be working very closely with industry and very closely with community, as well as very closely with our council and Federal colleagues.

The Hon. SCOTT FARLOW: Thank you very much. With respect to that feasibility that you mentioned as well, does that take into consideration the existing property prices within the area and its impact and bearing in terms of the feasibility of development on certain sites?

CHRIS HANGER: Land prices, the input costs developers have, the ability for them to be able to access the workers to be able to develop those properties and the demand for that property at that price in that location. And we've talked about how, if we are looking at affordable, diverse and social housing mixes, that may impact and will impact feasibility as well. The conversation goes from establishing targets, understanding that framework, to a place-based conversation relatively quickly. What's affordable and feasible in the eastern suburbs will look different from what is affordable and feasible in place like Parramatta or affordable and feasible in a place like the Central Coast. We do need to have those localised conversations as well as having the right parameters overall.

The Hon. SCOTT FARLOW: To that point, in terms of the conversation with local governments—the targets will be published at some stage and there will be feedback from local government to those targets and how they work. What is the iterative process in terms of coming up with those targets? I take it the conversations you are having at the moment are with local government. What sort of input are they having at present?

CHRIS HANGER: We are talking. As the secretary indicated, we are talking about it from the department of planning's perspective and from the GCC perspective with councils every day. They have targets in place and our engagement with them is how are those targets currently being delivered, as well as knowing the overall target that we need to hit: 377,000 across the State. What are the capacities in individual local government areas to be able to—it will be an increase on their current targets, naturally. What are the opportunities there? What are the constraints to that? And, from a GCC perspective, who else do we need to bring to the table to try to remove any of the constraints to that additional housing?

The Hon. SCOTT FARLOW: Ms Fishburn, turning back to you, with respect to those targets and maybe back to the National Housing Accord targets as well, has the Government done any analysis that indicates the number of development application approvals, construction certificates, building commencements and

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building completions that it will require to achieve those Housing Accord targets? We know that when it comes to approval, there is a drop-off in terms of completions. Have you got any thinking around that?

KIERSTEN FISHBURN: Yes, that is one of the things that we do look at. I will see if we can get the exact data for you. From construction certificate to completion, it is actually higher at the moment than it has been previously. One of the things we think is possibly going on is that people are not submitting speculative DAs at the moment. They are actually only going if they really think they can develop, which I think is interesting and it is a good thing. That will take some junk out of the system, to be honest. We also look at the data sets in relation to what we have in the system in terms of DAs. There are about 200,000 approved at the moment. What's under construction—I think we detailed earlier in the morning that it's about 75,000. That won't all be realised in a single year because, obviously—

The Hon. SCOTT FARLOW: Some projects are sophisticated, yes.

KIERSTEN FISHBURN: —a significant apartment dwelling takes longer than a year. But then we also look as well at what's in the system in terms of planning proposals or LEP amendments. I actually think that's the most rich dataset of all because that gives you an indication of what your pipeline is. You can only assess what DA you've got there, but people are not going to put in development applications unless a planning proposal has provided them with an opportunity to potentially up-zone or get further development density there. So we keep an eye on all of those datasets.

We also look at the time, and it's one of the factors that I think is the most interesting one and part of the reason that we're so delighted to have the Building Commission coming on board and of course the Building Commissioner himself. There is the time it takes to assess a DA. There is the time it takes to build something, but there is a period in the middle where developers will be gearing up to start building. They might be getting financing. They might be looking for builders. They might be looking for specific trades. Those three times are roughly, I think, about equal when we look at it. That time in the middle is one where the Building Commission's work to really look at how you re-skill some builders to move from one type of class to another can really help to be part of the solution. That was a long answer to really say: Yes, we do look at a whole range of datasets and how they interplay on keys in doors.

The Hon. SCOTT FARLOW: Were you going to say something, Ms Gibson, at all?

MONICA GIBSON: No. We have information that we're happy to provide on notice about the number of rezonings that have occurred this year, the number of dwellings in those, as well as the number of approvals of dwellings in State significant applications, regionally significant applications, local development applications as well as the complying development certificates. We can provide that information for the financial year as well as where we are in this year to date.

The Hon. SCOTT FARLOW: In terms of the Greater Cities Commission and its role in terms of the Department of Planning and Environment, has this led to an earlier completion of the housing targets in terms of the coordination? Is it improved with having the Greater Cities Commission sitting now within the Department of Planning and Environment?

KIERSTEN FISHBURN: You're asking the question to the person who gets to have that responsibility, which is an interesting one. I think bringing the Greater Cities Commission into the department is a really good outcome. Chris is nodding, thank goodness. It's good when your staff agree with you, isn't it? I'm really proud of the work the department has been doing to look at aligning all of the complexities that get something out of the ground. In particular, that infrastructure planning piece is one that is absolutely critical, and I think the GCC have some really strong strengths in all of the work that Chris detailed, working with the councils, understanding the granular, getting into the place-based outcomes, as does the department. And being able to bring those two things together, so you're doing strategic planning really from—essentially if you look at when a planning proposal comes in to take time to assess, you're looking at a three-year horizon to the GCC's work which really goes out to 20 years, and in fact in some of the economic senses out to about 40 years. That can only make for better planning.

We've talked a lot about the Housing Accord targets, and absolutely our eyes are on that prize and that is something that is really critical. But housing supply takes a long time and we want to make sure as well that we don't have this crisis again in another five years and that we've actually assured supply for five to 10 years and then the type of infrastructure planning that will assure supply for 10 to 20 years. In answer to your question, I do think having the GCC more closely aligned with the other areas of planning, which look at obviously development assessment but then the local type of planning, has been a terrific outcome.

The Hon. SCOTT FARLOW: With the move of the Greater Cities Commission, were there any redundancies made because of the redeployment of staff from either the Greater Cities Commission or the Western Parkland City Authority?

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KIERSTEN FISHBURN: At this point—and I will take on notice and just ask Mr Smith to check for me—there have been no redundancies that have been brought into play. However, there are savings that are accorded and it's in the budget papers—and it's a perfectly appropriate committee to ask that in—in relation to the GCC and WPCA as well as, of course, our commitment to reduce SEBs. There will be redundancies in the future, but at present there have been none.

The Hon. SCOTT FARLOW: Do you have any projected figures on those numbers?

KIERSTEN FISHBURN: No, not at present. I did say earlier, I believe, that I'm looking at functional review of the Planning department, so we won't understand until we've completed that work. Form follows function.

The Hon. SCOTT FARLOW: Just to finish that off, of course, the department of Planning will be its own entity as of 1 January 2024. What work is being done at the moment in terms of realising that new entity?

KIERSTEN FISHBURN: I'll just go into the little detail about the machinery of government change, because that might be useful. So coming 1 January, as part of the machinery of government change, DPE will cease to exist as a department as it is now. There will instead be two separate departments, the Department of Climate Change, Energy, Environment and Water, and the Department of Planning, Housing and Infrastructure. I am very pleased our acronym gets shortened to DPHI, which is good, because I'm going to defy all your aspirations on housing targets.

As part of that work, we've got a number of agencies that remain in that department. It's not just Planning, it's also Property and Development, Office of Local Government, Crown Lands, and Public Spaces—really delightful that that's essentially all of the agencies that have responsibility for land management and land strategic planning in government. It's a really good combination of things. I've already detailed that there will be some functional review of the planning element there. As always occurs in government departments all the time, you do look at how your businesses work and operate and the other areas in the DPHI network will also undertake their own reviews in the fullness of time.

The Hon. JACQUI MUNRO: Going back to the Greater Cities Commission, I have heard from industry stakeholders that there is a lot of confusion still about, essentially, what is happening with the GCC and what its functions will be—whether they will change, who they should be speaking to. Have you been communicating with stakeholders, and how? And do you have a plan to ensure that stakeholders understand what the GCC is now?

KIERSTEN FISHBURN: I'm disappointed to hear that stakeholders don't have that clarity because the GCC's work is continuing, as the Minister did detail. There are legislative requirements for them to continue that work. If we need to make that clearer, obviously, we will make that clearer. You are always going to need a strategic planning arm in planning. I think that's an absolute given. The work of the GCC is of exceptionally high quality and those planners who work in strategic planning, obviously, will continue to do that quality work. If we need to make that clearer on the commencement of DPHI as a network, of course, we will.

The Hon. JACQUI MUNRO: Just quickly, are stakeholders okay to contact people that they were contacting prior to the change?

KIERSTEN FISHBURN: Absolutely.

The Hon. JACQUI MUNRO: So it's the same staff, kind of the same structure, all the positions are the same, it's just that it's under Planning?

KIERSTEN FISHBURN: At present, yes, although, as I said, I am doing that functional review. But, yes, if you were speaking to Jane Smith in relation to—you're a council and you've been speaking to Jane Smith in relation to your council planning, please continue to speak to Jane Smith. I don't think I have a Jane Smith, so I haven't thrown anyone to the wolves there to get a thousand phone calls from councils.

The Hon. SCOTT FARLOW: Jane Smith is getting a lot of emails.

KIERSTEN FISHBURN: Exactly.

The Hon. JACQUI MUNRO: Thank you, Ms Fishburn.

The CHAIR: The Hunter Regional Plan 2041 makes diversification of the region's coal-dependent economy its first objective and flags the Government's or the department's intention to "review the regulatory framework to identify barriers to achieving the development and adoption of post-mining land uses." Where is that work? Have we identified barriers and what are we looking at?

KIERSTEN FISHBURN: Ms Gibson, can you—

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MONICA GIBSON: The Hunter Regional Plan, the new plan that you just mentioned, has picked up that post-mining diversification as an important action, an important direction, to consider for the Hunter. Like a number of other mining-affected communities across New South Wales, work needs to be underway to plan for the change that is happening in those areas, both from the land use planning elements but also working across government and with local government and the Federal Government, as well as industry and the landowners, about how the social changes will also come together there. There are some actions that are underway. We are looking at the timing and programming of those works, in conjunction with some of the other strategic planning that is happening across the State and with the Greater Cities Commission and work that is happening in the preparation of the new region plan for the six cities.

The CHAIR: Just on that then, the specific objective of achieving the development and adoption of post-mining land uses and the barriers to those, have we identified any of those yet? Is there any early conceptualisation of what we think—where that scoping focuses?

MONICA GIBSON: So there is early work that is underway and that has been prepared in order to prepare that Hunter Regional Plan and inform the preparation of that Hunter Regional Plan. That sort of work has involved consultation with the councils directly affected in that area, particularly Muswellbrook council and also Singleton council and the work that they have also been doing at looking at this at their own local and local community level. There's also been work across government to consult with our colleagues who work in the mining and resource space to understand that, as well as, of course, work within the department of planning around mining assessment and the plans and policies that relate to that.

The sorts of things that we're looking at include—and I think the Minister mentioned some of this earlier today—what is the infrastructure that is either on the site or connects those sites; investment in roads, in rail, in power; and the access and supply of water and water licensing as it's been available. And then looking at different future planned uses on those mine sites through their development consents, so looking at what might be areas set aside for conservation offsets as well as what pieces of the site might have been planned to return to an agricultural or a rural use, which would've been the original use of that site before mining took place. There's a complex number of matters to consider there, in terms of the planning consents that are on those sites and what those conditions might be in those planning consents—but also to look in and understand what is onsite and might need to be retained, re-used, repurposed and to understand the aspirations of the local community and the landowners in coming forward with a good plan for the future for those sites.

The CHAIR: Are we looking across tenures? Does the strategy look across that or are we looking at the obligations of closure—I think this is what I'm going to say: When we consented to a lot of these projects and delivering those consent conditions and those closure conditions in rehabilitation plans and things, we were, generally speaking, notwithstanding all the excellent efforts of the people that were doing these, constrained by a system that really was—cumulative impact was very constrained in terms of what we could consider. Are we going to be looking across those approval consent conditions and where do we get that capacity to do it? For example, if we're looking at, say, four different mines that actually have conflicting consent obligations and closures, are we looking for the capacity to be able to bust out of those limitations as we work to the rehabilitation of the entire Hunter Valley area?

MONICA GIBSON: I grew up in the Upper Hunter. The story of mining in the upper Hunter has a very long history, with planning approvals and consents being granted over many decades with different planning controls, planning and community expectations, and conditions of consent that range from many pages through to some with not a lot of pages attached to them.

The CHAIR: I know. I think I've challenged half of them in the Land and Environment Court. I think I've had them in my sleep. I know a lot of them, unfortunately.

MONICA GIBSON: There's also many different types of sites in that area. As I said, it is a very complex matter. Understanding both the planning approvals as well as mining licences, access to water and water licensing all needs to be well understood in order to come up with the best strategy for future changes in those land uses and new uses that might be in those areas. There's probably some easier sites, where it might be sites that are currently the edges of the mining operations, where there might be more of the sheds, it might be more of the staff buildings and other things that are there, that might lend themselves towards other industrial-type uses. That might fit very well with the types of infrastructure that's already there or accessible to the sites. Like I said, there's also the conservation outcomes that are connected across the various sites. There's quite a lot of work to do in that space.

The CHAIR: The proponents of those projects and the landowners: Is there already work happening facilitated by the department about a joint kind of approach to this? I can't see us getting it right unless there's serious collaboration about rehabilitation, or are these proponents, whichever ones are left in the valley by the

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time we're at 2030, 2035, is there going to be that collaborative approach to possibly changing obligations to suit the public interest, the landscape and the community going forward?

MONICA GIBSON: Look, I think it's a really strong indicator that the Hunter Regional Plan has picked this up as an important task, a direction and action it's to do. The reason why I think that's so important is it shows the need for a strategic approach for a collaborative and joint approach with communities, with the local councils and across State Government agencies because I could mention a couple of things that don't fully rest within the Minister for Planning and Public Spaces' responsibility or the department of Planning's work. The work that is ahead of us will be collaborative and that will be, I guess, in the spirit of cooperation with all of those players in order to come up with the best outcome, and an outcome that will take us through a number of steps and milestones.

The CHAIR: In terms of the final voids, is the department looking at—I feel like the work that we've got to do in the Hunter is similar to the pioneering work that we've had to do in recovery and adaptation. Like, this is a first, and getting it right is just—and not just getting it right, getting it right and getting it best is what I can see we're striving for and it's very exciting, really, the whole rebirthing of an entire region that has been the backbone of the State for so long. Is there some work happening around what we can look to for how we deal with these enormous voids, and are we looking to what the international community's done, and what the best practice might be in innovation. Is that what's driving underneath or are we not quite there yet?

MONICA GIBSON: I know that because I've attended some seminars and some workshops and plenty of conversations that have happened with the communities, the councils, the landowners, the industry groups in the Upper Hunter about what are international best practice examples, particularly from Europe, but also looking at what's happening in other parts of Australia, particularly in Victoria, and what are the lessons that we can learn and the good practice that we could follow. It is a very, very complex area: the Upper Hunter, and the size, scale and number of voids, as well as the conservation outcomes, the economic diversification of the Upper Hunter as well and how that all fits together. It is a big task. Lots of work to be done in that space, so I'm sure we'll be talking about this at a few more budget estimate hearings over the next few years.

The CHAIR: Yes, way beyond my life, that's for sure. But the department sees itself as a real kind of leader and broker in this work.

MONICA GIBSON: Yes. Strategic planning and the preparation of the strategic regional plans, the work that's happening with the commission and strategic planning is work that fits under the Environmental Planning and Assessment Act. We'll continue to do that type of work.

CHRIS HANGER: I might just add, before joining the Greater Cities Commission I was a deputy secretary in Regional NSW.

The CHAIR: Yes, you were.

CHRIS HANGER: There is a program called Royalties for Rejuvenation.

The CHAIR: Yes.

CHRIS HANGER: Expert panels have been set up in the Hunter, the Illawarra, the Central West and the New England, so there is work that is underway looking at what is occurring in those communities, what are their aspirations, engagement with industry. And you're right: Post-mining land use is called out as a key issue in all of those locations. There is work underway. I would be happy to provide details of that.

The CHAIR: From your lens, do you have confidence in those processes? I think it's iterative and there's a lot to learn. Have feedback systems for improvement in driving that process been built into it from the outset?

CHRIS HANGER: These processes commenced last year, so they're still developing and I will say, with an election and sort of caretaker, there's probably—

The CHAIR: I feel things got a bit messy in terms of the structure of them.

CHRIS HANGER: Yes. But whilst I was working in regional New South Wales, absolutely, the work that has been done to understand similar communities, to Ms Gibson's point, around the world who have gone through these transitions and drawing on that sort of world's best practice and what's required in the context of whether it's the Hunter, the Illawarra or elsewhere in New South Wales, that work is absolutely being done. And the independent panels that have been brought together to inform that work, I think, just looking down the participants, particularly for the Hunter—these are people who are absolutely committed to that region, know the region really well and bring a range of expertise that will help those communities as they transition.

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The CHAIR: The Wind Energy Guideline, that was the 2016 one—is that still the operating guideline that we have and is there any plan to update that or vary that?

KIERSTEN FISHBURN: I'm just looking to Ms Sargeant.

The CHAIR: I'm happy to come back to it.

KIERSTEN FISHBURN: Can we come back to that, or alternatively take it on notice?

The CHAIR: Yes, thanks. It's a 2016 guide and I'm just curious. I feel like there's a lot happened since 2016 in terms of wind development and weather and what we've learnt. I know that there are instrument-of-government changes and things will happen, but what does the department do, or does it do anything to assist councils in any proactive way around the conservation of land and biodiversity outcomes through strategic planning? I know that we did a lot of work many years ago, and I'm just not seeing a whole lot since the standard instrument was introduced. There was a lot of discussion about conservation zones, e-zones, that sort of thing. Is there any program of works that the department does on that front?

KIERSTEN FISHBURN: There's the Cumberland Plain Conservation Plan, which is probably one of the most significant pieces of work.

The CHAIR: I was going to ask you about that next.

KIERSTEN FISHBURN: We did discuss it in yesterday's estimates to some extent as well. We obviously work with councils—and I'm looking to my staff to give me more detail here—but we obviously work with councils to understand their conservation needs and requirements in their local government areas as they're developing their LEPs. Is there any further detail you want to add there, Monica? It's obviously a key consideration. As you know, it's one of the three objects of the Act, essentially, and it's something that the department does take very seriously.

MONICA GIBSON: There are directions and actions that sit in the nine regional plans for the councils that are outside of the Greater Sydney area and, if memory serves me correct, that are in the current region plan for Greater Sydney as well that talk to conservation outcomes and the importance of strategically planning for conservation outcomes. The CPCP is an example of that. There's also been work that has been done at different times with councils. I can think of one in the Riverina. I can think of work that has happened up in the northern parts of the State as well where there've been similar strategic environmental plans prepared. We take a lot of signals from council, where they might need some assistance or where that's something that their local community wants to pursue.

The CHAIR: Do you think most of that is in response to council's request for assistance? Do you have a State view of where conservation priorities are lacking, or is there any audit of that through the department, looking through the instruments that we have that apply to land?

MONICA GIBSON: Some of those matters are matters for the Minister for the Environment about those conservation outcomes. In terms of working with councils on environmental zonings, or conservation zonings, in their area, there are a series of guidelines and policy statements that we work with councils on, and we assist them during a rezoning process to make sure that they are properly considered and consistently applied.

The CHAIR: Does it concern you from a land use regulatory framework that there are still, I understand, councils that have deferred matter as opposed to clear land use planning—deferred matter areas that have been identified as being conservation areas but the council is a bit reluctant to do it?

MONICA GIBSON: A deferred matter, and the use of deferred matter, is a standard part of LEP making in New South Wales and has been in place since the—

The CHAIR: Since 1979, yes, I know.

MONICA GIBSON: Yes, since the Act has been in place. It is used in a number of different situations. I think you're probably referring to environmental zonings in some of the northern region councils, where some time ago there were a range of decisions that councils were taking on a local level about how they would apply conservation or environment zones at the time.

The CHAIR: I think it was a very politicised process, unfortunately, and I feel like we're still caught up in it. I'm wondering if it does still provide concern in terms of a strategic planning approach across regions.

KIERSTEN FISHBURN: I somewhat feel we're being asked to speculate there. Ms Gibson has given the facts in terms of the planning system.

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The CHAIR: I just saw an absolutely stellar response from the department recently in relation to a Ballina council request. To me, it reeked that there must be some concern amongst planners in terms of getting planning right for good strategic outcomes, especially when it comes to getting conservation priorities right. But I take your point, Ms Fishburn.

KIERSTEN FISHBURN: I think, as a general statement, planners always want to get great conservation outcomes. We'll just put that on the record.

The CHAIR: Fantastic. I'm with you.

The Hon. SCOTT FARLOW: Mr Draper, with respect to funding which has come into councils after natural disasters, betterment funding, I've heard some criticisms from some councils with respect to betterment funding, and that they can't actually improve infrastructure to be more resilient to flooding or other natural disasters. What's your perspective on that?

SIMON DRAPER: Yes, look, it's a very good point. The way that disaster funding is managed is through an arrangement with the Commonwealth called the Disaster Recovery Funding Arrangement. It's not legislation, but it's an administrative policy of the Commonwealth Government. Under that arrangement, there are different categories of funding. The Commonwealth agrees to fund—it's called category B; it's for public infrastructure reconstruction. They have pretty strong rules. They also have very strong auditing arrangements around it that requires reconstruction to be effectively rebuilt more or less as it was before—so no improvement or betterment included. That's not the way we'd really like to approach disaster funding in the future. I guess you can understand the Commonwealth's position is that it's a pretty uncapped liability for them.

More recently there have been another category, or category D programs, where the Commonwealth has agreed to fund different types of betterment—some of them on roads, for example, so it makes a lot of sense to rebuild roads and bridges in a way that they're not as vulnerable to hazards and disasters that happen in the future. There have been a number of programs around that. I guess the comment we would make is that that should become, we think, more the norm rather than one-off individual programs that are done on an application basis.

In a way we would support the idea that there should be more money available for betterment. I think one of the vehicles for that, over time, will be—part of our task is to roll out these local disaster adaptation plans. In those plans one of our hopes is that it generates somewhat of an investment pipeline in each of those local areas, so that we know which of the prioritised improvements to make on roads, bridges and other assets in those areas.

The Hon. SCOTT FARLOW: That's encouraging to hear, so thank you for that. Now, in terms of that becoming more of the norm, is there any process that New South Wales is taking up with the Commonwealth Government to ensure that that's the case?

SIMON DRAPER: We've had discussions and Mr Conrow, who's over here, can probably—he's engaged in this day to day. I've had discussions with the National Emergency Management Agency, and said to them that my view is that once we get these disaster adaptation plans up, that should be the basis for allocating future Commonwealth funds and State funds to betterment. I get a sense that there's a degree of support for that sort of approach. Of course, ultimately, it will be a decision of the Executive Government, both of the Commonwealth and the State.

There is a review—actually, there's more than one. There are couple of reviews going on into the Commonwealth Disaster Recovery Funding Arrangements at the moment. I suspect that part of the motivation for some of those reviews is actually to try and tighten it up rather than to increase the funding, but I think there are good signs from the Commonwealth Government that they're much more prepared to fund those improvements than they have in the past because they've introduced a number of very specific programs, some in the Northern Rivers, some for roads and bridges and the recent announcements around the Central West. We expect some of that to also go to some improvements.

The Hon. SCOTT FARLOW: With respect to the Northern Rivers, has all of the funding now been allocated for all the home buybacks, home raisings and waterproof fit-outs within the Northern Rivers?

SIMON DRAPER: No. We mentioned a figure this morning that there's about 1,100 homes in the buybacks that we've got to prioritise. There's probably many more people who would want a buyback and are seeking a buyback but that's the amount that we've initially prioritised. We've made offers on around 649. I can tell you the number in a moment of how many have accepted. It's three hundred and—have you got that number handy?

KIERON HENDICOTT: There were 393 as of the end of last week.

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SIMON DRAPER: So 393 have accepted. It's when the acceptance happens that you'd mark it off as a liability because the money is being expended, but there are a number of offers out there that haven't yet been accepted. We're probably about 60 per cent of the way through in terms of making offers, but probably less—maybe about halfway through—in terms of the financial commitments that have been made so far.

The Hon. SCOTT FARLOW: What's the total amount of funding that you're provisioning for that program?

SIMON DRAPER: There's \$700 million allocated to that program. It's jointly funded between the Commonwealth and the State.

The Hon. SCOTT FARLOW: In briefings and community meetings, Northern Rivers residents were told around 6,000 homes would be eligible for either a buyback, house raising or waterproof fit-out. Is this still the case?

SIMON DRAPER: No, it's not and it was really never the case. We've talked about this, not with you but in other forums and in the media a few times. What appears to have happened is that there was a funding arrangement for \$700 million that was announced—I think it was on 28 October last year—by the Prime Minister. It was that jointly funded arrangement. At the time when they announced it, they said 2,000 homes in total for all the potential treatments: buybacks, raising and retrofits. There was a subsequent communication from the New South Wales Government at the time that talked about 6,000 homes, being 2,000, 2,000 and 2,000 for each of the treatments. That was wrong. There was never enough money allocated for that. That was a miscommunication by the government at the time and that was repeated and repeated in different forums, unfortunately. That's really unfortunate because in addition to the trauma and the angst that people have experienced from the actual disaster, they've then had to have this disappointment when it's been explained to them that there isn't enough money for that many buybacks. That would be at least \$1.5 billion—or potentially more—to fulfil that number of homes.

The Hon. SCOTT FARLOW: What's the criteria that your department is using in terms of actually making that assessment in terms of what's eligible for a buyback or a house raising?

SIMON DRAPER: There are some eligibility requirements, but they're fairly minimal. I refer to it more as prioritisation. Because we've got a limited set of funds—and Mr Hendicott was referring to this a bit earlier—what we've got to try and do is allocate those funds to the homes first that are assessed as being at the highest risk to life in future floods—the one-in-20, one-in-100 and one-in-500 floods were the types of floods we're talking about there. There are two contributing factors to that risk to life. One is the expected height of the water but there's also the velocity of the water, because floods are violent events and that's where a lot of the risks come from. A slowly rising flood is not as risky as a torrent, which people did experience in the Northern Rivers last year. So that's the criteria. It's a risk-to-life categorisation. We talked a little bit earlier during Ms Higginson's questions about some of the grey areas around that and the assessments. Mr Hendicott has described some of the process that we're going through to assure that that methodology has been well implemented, including a peer review that's happening at the moment.

The Hon. SCOTT FARLOW: Have all of the assessments been done and completed across the Northern Rivers?

SIMON DRAPER: Mr Hendicott might clarify this, but it's not so much that we go and assess the homes, unless we need to find out more information about them. We know from the flood mapping that was discussed a bit earlier which homes fall into that category of being at high risk to life. So it's not a question of necessarily inspecting the home itself. Although in some cases the homes that were bought back were bought back because they were so badly damaged or they were actually destroyed, and that meant that those homes were built back as well.

The Hon. SCOTT FARLOW: Ms Fishburn, moving back to you. There's been some talk of DA withdrawals recently and the new DA withdrawal guidelines which have been put in place for councils. Could you tell us what's changed in that new DA withdrawal guideline?

KIERSTEN FISHBURN: Yes. Sorry, I'm just getting a note next to me.

The Hon. SCOTT FARLOW: This is the one that was announced on 10 October.

KIERSTEN FISHBURN: That's something you'd need to discuss when the Minister for Local Government, Minister Hoenig, appears.

The Hon. SCOTT FARLOW: Okay. So this falls under the Minister for Local Government?

KIERSTEN FISHBURN: It's an Office of Local Government—yes.

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The Hon. JACQUI MUNRO: Ms Fishburn, I was wondering if the department is tracking dwelling vacancies across New South Wales?

KIERSTEN FISHBURN: I don't think we have that dataset, but I will just look at—no, we don't have availability to that dataset.

The Hon. JACQUI MUNRO: Are you intending on finding out that information?

KIERSTEN FISHBURN: It is something that I think would be of significance to know. I'm not trying to avoid the question, but it is something that is somewhat challenging to identify. I will take on notice any work that has been done, because there may have been something done through the Building Commission that I'm not aware of at this point. So we'll come back with another answer.

The Hon. JACQUI MUNRO: That would be helpful. I'm aware that there are other departments that make projections based on various data. Water usage is one of them.

KIERSTEN FISHBURN: That is the predominant one: whether you've turned the tap on or not.

The Hon. JACQUI MUNRO: Do you have access to that kind of information?

KIERSTEN FISHBURN: Yes, we do. Ms Fairley, correct me if I'm wrong, but we use the Sydney Water data as our dataset as well.

AMANDA FAIRLEY: We do.

The Hon. JACQUI MUNRO: So you have that dataset but you don't use it to track dwelling vacancies?

KIERSTEN FISHBURN: You could go and turn on a tap or get your water connected and then never put somebody in the house, so the two sets don't necessarily speak to each other. We do, of course, look as well at—my staff were just telling me—the ABS data, which gives you some indication.

The Hon. JACQUI MUNRO: I'm aware that Transport have got projections in place to, essentially, look at transport needs, obviously, for their planning mechanism. I'm wondering if you ever work with other departments—for example, Transport—to get that information.

KIERSTEN FISHBURN: All the time, yes. There are a huge number of working groups, not just for the GCC work but then when we're working at a more local level and when we're looking at introducing new policy. It is absolutely work in collaboration. Obviously, one of the things you want to ensure is that your public transport and your road infrastructure are aligned with your housing release as well so, yes, we do have those conversations, have formal governance and then, of course, we consult on a range of matters all the time.

The Hon. JACQUI MUNRO: Are you aware that they actually have a specific dataset where you can essentially calculate what they project the dwelling vacancy rate to be?

KIERSTEN FISHBURN: I'm not specifically aware of the Transport set myself, but I would guarantee that my staff who work on our projections are well and truly aware of it and will work with Transport.

The Hon. JACQUI MUNRO: Would you be willing to release any information that you have about dwelling vacancies at this point in time?

KIERSTEN FISHBURN: At this point in time, as I said, I don't think we hold that dataset, but I will have to take on notice to see whether it's held somewhere else in government, and then of course it's a matter for that committee to determine—no, sorry, I might have some more information.

MONICA GIBSON: Yes, just to clarify, recently, in response to a question on notice that came from Cate Faehrmann, on 6 October the department did provide some information that came from the ABS and their 2021 census information that looked at the unoccupied dwelling data by each of the local government areas. So, to confirm, it was ABS information, which Ms Fishburn talked about. That's where we collect the information from, rather than collecting it from within the department of planning.

The Hon. JACQUI MUNRO: So there are no plans to actually create those datasets with the information that you have access to as a department?

MONICA GIBSON: When we published the information in response to the question on notice, we published the information that came from the ABS.

The Hon. JACQUI MUNRO: Yes, but I was just asking if there were plans to create a dataset of your own?

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KIERSTEN FISHBURN: Look, I would have to take that on notice. My instinct, though, is to say, if we have confidence in the ABS data, why would we replicate the collection of that data?

The Hon. JACQUI MUNRO: Okay, thank you very much.

The Hon. SCOTT FARLOW: Ms Fishburn, with the eclectic nature of the portfolio that you look after in Planning, I am turning to motorsport now and the Wakefield Park motor racing circuit. I just want to see if there's any update in terms of works that are being done to support the Wakefield Park motor racing circuit.

KIERSTEN FISHBURN: Thank you. I'll just let my staff look up their notes on Wakefield. I had the pleasure of actually going down to Wakefield and meeting the owners, and going down with the Parliamentary Secretary for Planning and Public Spaces. They've got some really big aspirations for the work there, and we spoke with council as well about their aspirations to do a master plan. At the moment they are doing site remediation for sound management to allow them to, ideally, open, but I'll ask for some more detail from Ms Gibson. I was just giving you time to find your paper.

MONICA GIBSON: Thank you, that's great. It was in one of my folders.

The Hon. SCOTT FARLOW: It was nice padding.

MONICA GIBSON: Yes. The New South Wales Government has made some statements and understands that the issue of Wakefield raceway being closed does cause frustration within the local community and the motorsport community. There was a pre-election commitment for \$1 million to support noise mitigation and management works.

The Hon. SCOTT FARLOW: Has that funding been delivered?

MONICA GIBSON: That funding is in the department's budget and there are currently discussions with the landowners about the funding agreement and what might be included in that funding agreement, so commitments about when the noise mitigation work would be undertaken as well as when the raceway would reopen.

KIERSTEN FISHBURN: Can I add as well, we need to follow the grant guidelines, of course, in any allocation money.

The Hon. SCOTT FARLOW: Yes. It has been said as well that the department of planning, Goulburn Mulwaree Council and the Office of Sport would work on a plan to get the park reopened. Has there been any work on such a plan as of yet?

MONICA GIBSON: Yes, that's part of the noise mitigation works and part of the funding agreement around how that would open. As you've correctly mentioned, it is work that's happening in conjunction between the New South Wales Government, council and the new owners of the site.

The Hon. SCOTT FARLOW: And the million dollars has been committed in the budget for the noise mitigation works. Is there any additional funding which is required for Wakefield Park to reopen?

KIERSTEN FISHBURN: That's the government commitment. Obviously, the owners will be making their own investment, but I don't have access to their budget.

The Hon. SCOTT FARLOW: And that is the extent of the government commitment?

KIERSTEN FISHBURN: That's the current government commitment.

The Hon. JACQUI MUNRO: I understand that, unfortunately, construction companies are entering administration at levels that we haven't seen since 2015. ASIC reports that across the country it's 1,700 companies. That's fairly concerning at a time when we need to be constructing more dwellings. I was just wondering what the department is thinking or how the department is engaging with construction companies to understand the challenges and to assist, wherever possible, with the commencement of building.

KIERSTEN FISHBURN: The department obviously is aware of that and wishes to work with developers; however, the main responsibility in government for liaising with construction companies in the building industry is through the Building Commission. INSW also have a role to play to bring together the construction industry, so you'd need to speak to those agencies.

The Hon. SCOTT FARLOW: Back to motorsport—the revhead part of the afternoon. With respect to the Eastern Creek Speedway, I asked these questions in sport and we were told to come to you with them. What is the current state of play when it comes to the speedway?

KIERSTEN FISHBURN: Ms Hawyes?

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MELANIE HAWYES: That's actually in the parklands portfolio. The status of the speedway is that it is race ready and we are in the final stage of negotiation with the new operator and that's all I can really say about that.

The Hon. SCOTT FARLOW: Do we have an estimate on the cost to build the speedway at all?

MELANIE HAWYES: That was a matter for Metro, which is the transport portfolio.

The Hon. SCOTT FARLOW: I think they're next week, so we'll go to Metro next week and find out about that. Short-term rental accommodation and the guidelines in place there—apart from what has happened in terms of the Byron determination, are there any reviews being undertaken with respect to short-term rental accommodation?

KIERSTEN FISHBURN: Ms Gibson?

MONICA GIBSON: There is a review that the Government has committed to do on short-term rental accommodation.

The Hon. SCOTT FARLOW: Has that started yet?

MONICA GIBSON: There's been some preliminary work to prepare the terms of reference of that review. That is happening within the department—and matters to be discussed with the Minister. So we haven't formalised all of our advice on that matter at this point in time.

The Hon. SCOTT FARLOW: Is there any anticipated completion date for the review?

MONICA GIBSON: There isn't a specific date about when the review would be completed. Let me just check and see if there is something where we have said a date publicly. I don't think that we have.

KIERSTEN FISHBURN: We'll take it on notice.

MONICA GIBSON: I'll take it on notice in case there is something where we've made a public commitment.

The Hon. SCOTT FARLOW: Following the granting of a 60-day rental cap in Byron shire, calls had come from the mayors of Kiama and Blue Mountains for short-term rental limits in their areas as well. Is the Government giving that any consideration at all?

KIERSTEN FISHBURN: We are aware of that and, as Monica detailed, all things are in consideration. I don't want to speak to the specifics.

The Hon. SCOTT FARLOW: That's fair enough. Thank you very much. As I understand, the Commonwealth Government is considering new reforms to force adequate mobile phone reception in new developments. What involvement have you or the department had with respect to this proposal?

The Hon. JACQUI MUNRO: Can I add wi-fi or internet connection to that.

MONICA GIBSON: Hold on, sorry. What was the question?

KIERSTEN FISHBURN: In relation to 5G in new developments.

The Hon. SCOTT FARLOW: Commonwealth requirements. Is there any input that you've had into that proposal?

MONICA GIBSON: There have been some matters that have been raised in discussions with other States and with the Commonwealth around telecommunications in new development. I'd like to take that on notice—about the extent of those conversations.

KIERSTEN FISHBURN: There also has been a trial in a new development that's been led by the smart cities area in Transport so you may wish to ask that question at that time.

The CHAIR: Can I just turn back to the RA. How are we going with pods and the pod villages? What's the snapshot of where we're up to and what that looks like at the moment?

SIMON DRAPER: I'll start. I'm not sure if any of my colleagues can actually help me much with this. I'm sure, because you're from that part of the world, you know the layout there. But there are 11 pod villages. There are 546 pods, I think, in those. It varies from time to time but there are usually about a thousand people living in those villages. They were set up originally for a period of—I think there was a two-year time frame. I think that, as time passes, it's unclear how long they'll remain in place. As you know, there is a very big demand for affordable homes. There's not necessarily other homes for those people to go to at this stage.

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We have asked councils the question would they have any views about the future of those sites? Because they've all got aspirations for more affordable housing. There was a big investment in creating those villages, and it's not so much the pods—they do cost money—but establishing the site and the services. It would be a real shame to waste that investment, because that is something that can be re-used over a longer period. At the moment—not wanting to put people under any pressure—those are running. As is, there are no plans to change those arrangements, but we'll have to come up with a longer term plan for the pod villages.

The CHAIR: Are we seeing any positive outcomes? Is there a wellness mechanism around how they are tracking?

SIMON DRAPER: Actually, we have done, more recently, some doorknocking in the region to check in on wellbeing and to try and get a gauge of how people are travelling and whether they've accessed all the sorts of supports that they can get. I don't know that they've been doorknocking in the pod villages, because, actually, they're serviced by community housing providers who have other wraparound services, so the focus has been more on people in the community who may not have those contacts.

The CHAIR: My question goes to that broader idea of how we are doing this and how we do it next time. Is there some kind of system feedback that is built in at some point so that the RA will get good information about what we've done well, what we could do better and that sort of thing? Is that in there?

SIMON DRAPER: I think we've already learned some lessons, because there were floods in the Central West, as you know, in November last year, and we had a pod program in the Central West as well. That was done very differently. In the Central West, we tried to focus on establishing those pod homes on people's own home sites, even where the homes were badly damaged or destroyed, so that they can stay in situ, in their community, and if they were engaged in rebuilding their home, then they could live alongside their previous home. That got a lot of really good feedback. And I think that's a much preferred way of doing it, if possible, but not all—

The CHAIR: And Lismore had really unique circumstances like that. It wouldn't have been a desirable thing.

SIMON DRAPER: Yes. In places like Eugowra, the sites are much bigger and you can get a pod, it's often the case, on site. Whereas, in Lismore, as you know—beautiful old timber homes—they don't have the space, necessarily, to put a pod. There are some great programs, and this is nowhere near as luxurious, I can assure you, but you may have heard that Rotary has been doing a lot of work putting very small—what would you call them?—containers almost, on people's properties, so they can live there while they're repairing their home. And that's a very affordable solution. It's not like having a pod, but—great credit to those organisations—that's a really strong, community-led initiative.

The CHAIR: Given that there are a thousand people and we're looking at extending the originally intended life span of those 11 villages, have we had to reassess and have we reassessed what the facilities are? Do we need to improve things? Are there nature outcomes and transport outcomes—that sort of thing? I appreciate that there are those other services, but are we certain there are no gaps and that we're doing the best we can?

SIMON DRAPER: I think it's almost certainly the case that there are gaps. If you were thinking about them as longer term places for people to live and if our colleagues from Planning were looking at it and saying, "People are going to be living here for a really long time," they probably would have a different view about how we established those places and the people living in them. It's not emergency accommodation but it's definitely temporary.

The CHAIR: It was close to it.

SIMON DRAPER: They do vary. Some of them are in really good locations where people can access services and they can walk to services. Others are in a place where it's not so easy, without a car, to get to services. Sometimes, when I visited those villages, I really feel for the people there, because they probably previously lived quite close to town, down by the river in a really pleasant environment, and then they find themselves quite a long way from services. So I don't think that's ideal. I think if we were looking at those for the long term, working with the various councils involved, I think there would definitely be changes to the way that they're set up. I don't know if Mr Hendicott has anything he wants to add to that.

KIERON HENDICOTT: Nothing further, only just as a matter of principle, I guess the program evaluation and benefits realisation is a routine element of what we do. Probably the only other point I will add is that there is the partnership with the Living Lab, which is looking at ways that we can have more longitudinal tracking of program outcomes and the recovery journey in a more holistic sense.

The CHAIR: Is there public visibility or transparency around tracking what you're referring to—the feedback or monitoring of how we're going? Is that work that the Reconstruction Authority is doing or that the

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NRRC set up that can be seen, excluding the—I know there is the SO 52, and obviously I got a good swipe earlier from the Minister. But this is precisely what I'm going to, and I understand that some things, it's not appropriate to have real public visibility, but I would imagine the success of that or the failures of that and how we're tracking and at what locations along the journey things were good or things changed, this is learning that is so fundamental to going forward. Is that the sort of thing that there would be transparency around?

KIERON HENDICOTT: I'm hopeful so. I think there are changes we've made in terms of publication in more real time in terms of some of the key statistics around program progress. I think some of the outcomes that we'll get through partnerships with the Living Lab around peer-reviewed papers, all that type of thing, will be a really important element of the journey that we're on. We've had consistent feedback from the community leaders and the Community Leaders Forum that being able to see what the recovery journey looks like, how that all fits together and how we're tracking on that, is a need that they want, and we're working on ways that we can address that.

SIMON DRAPER: There was a final meeting of the NRRC board—I have forgotten what month it was, probably July or so.

KIERON HENDICOTT: August, I believe.

SIMON DRAPER: August. Anyway, that was one of the discussions we had there, that it would be incredibly valuable to document a lot of the lessons out of the Northern Rivers, because a lot of those people have been involved since the very early days, probably much like yourself. Truthfully, we've been kind of doing it piece by piece, because we're in the midst of doing it and we haven't had an opportunity—but as we go along, we are trying to reflect some of the lessons. In fact, Ms Abood's charged with developing the State disaster mitigation plan. We have tried to include a bit of a section in there about some of the lessons from the Northern Rivers. I don't think we have actually picked up the temporary villages as one of the lessons, because we probably want to do a bit more work with the councils and the residents and the community housing providers who are running them to understand what we might do better. But we have got that other experience from the Central West, as I said.

The CHAIR: Even when you look at the IPCC's chapters on adaptation, they're literally full of those actual case studies and they're the things—I know that the day we went under, I was literally reflecting on those chapters of the IPCC report and going, "Oh my God, this is it. Here we are." Have we got a way of tracking and understanding how many people we have lost from the Northern Rivers in terms of leaving the area?

KIERON HENDICOTT: Not as yet. We haven't landed on the way to do that, but we've been contemplating more sophisticated ways to understand that, so things like banking records or things like phone records or utility connections, that type of thing. That's something we'd like to work with councils to do and understand. The degree of decant from people leaving the area—we've only heard anecdotal reports on the scope and scale of that. I will note, though, that it's quite common and usual after an event of this scale to see some turnover in population. We're hopeful with the outcomes of the lands program in particular that we will be able to support land release at scale, and that will hopefully be a key part of the longer economic recovery for the region and help attract people back to the region if they've left.

The CHAIR: Hopefully one of my daughters will come back. No, just joking. In terms of that, I think it's important as well to remember that, as an agency, it is really good to have those opportunities for anecdotal public input, because sometimes that's—we learnt from day one that was actually the best access to real data we had: who was where, needing help, and how could we get there. I know we have a tendency to really try to over-model and overdo those things because they're beneficial, but we sometimes tend to forget that the most important collection point of data is actually real people telling us who's gone, why they've gone and where they are now.

We're all still connected in some way or another to the people that have gone, and there are lots that have gone, so it would be great to track that kind of movement of what happens when those things happen. One point that the other inquiry touched on but we didn't get to was about tenancy and the safety mechanisms to ensure that the buyback program does not create more homelessness and evictions. What sort of track do we have to assist people to try to keep them there?

KIERON HENDICOTT: Yes, I've some notes on tenants.

The CHAIR: Because it was a high rate of tenancy.

KIERON HENDICOTT: It was. Just to play those figures back—and I've got some more precise data as well on where we're currently at—30 per cent of all the properties in the homes program are investment properties. Some of those are vacant and have been vacant for a while. Our best estimate is around 20 to

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25 per cent, equating to around 200-odd properties, will be rental properties in one way, shape or form. Of the nearly 400 offers that have been accepted, there are 50 of those that have been tenanted in one way, shape or form, through either a formal lease agreement or through other informal arrangements.

We've had considerable feedback from the community around the issue of tenants. I fully appreciate the rental market up in the Northern Rivers is very challenging—vacancy rates of less than 1 per cent. We really do not want to create that perverse outcome where we're fostering additional displacement of a vulnerable community. We've initially provided a minimum six-month settlement period for all properties that are being transacted that have a tenant in place, whether it's a formal or an informal arrangement. We're asking the home owner to sign a stat dec to make sure that they're honest about the tenure arrangements that are in place.

As our relocation element starts to crank up, we're establishing really quite hands-on support measures to support both home owners and tenants to find new accommodation. It's kind of akin to a concierge service. That'll be quite granular stuff in terms of helping people be connected to real estate agents, filling out tenancy applications, helping with utility connections, helping find movers—really tactile, hands-on support for those cohorts. We're also looking at other measures to make it possible for people to stay in place a bit longer and give them additional time beyond what that settlement period provides. So it's an issue we're really alive to. It's really difficult, but we're really committed to trying to find a way to make it easier and better.

The CHAIR: There are some big public spaces and buildings in that Lismore Basin area, and I'm particularly referring to the old TAFE site, the school sites and those sorts of things. Are there clear plans for those, and can the community see those plans at this point? I realise that there are different agencies involved there.

KIERON HENDICOTT: I probably can't speak to the specifics of particular assets. The important thing I'll note is that we're very keen to support council to shape the future for their place, and the role of those spaces and the role of those assets and the role of the city going forward. That's something that we strongly feel that council should lead, and we'll support them as needed. That's really wanting to give effect to that locally led adaptation and that locally led vision and blueprint of what that might look like.

The CHAIR: I assume that council is getting all of that connected advice about those tenures, if it's a Department of Education building or—

KIERON HENDICOTT: Yes. Just to give effect to that, we've established what we called a reconstruction steering committee where all those sorts of State agencies and all the councils are invited. They meet on a monthly basis to coordinate the progress of the reconstruction of those public assets. As the plans start to crystallise for what the future of those would be, that will be the forum where that connection happens.

The CHAIR: Is there a cost? Who will bear the cost, ultimately, of those? Obviously it is too much for the council to bear.

SIMON DRAPER: Perhaps that's one for Matt. The cost of the reconstruction—where does that come from?

The CHAIR: I'm mainly talking, like, we've got some really—like the big TAFE building. If they're not going to be recommenced again, which I imagine they won't, who is going to bear the cost of maybe the removal, or the change, or how that will work?

MATT CONROW: Yes, it's a good question. It goes to Mr Draper's comments earlier a little bit, in that the Disaster Recovery Funding Arrangements that are a bilateral agreement between the Commonwealth and the State will fund the restoration of essential public assets like schools and hospitals and so on, but only to a pre-disaster state. That presents some difficulties for the re-establishment in other places, or the rebuilding of those assets in places that aren't restoring it to an existing state of where it was damaged earlier.

The CHAIR: If the council said, "Actually, the best outcome here would be demolition and replace it with parkland," is there an entry level, "Yes, the Reconstruction Corp or the State would be able to accommodate that," or don't we have those guidelines yet?

MATT CONROW: There are some programs, as Mr Draper said, under category D of the DRFA, which would cover community asset restoration, and also there are pure betterment programs, which would potentially allow for the relocation of those assets. There is the Commonwealth Disaster Ready Fund as well, which is the Commonwealth's flagship fund around pure resilience projects—so ones that aren't linked specifically to the restoration of an asset in situ, where it was damaged. That amounts to about \$200 million per annum across the country in five rounds. It's not a huge amount of money once you divvy it up across the various applications that might come in for that support. I wouldn't say that there is a huge bucket of money sitting around for these

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types of projects, but we are just trying to leverage, as much as we can, the money that we have in the programs that have been established.

The CHAIR: Is there an audit of the risk of some of those seriously decaying assets? Is that something that we have a lens on?

KIERON HENDICOTT: In terms of their risk going forward and future exposure?

The CHAIR: Yes. Do we have plans for some of those big assets that are just sitting there?

KIERON HENDICOTT: The disaster adaptation plans, which the Reconstruction Authority is responsible for, will ultimately look at the risks going forward and identify what assets are critical infrastructure and also identify a range of mitigation strategies that could be made available to do that. As a result of that process, we will understand what the exposure of these assets is and what might be their adaptation pathways, ostensibly.

The CHAIR: In terms of communication and the RA's role—the former NRRC role—there was a lot of criticism around the way it didn't communicate, broadly, and the absence of a perceived communication strategy. Do you feel that that has improved and that has changed, or have people just got used to what's happening?

SIMON DRAPER: I would say—and Mr Hendicott can comment because he works and lives in that community—it has improved, but it is not so much for us to judge, in a way. We are doing our best, but it is for others to judge how well we are doing. The things I think that have improved—we've definitely ramped up our resourcing for communication. So we have a team there that is really engaged on that. We've established this Community Leaders Forum that we've referred to a few times. In a way, we use that as a channel for communicating with the whole community. They advise us about things in the community that are really causing angst, but also they are a channel for us to get information back out. I think the other thing that we've done is what I mentioned earlier—doorknocking. I think we've doorknocked thousands of homes. We made contact with a lot of people who haven't had contact from anybody and, in a lot of cases, hadn't accessed programs that the Government had set up a long time ago and they didn't have any contact with any of the recovery support services that were in the community.

The CHAIR: Thank you. Thank you for all that work, as well. The Opposition has a few minutes.

The Hon. JACQUI MUNRO: I want to go back to the development capacity modelling tool that we were speaking about earlier. I'm just curious: What is the reason that it is not available publicly as a tool to help people create plans, essentially?

KIERSTEN FISHBURN: I'll ask Ms Gibson for some more detail. But, essentially, the modelling tool is used to help us, as Ms Gibson detailed, essentially set the envelope for planning. Once that envelope is set, that is obviously publicly available for people. To give a base example, we'd use it to look at the amount of density you'd put in a specific area. Once we have determined that in consultation with the councils, then we will make the planning instrument that sets that density, and that is publicly available. Ms Gibson, is there anything you want to add further to that?

MONICA GIBSON: Part of the reason why it hasn't been made publicly available is that there are some inputs into that model that are government information and have been held sensitive to the New South Wales Government.

The Hon. JACQUI MUNRO: Okay.

MONICA GIBSON: As I mentioned this morning, we do want work in a partnership with council around that, and the tools and support that we offer them, which are many different things. Understanding what information we might be able to share with them while still maintaining the sensitive-to-government information would be the types of matters we would consider in making that decision.

The Hon. JACQUI MUNRO: There are two elements to it, obviously: the data input and then the algorithm or algorithms themselves that are actually going into the final calculation or playing around with the model. What are the inputs that would be considered too sensitive to publish?

MONICA GIBSON: Could I take on notice to come back to you?

KIERSTEN FISHBURN: Yes, I just want to be a little bit cautious.

MONICA GIBSON: Just because of the sensitivity of the Government around some of that information.

KIERSTEN FISHBURN: We'll just seek some advice from our GC about what we're able to put on the record.

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The Hon. JACQUI MUNRO: Thank you very much. Mr Ruddick asked earlier about AI tools that are being used. I think this is sort of similar—there is a relevance and a crossover, in some ways. What kind of guidelines are you adhering to in terms of the use of AI technology?

KIERSTEN FISHBURN: Ms Fairley?

AMANDA FAIRLEY: Sure. The New South Wales Government—and I'm sure you're aware of this—actually has an AI strategy and an AI ethical strategy. In the work that we do, we absolutely work to those strategies and will continue to update and have that reflected in those documents. The department is also looking to have a cascade down of all that work as well.

The Hon. JACQUI MUNRO: Are those AI tools being made available generally? Am I able to find out what AI tools are currently being used or recommended to be used?

KIERSTEN FISHBURN: Ms Fairley, can you talk about the couple that are in the system now, and then the work that we will be doing from the sixteenth?

AMANDA FAIRLEY: Just for context, I will talk to what we have within what we call the NSW Planning Portal environment. There are actually 32 digital services that the portal supports beyond just the standard document workflow, which was always the original concept. The AI features that we have currently enabled are a chatbot facility—that's using machine learning, of course. It can interact and it will learn and adapt to be able to provide advice. There's also document word recognition as well, so of course it can go in and scan documentation and be able to use that. We did mention the pilot that we want to work through, which is looking at the use of AI features, specifically again to look at document inputs and quality. But, also, we had talked about—and we haven't got it implemented yet; we're still building the rules engine part of it. But, of course, you would be very much aware of the rules of code products that people are looking at. Our goal is again to understand the true challenge statements of these different areas and see what products are out there that we can bring into that environment to really, I guess, complement those things that we've got and enhance them.

The Hon. JACQUI MUNRO: Would you be releasing that code publicly, so that people understand—

AMANDA FAIRLEY: Which code?

The Hon. JACQUI MUNRO: To go into that pilot program for determining where approvals are going in the system and how they are being determined by the end of the process that they go through. I guess it's about giving people—developers, architects, planners—an opportunity to understand how their applications will be able to best match the requirements of the tools in the portal.

AMANDA FAIRLEY: I'm not quite sure I understand your question, but through the form of a question on notice I'd be very happy to provide more detail around some of the specific AI features and products that we have got or that we're looking to. As much as possible, we definitely want to be able to provide a level of transparency, but I think you'd appreciate that, particularly when it comes to legislation—and I have mentioned rules of code—I think at this point the sort of thing that we'd want to look at is making sure that we're able to define the rules that can then be taken out and then used by other developers through the rules of code product. If you like, they're almost two different things. We have the legislation and we define the rules through a rules engine, and then that information can be provided to those people that produce those rules of code products that would read those rules and be able to apply them, and that is our intention to be able to do that.

KIERSTEN FISHBURN: I think it's fair to say that the intent of this is to make the planning system simpler and faster for everyone, so that includes developers and industry.

AMANDA FAIRLEY: Absolutely.

The Hon. JACQUI MUNRO: So it's really about making sure that those tools that can be developed publicly will be able to align closely with the portal capabilities.

AMANDA FAIRLEY: And the project that we're about to launch is absolutely taking that approach.

KIERSTEN FISHBURN: Spot on.

The Hon. JACQUI MUNRO: Fabulous.

The CHAIR: It is now Government time.

The Hon. PETER PRIMROSE: I'm, again, quite satisfied. I appreciate all the work and effort that has gone into the answers and I look forward to reading the *Hansard* this afternoon so I fully comprehend it all.

KIERSTEN FISHBURN: Can we clear up a few matters before we close out? It saves us writing it as well. A few quick ones. There are 28 mining voids in the Hunter. You asked that question, I believe, specifically.

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There are no reductions in dwellings at Frenchs Forest and Brookvale, so I'm not quite sure where that has come from. Ms Fairley, can you speak to Strong Start? We've got the data on that.

AMANDA FAIRLEY: Yes. You asked for the details. It is statewide. There are 74 councils that applied that did receive the grant funding, 13 metro councils and 61 regionally, and they have until June next year to demonstrate that they have those new cadet planners in place or that they've been able to upskill existing council employees.

KIERSTEN FISHBURN: We'll do an evaluation at that point. And wind farms, Ms Sargeant?

ANTHEA SARGEANT: Yes. The 2016 wind guidelines are still current. The department has been doing a lot of work this year to revise those guidelines, and we intend to publicly exhibit them and we expect that to happen shortly.

KIERSTEN FISHBURN: Can I take a minute as well to thank my staff who are here for their excellent questions. They've performed wonderfully. For many it's their first time; you'd never guess it. Can I also put on the record that I want to thank the staff in the department who prepare for budget estimates. We're only as good as the information we get. There are far too many of them to name but they have done a tremendous amount of work. I hope they're not still watching because it's Friday afternoon and I'd like to think they're enjoying a glass of wine at the end of the week. But if they are watching, thank you, it is enormously appreciated. Can I also thank the Committee as well. Firstly, we believe that we should be questioned and that's a rich part of democracy, but you've treated my staff with the utmost respect for their professionalism and it has been greatly appreciated. Thank you.

The CHAIR: On behalf of the Committee, we thank you all, and we do know how much goes into it and we do very much appreciate it. It helps us enormously to exercise the functions that we've been put in this place to be able to do. Thank you to all of you for your attendance today. The Committee secretariat, as always, will be in touch in the near future regarding any questions taken on notice and any supplementary questions. Thank you all and have a wonderful weekend.

(The witnesses withdrew.)

The Committee proceeded to deliberate.