

Budget Estimates 2023-24 – Questions on Notice – Planning and Public Spaces

Page #	Question	Answer
4	<p>The Hon. SCOTT FARLOW: What was the date of his resignation?</p> <p>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.</p> <p>The Hon. SCOTT FARLOW: You can take that on notice, that's fine.</p> <p>SIMON DRAPER: No, I will come back in a moment. I'll just have to find the note.</p>	Refer to the answer provided on page 4 of the transcript.
10	<p>The CHAIR: Has the commission ever used those powers in the past 12 years?</p> <p>Mr PAUL SCULLY: That's a question you would have to ask of the commission.</p> <p>The CHAIR: I would suggest the answer is no, Minister.</p> <p>Mr PAUL SCULLY: We can come back to you.</p>	The Commission has not needed to compel any entity or individual to attend and give evidence at an IPC public hearing.
18	<p>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?</p> <p>Mr PAUL SCULLY: I'll take that on notice.</p>	Refer to the answer provided on page 52 and 53 of the transcript.
20	<p>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?</p> <p>Mr PAUL SCULLY: Sure. I don't have the number to hand. Ms Fishburn will—</p> <p>KIERSTEN FISHBURN: No, we'll have to take that on notice, sorry.</p> <p>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.</p>	Refer to the answer provided on page 75 of the transcript.
22	<p>Ms CATE FAEHRMANN: Is there a reason why councillors would be asked to sign non-disclosure agreements for something like that?</p>	Refer to the answer provided on page 53 of the transcript.

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	<p>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.</p> <p>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.</p>	
27	<p>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?</p> <p>Mr PAUL SCULLY: You've asked the department, so I'll let Ms Fishburn answer that.</p> <p>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.</p>	<p>The Department of Planning and Environment does not model the impact of net overseas migration on house prices.</p> <p>The Department models net overseas migration for the NSW population projections which does impact the implied dwelling demand, but not house prices.</p>
31	<p>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 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.</p>	<p>Refer to the answer provided on page 31 and 32 of the transcript.</p>
32	<p>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</p>	<p>The Metro West SSI approval (SSI-10038) requires offsets under the: <i>Biodiversity Conservation Act 2016</i></p> <ul style="list-style-type: none"> • Mangroves (PCT 920) - 11 credits

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	<p>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?</p> <p>Mr PAUL SCULLY: I don't have those to hand. We might come back to you.</p> <p>KIERSTEN FISHBURN: We might need to take that on notice. We'll come back after the lunchbreak.</p>	<ul style="list-style-type: none"> • Southern Myotis - 11 credits • Downy Wattle - 1 credit. <p><i>Fisheries Management Act 1994</i></p> <ul style="list-style-type: none"> • Key Fish Habitat (mangroves and saltmarsh) at a 2:1 ratio with a preference for on-groundwork. <p>The Department does not have the final costs for these offsets - these will be subject to staging and final impact. Sydney Metro should be approached for final costs.</p> <p>In February 2022, the following costs per credit applied (excl. GST):</p> <ul style="list-style-type: none"> • Mangroves (PCT 920) - \$4346.47 • Southern Myotis - \$974.69 <p>In July 2022, the following cost per credit applied (excl. GST):</p> <ul style="list-style-type: none"> • Downy Wattle - \$497.62
<p>36</p>	<p>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?</p> <p>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—</p> <p>KIERSTEN FISHBURN: Sorry, I don't the detail in front of me, but we'll try to get some information and come back after the lunchbreak for you, Chair.</p>	<p>Refer to the answer provided on page 53 of the transcript.</p>
<p>40</p>	<p>The Hon. SCOTT FARLOW: Ms Fairley, how many technical inquiries have been made to the department since 1 October?</p> <p>AMANDA FAIRLEY: For BASIX?</p> <p>The Hon. SCOTT FARLOW: Yes.</p> <p>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</p>	<p>The overall backlog has stabilised, and evidence suggest it is on a downward trend.</p> <p>As at 20 November, the total NSW Planning Portal (the Portal) ticket backlog is 6,305 (excl. BASIX). There are a total of 1,192 open cases for BASIX.</p> <p>As at 20 November 2023, there are:</p>

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	<p>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.</p> <p>The Hon. SCOTT FARLOW: Thank you. If you can come back on notice, that would be good.</p> <p>KIERSTEN FISHBURN: We'll come back after the break.</p> <p>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?</p> <p>AMANDA FAIRLEY: I'll come back to you this afternoon with that specific number.</p>	<ul style="list-style-type: none"> • 837 tickets requiring a technical solution for the Portal • 341 tickets requiring a technical solution for BASIX
41	<p>The Hon. JACQUI MUNRO: How much do you forecast that the contribution will make up of that \$1.5 billion?</p> <p>Mr PAUL SCULLY: We'll come back to you on the profile of the collection.</p>	<p>The 2023-24 Budget states \$1.5 billion from the Housing and Productivity Contribution will support the Housing and Infrastructure Plan.</p> <p>The profiling sitting behind the budget falls under the portfolio responsibilities of the Treasurer.</p>
43	<p>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.</p> <p>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.</p> <p>The CHAIR: Perhaps it's something I can follow up in the afternoon with the RA team?</p> <p>Mr PAUL SCULLY: I mean, we've asked now so why don't we deal with it now and save coming back to it?</p> <p>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.</p>	<p>This position was based on a Clerk Grade 11/12 level position</p>

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	<p>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.</p>	
45	<p>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?</p> <p>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.</p> <p>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—</p> <p>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.</p> <p>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,</p>	Refer to the answer provided on page 46 of the transcript.

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	<p>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.</p>	
49	<p>The Hon. JACQUI MUNRO: Minister, I want to understand how many houses are you going to deliver in this financial year. 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—</p>	<p>According to the 2022 Population Projections – which was based on information available at the time – from 30 June 2023 to 30 June 2024 the NSW population was expected to grow by 63,459 people.</p> <p>This was driven by the following components:</p> <ul style="list-style-type: none"> • 97,262 births • 54,247 deaths • in net terms 11,083 people leaving NSW to another Australian state or territory, and 31,527 people in net terms arriving in NSW from overseas. <p>According to the 2022 Sydney Housing Supply Forecast, 23,500 new homes will be built in Greater Sydney in the year ending 30 June 2024. This compares with 21,011 new homes built in the year ending 30 June 2023.</p>

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	<p>The Hon. JACQUI MUNRO: Okay, so you'll take it on notice.</p> <p>Mr PAUL SCULLY: No, I won't take it on notice. We'll come back to you later today with that number.</p> <p>The Hon. JACQUI MUNRO: Thank you. My next question is what are your population expectations for this financial year?</p> <p>Mr PAUL SCULLY: The population numbers are published on the department's website and—</p> <p>The Hon. JACQUI MUNRO: Sorry, the net—</p> <p>Mr PAUL SCULLY: —they're part of the common planning assumptions, but the exact number I don't have to hand.</p> <p>The Hon. JACQUI MUNRO: The net migration—</p> <p>Mr PAUL SCULLY: The exact number I don't have to hand and we'll come back to you with that.</p> <p>The Hon. JACQUI MUNRO: So you'll take on notice the net migration to New South Wales?</p> <p>Mr PAUL SCULLY: No, the exact number of the population forecast the department has, we'll come back to you with.</p> <p>The Hon. JACQUI MUNRO: Could I just clarify that my question is about net migration, not just population?</p>	
53	<p>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.</p>	Refer to the answer provided on page 53 of the transcript.
54	<p>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</p>	The number of full-time equivalent planners assessing DA data is not captured by the Department.

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	<p>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.</p>									
<p>55</p>	<p>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.</p>	<p>Request for information (RFIs) are captured for Local Development Applications (DAs) and Complying Development Certificates (CDCs), however, there is no relationship to stage. The RFIs for Local DAs and CDCs are not currently reported.</p> <p>For State Significant Developments (SSDs) and State Significant Infrastructure (SSIs), RFIs are captured. Major RFIs result in 'stop the clock' and record which stage in the assessment process the Major RFI was created. The Major RFIs are reported via self-serviced Power BI reports which are shared with the Department's Planning and Assessment teams. This is not publicly available.</p> <p>For Local DAs, only the Land and Environment Court determinations are available, data on how many were referred is not available. In financial year (FY) 2022-23 there were 111 DAs determined by the Land and Environment Court across 34 local government areas (see Table 1), of these 102 DAs were approved and 9 DAs were refused.</p> <p>The council with the most DAs determined by the Land and Environment Court in FY2022-23 was Waverley Council with 15 DAs approved, followed by Liverpool City Council with 13 DAs approved and 1 DA refused.</p> <p>Table 1: Local DAs determined by the Land and Environment Court in FY 2022-23</p> <table border="1" data-bbox="1167 1177 1995 1390"> <thead> <tr> <th rowspan="2">LGA</th> <th colspan="2">Development Application</th> </tr> <tr> <th>Approved</th> <th>Refused</th> </tr> </thead> <tbody> <tr> <td>Ballina Shire Council</td> <td>1</td> <td></td> </tr> </tbody> </table>	LGA	Development Application		Approved	Refused	Ballina Shire Council	1	
LGA	Development Application									
	Approved	Refused								
Ballina Shire Council	1									

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	Bega Valley Shire Council		
	Blacktown City Council	5	
	Burwood Council	2	
	Camden Council	1	
	Canterbury-Bankstown Council	4	1
	Central Coast Council	4	1
	City of Canada Bay Council	5	
	City of Parramatta Council	1	
	Coffs Harbour City Council	1	
	Council of the City of Sydney	3	1
	Cumberland Council	2	
	Fairfield City Council	1	
	Georges River Council		
	Hawkesbury City Council	3	
	Inner West Council	2	
	Kempsey Shire Council		
	Lane Cove Municipal Council	2	
	Liverpool City Council	13	1
	North Sydney Council	8	
	Penrith City Council	2	1

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		Randwick City Council	6	
		Shoalhaven City Council	3	
		Strathfield Municipal Council		
		Sutherland Shire Council	9	1
		The Council of the Municipality of Hunters Hill	4	
		The Hills Shire Council	1	
		Tweed Shire Council	1	
		Waverley Council	15	
		Willoughby City Council	1	
		Wingecarribee Shire Council	1	1
		Wollondilly Shire Council		1
		Wollongong City Council	1	
		Woollahra Municipal Council		1
		Grand Total	102	9
56	<p>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</p>	<p>The increase in forecast dividends is due to increased revenue from additional projects primarily from the dividend reinvestment of \$300 million.</p>		

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	<p>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.</p>	
59	<p>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?</p> <p>KIERSTEN FISHBURN: Ms Sargeant, can you talk through the thresholds for referral to IPC?</p> <p>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.</p> <p>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.</p>	<p>Refer to the answer provided on page 60 of the transcript.</p> <p>The assessment of the Stone Ridge Quarry Project is currently at the stage where the proponent is preparing a formal response to all issues raised during the exhibition. Once the proponent's response is received, the Department will undertake a rigorous assessment of the proposal in accordance with requirements of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>As the Department has not finalised its assessment nor provided assessment reports to the consent authority for this project, I can advise that at this point I have not directed that a public hearing should be held for the proposal.</p>
62	<p>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?</p> <p>KIERSTEN FISHBURN: Ms Fairley?</p> <p>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.</p>	<p>The NSW Government committed that up to \$1 billion of the funds collected through the Housing and Productivity Contribution would be made available to councils over 10 years. This is expected to be in the form of a grants program. An outline is contained in the Governance section (page 16) of this guide: www.planning.nsw.gov.au/sites/default/files/2023-08/housing-and-productivity-contribution-implementation-guideline.pdf.</p> <p>The contribution commenced on 1 October 2023 and will take some time for funds to be received. Funding rounds will not open until there are funds available, which is expected in 2024-2025.</p>

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	<p>The Hon. SCOTT FARLOW: Has any work been done to establish that open round?</p> <p>KIERSTEN FISHBURN: No, not at this point.</p> <p>The Hon. SCOTT FARLOW: When do you envisage that starting for local government to be able to access funds through that?</p> <p>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.</p> <p>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?</p> <p>KIERSTEN FISHBURN: I need to take it on notice around the timing.</p>	
65	<p>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?</p> <p>KIERSTEN FISHBURN: If you don't want to speak for the Minister, you are even more reluctant to speak for the Premier, right?</p> <p>The CHAIR: We reckon you should go for it.</p> <p>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.</p> <p>The Hon. SCOTT FARLOW: That's under 9.2, is it?</p> <p>KIERSTEN FISHBURN: That's a decision for the planning Minister in consultation with the Minister for Local Government.</p> <p>The Hon. SCOTT FARLOW: And that's the suite you see in terms of State government interventions?</p>	<ul style="list-style-type: none"> Section 9.6 of the <i>Environmental Planning and Assessment Act 1979</i> gives the Minister administering the Act the power to appoint a planning administrator or regional panel in appropriate circumstances. The appropriate circumstances are set out in section 9.6(1) of the Act . <p>The Department understands the last time the Minister exercised powers under s9.6 of the Act was on 16 August 2010 when he appointed the 'Cessnock City Council Planning Panel' (the Panel). The Panel was appointed and conferred certain functions of the Cessnock City Council relating to environmental planning instruments and development applications by the <i>Environmental Planning and Assessment (Cessnock City Council Planning Panel) Order 2010</i> (the Order). The Order was made under section 118 of the Act (now section 9.6). Similar arrangements were made under section 118 of the Act on the following dates:</p> <ul style="list-style-type: none"> 19 July 2007 – the appointment of the Burwood Town Centre Planning Panel under the <i>Environmental Planning and Assessment (Burwood Town Centre Planning Panel) Order 2007</i>, 6 November 2007 – the appointment of the Wagga Wagga City Council Planning Panel under the <i>Environmental Planning and Assessment (Wagga Wagga City Council Planning Panel) Order 2007</i>, 17 December 2007 – the appointment of the Ku-ring-gai Planning Panel under the <i>Environmental Planning and Assessment (Ku-ring-gai Planning Panel) Order 2007</i>,

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	<p>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.</p>	<ul style="list-style-type: none"> 29 February 2008 – the appointment of the Ku-ring-gai Planning Panel under the <i>Environmental Planning and Assessment (Ku-ring-gai Planning Panel Order 2008)</i>. <p>The Department notes that the power to appoint an administrator under section 9.6 of the Act is separate from the power to appoint an administrator under the <i>Local Government Act 1993</i>.</p>
70	<p>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.</p>	<p>As at 31 October 2023, there were 697 employees working within the Planning group in the Department on planning officer award classifications. University degree qualifications in planning (or equivalent, such as environmental engineering) are a requirement for these classifications. This figure does not include senior executives or employees on the Crown Employees Admin and Clerical Officers Award who may have university degree qualifications in planning (or equivalent).</p> <p>As at 31 March 2023 there were 665 employees working within the Planning group on planning officer award classifications. University degree qualifications in planning (or equivalent) are a requirement for these classifications. This figure does not include senior executives or employees on other awards who may have university degree qualifications in planning (or equivalent).</p>
71	<p>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</p>	<p>As at 31 October 2023, 40 people across GCC's Strategic Planning and Innovation Districts have a planning qualification (including planning officer, clerk, and senior executive employee classifications).</p> <p>No employees from Western Parkland City Authority are on planning officer classifications. University degree qualifications in planning (or equivalent, such as environmental engineering) are a requirement for these classifications.</p>

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	<p>piece for a qualified planner? The Hon. SCOTT FARLOW: Yes. KIERSTEN FISHBURN: Sorry, I will definitely have to take that on notice.</p>																
71	<p>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.</p>	<p>All councils in NSW were eligible to participate. 74 councils submitted 115 applications for the program. All councils that applied received one grant.</p>															
72	<p>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 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</p>	<p>Information about rezonings and dwelling approvals:</p> <table border="1"> <thead> <tr> <th>Measure</th> <th>FY2022-23</th> <th>FY2023-24 Q1 (1 July to 30 Sept 2023)</th> </tr> </thead> <tbody> <tr> <td>Number of rezonings approved</td> <td>261 Planning Proposals 7 State-Led Rezonings</td> <td>65 Planning Proposals 0 State-Led Rezonings</td> </tr> <tr> <td>Number of rezoning lots approved</td> <td>64,289 lots</td> <td>1,921 lots</td> </tr> <tr> <td>State Significant Development dwelling approvals</td> <td>8,258 dwellings</td> <td>554 dwellings With 495 additional dwellings from approved modifications</td> </tr> <tr> <td>Regionally Significant Development dwelling approvals</td> <td>24,426 dwellings</td> <td>5,697 dwellings</td> </tr> </tbody> </table>	Measure	FY2022-23	FY2023-24 Q1 (1 July to 30 Sept 2023)	Number of rezonings approved	261 Planning Proposals 7 State-Led Rezonings	65 Planning Proposals 0 State-Led Rezonings	Number of rezoning lots approved	64,289 lots	1,921 lots	State Significant Development dwelling approvals	8,258 dwellings	554 dwellings With 495 additional dwellings from approved modifications	Regionally Significant Development dwelling approvals	24,426 dwellings	5,697 dwellings
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	<p>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.</p> <p>The Hon. SCOTT FARLOW: Were you going to say something, Ms Gibson, at all?</p> <p>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.</p>	<table border="1"> <tr> <td data-bbox="1162 193 1406 284">Local development approvals</td> <td data-bbox="1406 193 1603 284">85,095 dwellings</td> <td data-bbox="1603 193 1942 284">17,836 dwellings</td> </tr> <tr> <td data-bbox="1162 284 1406 344">CDC approvals</td> <td data-bbox="1406 284 1603 344">14,633 dwellings</td> <td data-bbox="1603 284 1942 344">4,193 dwellings</td> </tr> </table>	Local development approvals	85,095 dwellings	17,836 dwellings	CDC approvals	14,633 dwellings	4,193 dwellings	<p>How many development approvals, construction certificates, building commencements and building completions to reach Housing Accord target: ABS data indicates that abandonment rates are very low at around 2%-3%. That is, most developments which receive a construction certificate (CC) or complying development certificate (CDC) are eventually completed (97%-98% realisation rate).</p> <p>Analysis of rolling five-year periods shows that completions tend to be around 90% of construction approvals which may be used as a 'rule of thumb'. However, this is approximate and depends on the stage of the economic or construction cycle, as well as the type of housing (detached house, townhouse or apartment). A range of factors outside the planning system can affect the conversion of dwelling potential into completed homes, including access to and cost of financing, building materials and labour, and shifts in economic and housing market conditions.</p>
Local development approvals	85,095 dwellings	17,836 dwellings							
CDC approvals	14,633 dwellings	4,193 dwellings							
71	<p>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?</p> <p>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</p>		<p>GCC and WPCA staff became staff of the Department on 1 July 2023. Since that date, there have been no redundancies of those staff members.</p>						

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	reduce SEBs. There will be redundancies in the future, but at present there have been none.	
77	<p>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?</p> <p>KIERSTEN FISHBURN: I'm just looking to Ms Sargeant. The CHAIR: I'm happy to come back to it.</p> <p>KIERSTEN FISHBURN: Can we come back to that, or alternatively take it on notice?</p>	Refer to the answer provided on page 77 of the transcript.
80	<p>The Hon. JACQUI MUNRO: Ms Fishburn, I was wondering if the department is tracking dwelling vacancies across New South Wales?</p> <p>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.</p> <p>The Hon. JACQUI MUNRO: Are you intending on finding out that information?</p> <p>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.</p>	<p>The Department does not track dwelling vacancies. The Australian Bureau of Statistics (ABS) produces two datasets on dwelling vacancies – one using administrative data, and the other using Census data.</p> <p>The ABS experimental administrative dataset estimates 1.4% or 43,000 dwellings were vacant in NSW on 30 June 2021.</p>
80	<p>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?</p> <p>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.</p> <p>The Hon. JACQUI MUNRO: Would you be willing to release any information that you have about dwelling vacancies at this point in time?</p> <p>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.</p> <p>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</p>	There are no plans for the Department to create its own dataset on dwelling vacancies. The ABS produces two datasets on dwelling vacancies – one using administrative data, and the other using Census data.

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	<p>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.</p> <p>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?</p> <p>MONICA GIBSON: When we published the information in response to the question on notice, we published the information that came from the ABS.</p> <p>The Hon. JACQUI MUNRO: Yes, but I was just asking if there were plans to create a dataset of your own?</p> <p>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?</p>	
<p>82</p>	<p>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?</p> <p>KIERSTEN FISHBURN: Ms Gibson?</p> <p>MONICA GIBSON: There is a review that the Government has committed to do on short-term rental accommodation.</p> <p>The Hon. SCOTT FARLOW: Has that started yet?</p> <p>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.</p> <p>The Hon. SCOTT FARLOW: Is there any anticipated completion date for the review?</p> <p>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.</p> <p>KIERSTEN FISHBURN: We’ll take it on notice.</p> <p>MONICA GIBSON: I’ll take it on notice in case there is something where we’ve made a public commitment.</p>	<p>The review of the State-wide STRA planning and regulatory framework has not commenced. Consultation and engagement on the review is proposed to commence in early 2024. The review will be conducted by the Department with details around governance and approach under consideration.</p> <p>It is anticipated that the review will be finalised and recommendations reported to the Minister for Planning and Public Spaces in the first half of 2024.</p>
<p>82</p>	<p>The Hon. SCOTT FARLOW: That's fair enough. Thank you very much. As I understand, the Commonwealth Government is considering new reforms to</p>	<p>The Department is co-chairing a Mobile Telecommunications Working Group with the Commonwealth Government and all states and territories which aims</p>

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	<p>force adequate mobile phone reception in new developments. What involvement have you or the department had with respect to this proposal?</p> <p>The Hon. JACQUI MUNRO: Can I add wi-fi or internet connection to that.</p> <p>MONICA GIBSON: Hold on, sorry. What was the question?</p> <p>KIERSTEN FISHBURN: In relation to 5G in new developments.</p> <p>The Hon. SCOTT FARLOW: Commonwealth requirements. Is there any input that you've had into that proposal?</p> <p>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.</p>	<p>to identify opportunities to improve mobile phone coverage in new developments and growth areas. Through this working group, the Department has reviewed and provided input into the draft policy released by the Commonwealth for broader consultation.</p>
86	<p>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?</p> <p>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?</p> <p>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.</p> <p>The Hon. JACQUI MUNRO: Okay.</p> <p>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.</p> <p>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</p>	<p>The Development Capacity Model (DCM) is not publicly available because: It was specifically developed for use by government and local councils to inform strategic planning.</p> <p>The Department pays for a limited number of licenses for users.</p> <p>Some of the feasibility inputs are from licenced data sources and contain sensitive market information at a site level.</p> <p>Analysis of the DCM's feasibility outputs requires experienced users to apply, modify and interpret results, market conditions and run scenarios.</p>

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	<p>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.</p>	
<p>87</p>	<p>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</p>	<p>The Department's work is guided by and aligns with the NSW Government AI Strategy and AI Ethics Strategy to ensure that the project outcome provides community benefit, fairness, privacy and security, transparency, and accountability. A key ethical pillar of any use of AI in planning will be transparency.</p> <p>Intellectual Property around models and algorithms will need to be considered in any engagements with service providers. The Department and councils must be able to provide customers meaningful information about how decisions are made and how data is used. Individuals have a legal right to meaningful information under administrative laws and the proposed Privacy Act reforms.</p>

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<p>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.</p>	
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