

BUDGET ESTIMATES

PORTFOLIO COMMITTEE NO.7 – PLANNING AND ENVIRONMENT

TUESDAY 27 FEBRUARY 2024

SUPPLEMENTARY QUESTIONS

1) The Government have indicated that the 8 accelerated precincts will create capacity for 47,800 new homes over 15 years.

(a) Are these new homes in total, or new homes in addition to existing planned zoning capacity in the area?

New homes in total.

(b) How many of these homes are anticipated to be delivered under the accord period?

(c) What is the anticipated number of additional homes in:

- i. Bankstown
- ii. Bays West
- iii. Bella Vista
- iv. Crows Nest
- v. Homebush
- vi. Hornsby
- vii. Kellyville
- viii. Macquarie Park

(d) What is the anticipated number of additional homes by year of delivery in:

- i. Bankstown
- ii. Bays West
- iii. Bella Vista
- iv. Crows Nest
- v. Homebush
- vi. Hornsby
- vii. Kellyville
- viii. Macquarie Park

(b) – (d) This information is Cabinet in Confidence and consistent with previous government obligations in observing Cabinet conventions.

2) The Government have indicated there is \$520 million to provide community infrastructure in these precincts:

(a) Will this be new funding?

The NSW Government has committed \$520 million from the Housing and Productivity Contribution fund to support delivery of community infrastructure, such as critical road upgrades, active transport links and good, quality public open spaces, in the 8 announced transport oriented development (TOD) accelerated precincts. Detailed questions on funding should be referred to the NSW Treasury.

(b) Is the funding coming from the Housing and Productivity Contribution?

- i. **If so, how much of the \$520 million is from the Housing and Productivity Contribution?**
- ii. **If not, where will the funding be coming from?**

The Department understands that the full amount of \$520 million will be collected through Housing and Productivity Contributions levied on new development. Detailed questions should be referred to the NSW Treasury.

(c) Will the money be shared equally between the 8 accelerated precincts?

- i. **If not, how will it be distributed?**

The funds will be allocated based on the infrastructure needs of the precincts and project costs. The Department is working across Government to determine how the funds will be allocated.

(d) Will any remaining State Infrastructure Contribution funding be used as part of that \$520 million?

Existing special infrastructure contribution funds are held separately and must be spent in the catchment area they were collected from.

(e) Will any additional levy, apart from the Housing and Productivity Contribution, be applied to these 8 accelerated precincts?

Councils will continue to collect development contributions through their local contributions plans to support delivery of local infrastructure. The Housing and Productivity Contribution framework allows for an additional contribution toward the provision of major transport projects where nearby land will also benefit from increased development potential because of that investment.

(f) \$520 million divided by 47,800 homes is \$10,878 per home, it seems very curiously close to the Housing and Productivity Contribution amount? Is this how the calculation has been made, by using the value of the HPC?

The funding allocation was not determined based on this methodology. It reflects the NSW Government's commitment to invest in areas where density is being increased.

(g) What is the process for nominating projects and the associated eligibility criteria?

The governance framework for expenditure of Housing and Productivity funds is being established. Requirements for payments out of the Housing and Productivity Fund are set out in clause 7.31D of the *Environmental Planning and Assessment Act 1979*.

(h) Councils' ability to collect contributions is critical to fund local infrastructure to support population growth. How does the government propose to sequence the outcome of the Accelerated TODs to enable affected Councils to update their local contributions plans, so that the opportunity to collect contributions is not missed?

Councils can continue to collect contributions from new development, ensuring no missed opportunities. Councils will however be encouraged to review the infrastructure they propose to deliver to ensure it remains suitable for the forecast development.

Q3. How much input will Councils get in the working groups being formed for each of the TOD stations?

(a) Will these working groups include all impacted councils within the 1.2km area?

For the eight accelerated precincts, Councils within each TOD precinct have been invited to send representatives to attend working groups. They will be able to provide feedback throughout the rezoning process.

Q4. The Government have indicated that Councils will be encouraged to invest local contributions within the TOD, will the Government be making any changes to tie levies raised in the TOD precinct to be spent within the precinct?

Section 7.3 of the *Environmental Planning and Assessment Act 1979* states that all contribution funds, including interest earned on those funds, must be held for the purpose for which they were paid and must be applied towards that purpose within a reasonable time.

Q5. Is the government committed to ensuring future development in the Accelerated TODs achieves the government's tree canopy target of 40% - a target which can only be achieved through a combination of private and public land?

Yes. This is a city-wide target and the Department is supporting a range of activities to increase urban tree canopy across public and private land across Greater Sydney.

Q6. How many staff will be assigned to the dedicated SSD assessment team within DPHI to deal with applications for projects over \$60 million CIV in the 8 TOD locations?

The recruitment of staff for the dedicated SSD assessment team for the 8 TOD accelerated precincts is underway. The Department is aiming to finalise the establishment of the team shortly.

Q7. The Bella Vista and Kellyville Precincts have been through an extensive precinct planning and rezoning process led and finalised by DPHI. This process unlocked significant housing supply in a form that all levels of Government and the community accepted, which was then recently approved through State Significant Development Applications, with the necessary supporting framework around design outcomes and infrastructure also in place. We are now finally at the point where significant development and housing supply can occur within this Precinct. Has the Government considered that going back to the strategic planning phase may actually delay the delivery of the significant housing opportunities that already exist within these Precincts?

Bella Vista and Kellyville accelerated precincts were identified as suitable TOD locations as both sites progressed through all stages of the assessment criteria methodology. The TOD Program will ensure that dwellings within these precincts can be delivered during the National Housing Accord period.

Q8. What was the basis or evaluation criteria which led to the identification of Bella Vista and Kellyville Precincts as Accelerated Precincts?

The assessment criteria methodology for sites selected for inclusion in the TOD Program is publicly available on the Department's website
<https://www.planning.nsw.gov.au/sites/default/files/2024-03/transport-oriented-development-program-assessment-criteria.pdf>

Q9. Did the analysis of all TOD Accelerated Precincts determine that the extent of growth already planned and approved by the State Government was insufficient?

The NSW Government committed to delivering more high quality, well-located homes near transport, community services and open spaces. The TOD program considered opportunities for additional growth in these locations to deliver on this objective.

Q10. Was Landcom (representing Sydney Metro) involved in the selection process for TOD locations?

No.

Q11. Has Landcom commented on the selection of Bella Vista and Kellyville Precincts and whether or not there are any significant additional development yield opportunities beyond those which were recently approved as State significant Development?

The Department will consult with Landcom as part of the rezoning process.

Q12. Noting that Bella Vista Waters (Hills Council) and Newbury Estate (Blacktown Council) were already specifically considered and excluded from upzoning when Government recently completed the precinct planning for these areas. Has any further feasibility analysis been completed to indicated that redevelopment of these areas would now be feasible?

No further feasibility testing has been conducted for either Bella Vista Waters or Newbury Estate.

Q13. Will the Accelerated Precincts Program be recasting the controls applying to the existing Government Landholdings within the Precincts, or does it seek to rezone additional land, such as Bella Vista Waters (within The Hills) and Newbury Estate (within Blacktown), for higher density development?

All land within the accelerated precincts will be considered as part of the master planning process.

Q14. What additional funding will be made available to Councils such as The Hills Shire Council to respond to further increases in demand for local and regional infrastructure which is on top of already rapid and unprecedented growth?

The Department will support councils to ensure they are applying the best approach to collecting contributions from development for local infrastructure. The Housing and Productivity Contribution came with a commitment of \$1 billion over the next decade to be paid to councils via a grant scheme. It should be noted that the Liberal-Nationals Opposition did not support this funding reform in the legislation establishing the HAPC.

Q15. This program will deliver 138,000 new dwellings, why haven't the Government put any infrastructure dollars on the table specifically for the Tier 2 – TOD SEPP precincts when they are delivering nearly triple the number of dwellings than the accelerated precincts?

To support the delivery of homes within the 31 TOD SEPP locations the Housing and Productivity Contribution will apply to help fund the delivery of essential state infrastructure in these high-growth areas.

Councils will also be encouraged to invest the money they collect from infrastructure contributions to improve local infrastructure. The Government will continue supporting councils through various other infrastructure funding programs that unlock and support additional housing supply.

Q16. When was a decision made that the TOD SEPP would apply in heritage conservation areas?

The application of the TOD SEPP in Heritage Conservation Areas was considered from the program's conception.

Q17. Will the NSW Government commit to linked funding programs to provide new and upgraded infrastructure in areas that will experience increased housing and population density as a result of the TOD SEPP?

Refer to response to supplementary question on notice 15.

Q18. Why has it been contended that this matter is cabinet-in-confidence rather than making it public or even providing it through briefings to local government to support their decision making? Aren't these technical assessments, how can they be cabinet-in-confidence?

This information is Cabinet in Confidence as it contains data sensitive to the NSW Government and consistent with previous government obligations to observe Cabinet convention.

(a) What reports were prepared to support the Governments decision making?

The assessment criteria methodology for sites selected for inclusion in the TOD Program is publicly available on the Department's website
<https://www.planning.nsw.gov.au/sites/default/files/2024-03/transport-oriented-development-program-assessment-criteria.pdf>

Q19. Why has DPHI failed to provide the planning, infrastructure and spatial data which formed the basis for the identification of Croydon and other stations to local councils?

This question relates to information that is Cabinet-in-confidence and consistent with previous government obligations to observe Cabinet convention.

Q20. Will the SEPP apply to MU1 zones or existing B4 zones?

The proposed TOD SEPP will not apply to MU1 zones.

Application of non-standard zones, including B4 zones, are being considered as part of the policy development process.

Q21. Will the SEPP apply to E3 and E4 zones?

No.

Q22. Will the SEPP apply to B2 and B6 zones if they have not transitioned to the new E1 and E3 or MU1 zoning?

Application of non-standard zones are being considered as part of the policy development process.

Q23. Will the application of the SEPP on E1 and E2 zones be required to comply with Council's minimum non-residential FSR requirements in LEPs?

No.

Q24. What will the minimum active street frontage controls in E1 and E2 zones be?

This is being considered as part of the policy development process.

Q25. What will the maximum parking rates be under the TOD SEPP?

Refer to response for supplementary question on notice 24.

Q26. How will the government ensure that planning for public domain and community infrastructure (including, but not limited to schools, community facilities, public open space) is planned and delivered in parallel with any proposed increased density?

In the development TOD Program, DPHI consulted with Government agencies to confirm the proposed approach. The TOD Program was reviewed by Government agencies and endorsed by Cabinet.

Q27. Did DPHI (or predecessor DPIE) undertake an analysis on the development constraints of each selected TOD site?

The assessment criteria methodology for sites selected for inclusion in the TOD Program is publicly available on the Department's website

<https://www.planning.nsw.gov.au/sites/default/files/2024-03/transport-oriented-development-program-assessment-criteria.pdf>

Q28. Did the analysis include consideration of:

- (a) Heritage items and conservations areas?**
- (b) Riparian lands?**
- (c) Slope?**
- (d) Bushfire constrained land?**
- (e) Strata title properties and their age (<25 years)?**
- (f) Core biodiversity land?**
- (g) Land use constrained land?**

The assessment criteria methodology for sites selected for inclusion in the TOD Program is publicly available on the Department's website

<https://www.planning.nsw.gov.au/sites/default/files/2024-03/transport-oriented-development-program-assessment-criteria.pdf>

Q29. Given that 3.28 of the EPAA already provides a general presumption that the SEPP prevails over the LEP, will the Government rule out that the TOD SEPP will have a clause that it "always prevails over the LEP"?

This provision will be considered as part of the SEPP drafting, however the TOD SEPP will only apply until such time as LEPs are amended by councils to an equal or greater value.

Q30. In the 31 TOD locations the Government have outlined that they will institute a mandatory minimum 2% affordable housing contribution.

- (a) Which Department will this be paid to?**
- (b) Will this money be tied to the delivery of affordable housing in the TOD precinct?**

(a) – (b) The provision for affordable housing will be in perpetuity and affordable dwellings must be provided within the precinct. No affordable housing contributions will be collected.

- (c) If a developer uses the in-fill affordable housing provision and delivers between 10-15% affordable housing, will this satisfy the 2% contribution?**

In-fill affordable housing provisions will be able to be delivered in addition to the requirements of the proposed TOD SEPP.

Q31. The Government have indicated that the 31 accelerated precincts will create capacity for 138,000 new homes over 15 years.

(a) Are these new homes in total, or new homes in addition to existing planned zoning capacity in the area?

New homes in total.

(b) How many of these homes are anticipated to be delivered under the accord period, by TOD location:

- i. Adamstown**
- ii. Ashfield**
- iii. Banksia**
- iv. Booragul**
- v. Canterbury**
- vi. Corrimal**
- vii. Croydon**
- viii. Dapto**
- ix. Dulwich Hill**
- x. Gordon**
- xi. Gosford**
- xii. Hamilton**
- xiii. Killara**
- xiv. Kogarah**
- xv. Kotara**
- xvi. Lidcombe**
- xvii. Lindfield**
- xviii. Marrickville**
- xix. Morisset**
- xx. Newcastle**
- xxi. North Strathfield**
- xxii. North Wollongong**
- xxiii. Rockdale**
- xxiv. Roseville**
- xxv. St Marys**

xxvi. Teralba

xxvii. Tuggerah

xxviii. Turrella

xxix. Wiley Park

xxx. Wyong

This question relates to information that is Cabinet-in-confidence and consistent with previous government obligations to observe Cabinet convention.

Q32. What is the existing amount of dwellings within the precinct at all 39 locations included in the TOD program?

(a) Adamstown

(b) Ashfield

(c) Banksia

(d) Bankstown

(e) Bella Vista

(f) Berala

(g) Booragul

(h) Canterbury

(i) Corrimal

(j) Crows Nest

(k) Croydon

(l) Dapto

(m) Dulwich Hill

(n) Gordon

(o) Gosford

(p) Hamilton

(q) Homebush

(r) Hornsby

(s) Kellyville

(t) Killara

(u) Kogarah

(v) Kotara

- (w) Lidcombe**
- (x) Lindfield**
- (y) Macquarie Park**
- (z) Marrickville**
- (aa) Morisset**
- (bb) Newcastle Interchange**
- (cc) North Strathfield**
- (dd) North Wollongong**
- (ee) Rockdale**
- (ff) Roseville**
- (gg) St Marys**
- (hh) Teralba**
- (ii) The Bays**
- (jj) Tuggerah**
- (kk) Turrella**
- (ll) Wiley Park**
- (mm) Wyong**

The Department utilised ABS Census 2021 Mesh Block counts to determine dwelling numbers in the 39 TOD locations as part of the station selection process.

This information is publicly available at <https://www.abs.gov.au/census/guide-census-data/mesh-block-counts/latest-release>

Q33. What is the forecast feasible number of new dwellings as a result of the TOD Program in?

- (a) Adamstown**
- (b) Ashfield**
- (c) Banksia**
- (d) Bankstown**
- (e) Bella Vista**
- (f) Berala**
- (g) Booragul**
- (h) Canterbury**
- (i) Corrimal**

(j) Crows Nest
(k) Croydon
(l) Dapto
(m) Dulwich Hill
(n) Gordon
(o) Gosford
(p) Hamilton
(q) Homebush
(r) Hornsby
(s) Kellyville
(t) Killara
(u) Kogarah
(v) Kotara
(w) Lidcombe
(x) Lindfield
(y) Macquarie Park
(z) Marrickville
(aa) Morisset
(bb) Newcastle Interchange
(cc) North Strathfield
(dd) North Wollongong
(ee) Rockdale
(ff) Roseville
(gg) St Marys
(hh) Teralba
(ii) The Bays
(jj) Tuggerah
(kk) Turrella
(ll) Wiley Park
(mm) Wyong

The TOD Program will create capacity for approximately 138,000 new homes across the 31 TOD SEPP locations, and capacity for approximately 47,800 new homes in the 8 TOD accelerated precincts. Individual dwelling counts for stations relates to information that is Cabinet-in-confidence.

Q34. What is the new potential number of dwellings as a result of the TOD Program in?

- (a) Adamstown**
- (b) Ashfield**
- (c) Banksia**
- (d) Bankstown**
- (e) Bella Vista**
- (f) Berala**
- (g) Booragul**
- (h) Canterbury**
- (i) Corrimal**
- (j) Crows Nest**
- (k) Croydon**
- (l) Dapto**
- (m) Dulwich Hill**
- (n) Gordon**
- (o) Gosford**
- (p) Hamilton**
- (q) Homebush**
- (r) Hornsby**
- (s) Kellyville**
- (t) Killara**
- (u) Kogarah**
- (v) Kotara**
- (w) Lidcombe**
- (x) Lindfield**
- (y) Macquarie Park**
- (z) Marrickville**

- (aa) Morisset**
- (bb) Newcastle Interchange**
- (cc) North Strathfield**
- (dd) North Wollongong**
- (ee) Rockdale**
- (ff) Roseville**
- (gg) St Marys**
- (hh) Teralba**
- (ii) The Bays**
- (jj) Tuggerah**
- (kk) Turrella**
- (ll) Wiley Park**
- (mm) Wyong**

Refer to response to supplementary question on notice 33.

Q35. What is the feasible number of new dwellings within the precinct to be delivered during the accord period as a result of the TOD Program in:

- (a) Adamstown**
- (b) Ashfield**
- (c) Banksia**
- (d) Bankstown**
- (e) Bella Vista**
- (f) Berala**
- (g) Booragul**
- (h) Canterbury**
- (i) Corrimal**
- (j) Crows Nest**
- (k) Croydon**
- (l) Dapto**
- (m) Dulwich Hill**
- (n) Gordon**

- (o) Gosford
- (p) Hamilton
- (q) Homebush
- (r) Hornsby
- (s) Kellyville
- (t) Killara
- (u) Kogarah
- (v) Kotara
- (w) Lidcombe
- (x) Lindfield
- (y) Macquarie Park
- (z) Marrickville
- (aa) Morisset
- (bb) Newcastle Interchange
- (cc) North Strathfield
- (dd) North Wollongong
- (ee) Rockdale
- (ff) Roseville
- (gg) St Marys
- (hh) Teralba
- (ii) The Bays
- (jj) Tuggerah
- (kk) Turrella
- (ll) Wiley Park
- (mm) Wyong

Refer to response to supplementary question on notice 33.

Q36. For each of the 8 locations in the Transport Oriented Development Program – Accelerated Precincts and their respective 1200m radius, how many lots are covered under each of the following land use zones (please provide a breakdown individually for each of the 8 locations):

- (a) R1 General Residential?
- (b) R2 Low Density Residential?

- (c) R3 Medium Density Residential?**
- (d) R4 High Density Residential?**
- (e) R5 Large Lot Residential?**
- (f) MU1 Mixed Use?**
- (g) SP1 Special Activities?**
- (h) SP2 Infrastructure?**
- (i) SP3 Tourist?**
- (j) SP4 Enterprise?**
- (k) SP5 Metropolitan Centre?**
- (l) E1 Local Centre?**
- (m) E2 Commercial Centre?**
- (n) E3 Productivity Support?**
- (o) E4 General Industrial?**
- (p) E5 Heavy Industrial?**
- (q) RU1 Primary Production?**
- (r) RU2 Rural Landscape?**
- (s) RU3 Forestry?**
- (t) RU4 Primary Production Small Lots?**
- (u) RU5 Village?**
- (v) RU6 Transition?**
- (w) RE1 Public Recreation?**
- (x) RE2 Private Recreation?**
- (y) C1 National Parks and Nature Reserves?**
- (z) C2 Environmental Conservation?**
- (aa) C3 Environmental Management?**
- (bb) C4 Environmental Living?**
- (cc) W1 Natural Waterways?**
- (dd) W2 Recreational Waterways?**
- (ee) W3 Working Waterways?**
- (ff) W4 Working Waterfront?**

This information is publicly available on the Department's eSpatial viewer at <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

Q37. For each of the 8 locations in the Transport Oriented Development Program – Accelerated Precincts and their respective 1200m radius, what is the total size of land under each of the following land use zones (please provide a breakdown individually for each of the 8 locations):

- (a) R1 General Residential?**
- (b) R2 Low Density Residential?**
- (c) R3 Medium Density Residential?**
- (d) R4 High Density Residential?**
- (e) R5 Large Lot Residential?**
- (f) MU1 Mixed Use?**
- (g) SP1 Special Activities?**
- (h) SP2 Infrastructure?**
- (i) SP3 Tourist?**
- (j) SP4 Enterprise?**
- (k) SP5 Metropolitan Centre?**
- (l) E1 Local Centre?**
- (m) E2 Commercial Centre?**
- (n) E3 Productivity Support?**
- (o) E4 General Industrial?**
- (p) E5 Heavy Industrial?**
- (q) RU1 Primary Production?**
- (r) RU2 Rural Landscape?**
- (s) RU3 Forestry?**
- (t) RU4 Primary Production Small Lots?**
- (u) RU5 Village?**
- (v) RU6 Transition?**
- (w) RE1 Public Recreation?**
- (x) RE2 Private Recreation?**
- (y) C1 National Parks and Nature Reserves?**
- (z) C2 Environmental Conservation?**

(aa) C3 Environmental Management?

(bb) C4 Environmental Living?

(cc) W1 Natural Waterways?

(dd) W2 Recreational Waterways?

(ee) W3 Working Waterways?

(ff) W4 Working Waterfront?

Refer to response to supplementary question on notice 36.

Q38. For each of the 31 locations in the TOD SEPP Program and their respective 400m radius, how many lots are covered under each of the following land use zones (please provide a breakdown individually for each of the 31 locations):

(a) R1 General Residential?

(b) R2 Low Density Residential?

(c) R3 Medium Density Residential?

(d) R4 High Density Residential?

(e) R5 Large Lot Residential?

(f) MU1 Mixed Use?

(g) SP1 Special Activities?

(h) SP2 Infrastructure?

(i) SP3 Tourist?

(j) SP4 Enterprise?

(k) SP5 Metropolitan Centre?

(l) E1 Local Centre?

(m) E2 Commercial Centre?

(n) E3 Productivity Support?

(o) E4 General Industrial?

(p) E5 Heavy Industrial?

(q) RU1 Primary Production?

(r) RU2 Rural Landscape?

(s) RU3 Forestry?

(t) RU4 Primary Production Small Lots?

(u) RU5 Village?

- (v) RU6 Transition?**
- (w) RE1 Public Recreation?**
- (x) RE2 Private Recreation?**
- (y) C1 National Parks and Nature Reserves?**
- (z) C2 Environmental Conservation?**
- (aa) C3 Environmental Management?**
- (bb) C4 Environmental Living?**
- (cc) W1 Natural Waterways?**
- (dd) W2 Recreational Waterways?**
- (ee) W3 Working Waterways?**
- (ff) W4 Working Waterfront?**

Refer to response to supplementary question on notice 36.

Q39. For each of the 31 locations in the TOD SEPP Program and their respective 400m radius, how many lots are covered under each of the following land use zones (please provide a breakdown individually for each of the 31 locations):

- (a) R1 General Residential?**
- (b) R2 Low Density Residential?**
- (c) R3 Medium Density Residential?**
- (d) R4 High Density Residential?**
- (e) R5 Large Lot Residential?**
- (f) MU1 Mixed Use?**
- (g) SP1 Special Activities?**
- (h) SP2 Infrastructure?**
- (i) SP3 Tourist?**
- (j) SP4 Enterprise?**
- (k) SP5 Metropolitan Centre?**
- (l) E1 Local Centre?**
- (m) E2 Commercial Centre?**
- (n) E3 Productivity Support?**
- (o) E4 General Industrial?**
- (p) E5 Heavy Industrial?**

- (q) RU1 Primary Production?**
- (r) RU2 Rural Landscape?**
- (s) RU3 Forestry?**
- (t) RU4 Primary Production Small Lots?**
- (u) RU5 Village?**
- (v) RU6 Transition?**
- (w) RE1 Public Recreation?**
- (x) RE2 Private Recreation?**
- (y) C1 National Parks and Nature Reserves?**
- (z) C2 Environmental Conservation?**
- (aa) C3 Environmental Management?**
- (bb) C4 Environmental Living?**
- (cc) W1 Natural Waterways?**
- (dd) W2 Recreational Waterways?**
- (ee) W3 Working Waterways?**
- (ff) W4 Working Waterfront?**

Refer to response to supplementary question on notice 36.

Q40. What is the age of the sewerage and water infrastructure in the following suburbs, included in the TOD program:

- (a) Adamstown**
- (b) Ashfield**
- (c) Banksia**
- (d) Bankstown**
- (e) Bella Vista**
- (f) Berala**
- (g) Booragul**
- (h) Canterbury**
- (i) Corrimal**
- (j) Crows Nest**
- (k) Croydon**

- (l) Dapto**
- (m) Dulwich Hill**
- (n) Gordon**
- (o) Hamilton**
- (p) Homebush**
- (q) Hornsby**
- (r) Kellyville**
- (s) Killara**
- (t) Kogarah**
- (u) Kotara**
- (v) Lidcombe**
- (w) Lindfield**
- (x) Macquarie Park**
- (y) Marrickville**
- (z) Morristet**
- (aa) Newcastle**
- (bb) North Strathfield**
- (cc) North Wollongong**
- (dd) Rockdale**
- (ee) Roseville**
- (ff) Roseville**
- (gg) St Marys**
- (hh) Teralba**
- (ii) Tuggerah**
- (jj) Turrella**
- (kk) Wiley Park**
- (ll) Wyong**

This question should be directed to the relevant infrastructure provider within each location.

Q41. Given it was indicated that sites like Edgecliff weren't included because they were "currently limited in additional growth" because of "limited sewer and water infrastructure", were other sites eliminated on similar grounds?

This question relates to information that is Cabinet-in-confidence and consistent with previous government obligations to observe Cabinet convention.

Q42. What is the nature of the sewer and water infrastructure at Marrickville, Wiley Park and Roseville compared to Edgecliff?

This question should be directed to the Minister for Water.

Q43. Are the Government aware that there have been over 50 sewerage sites burst in the Kuring-gai LGA in the last twelve months?

This question should be directed to the Minister for Water.

Q44. Was this taken into consideration in determining TOD locations and the ability of infrastructure to cope?

DPHI determination was informed by Sydney Water and DCCEEW regarding its infrastructure capacity analysis in these station locations.

Q45. The Mayor of Wollondilly has indicated that there are 14 trucks a day pumping out sewerage in that Shire, was that considered in the application of the changes to low and mid-rise housing?

The Low and Mid Rise proposals have been on public exhibition and council feedback is vital to settling the policy. Councils must consider whether a proposed development has access to appropriate water and sewerage services when undertaking a development assessment.

Q46. Is DPHI aware of how many sewerage sites have burst in each TOD location over the last twelve months?

This is a matter for the relevant local water authority.

Q47. Is DPHI aware how many water sites have burst in each TOD location over the last twelve months?

Refer to response for supplementary question on notice 46.

Q48. Has the Department of Planning, Housing and Infrastructure shared with Transport for NSW the projections for increased population around all of the stations included in the TOD Program?

(a) If not, isn't this important information to share with the agency responsible for managing and upgrading each station included in TOD?

(b) If not, when will this occur?

The Department of Planning, Housing and Infrastructure releases updated population projections twice per census cycle. The 2022 projections are the current published projections.

The Department is currently working on updating these projections to reflect the most recent information relating to the drivers of population change and any announced new policies that may impact population change and movement since they were last updated in 2022. The Department has sought input from key Government agencies on the development of the updated assumptions.

Q49. Have the Government shared with Transport for NSW projections for increased population around all stations impacted by the Government's low and mid-rise housing changes?

Yes.

Q50. Was any consultation done with Transport for NSW with respect to the selection of the TOD precincts on the basis of road capacity?

Yes.

(a) What about information across the State on population increases with respect to road capacity?

This is a matter for Transport for NSW.

Q51. What processes does the Department of Planning, Housing and Infrastructure have in place to consult with Transport for NSW to ensure more services in both peak and non-peak periods along the lines which include TOD sites?

The Department meets regularly with Transport for NSW on the TOD Program.

Q52. Has it been estimated how many additional services will be required, by year, on every line which has a station selected as part of the TOD program?

This is a matter for Transport for NSW.

Q53. What discussions have DPPI had with the Department of Education in the selection of the 8 accelerated TOD precincts and 31 precincts that will be governed by the TOD SEPP?

DPPI consulted with the Department of Education and sought input in the development of the TOD Program.

Q54. Did Education provide information to DPHI for the selection of these sites and did this include current and projected enrolment figures, as well as information surrounding future capacity from planned works on behalf of school infrastructure?

Details of the information provided are a matter for the Department of Education.

Q55. What information did the Department of Planning obtain from the Department of Education with respect to school enrolments and capacity within the TOD precincts?

Details of the information provided are a matter for the Department of Education.

Q56. Have DPHI provided the Department of Education with any projections on future population patterns as a result of changes they are making to low and mid-rise housing, which comes in to place in April?

(a) If not, when will this occur?

(b) If so, what impact will this have on school populations and infrastructure demand throughout the State, have the Government worked with the Department of Education to do any modelling on this?

Refer to response to supplementary question on notice 48.

Q57. Is it the case that within each of the 8 accelerated TOD precincts (Kellyville, Bella Vista, Hornsby, Macquarie Park, Homebush, Bankstown, Crows Nest, Bays West) there are both primary and secondary schools that are over their enrolment cap?

(a) Was this considered?

This is a matter for the Department of Education; however, school capacity will be considered as part of the master planning process for the TOD accelerated precincts.

Q58. Did DPHI seek advice from the Department of Education if there is additional capacity at schools that fall under the 1.2 km radius catchment around Kellyville Station?

DPHI consulted with the Department of Education and sought input in the development of the TOD Program.

(a) Are the Government aware that all primary schools in the Kellyville catchment were over their enrolment cap in 2023 including Kellyville Ridge, which is more than double their enrolment cap?

This is a matter for the Department of Education.

(b) Has DPHI provided any projections concerning additional enrolments in the schools within the catchment of the Kellyville TOD to the Department of Education?

Details of planned dwelling uplift were provided to the Department of Education.

Q59. Did DPHI ask Education if there is additional capacity at schools that fall under the 1.2 km radius catchment around Bella Vista station?

(a) Are the Government aware that all primary schools in the Bella Vista catchment were over their enrolment cap in 2023 including Caddies Creek Public School, which is nearly 400 students over their enrolment cap?

(b) Has DPHI provided any projections concerning additional enrolments in the schools within the catchment of the Bella Vista TOD to Education?

Refer to response to supplementary question on notice 58.

Q60. Did DPHI ask the Department of Education if there is additional capacity at schools that fall under the 1.2 km radius catchment around Hornsby station?

(a) Are the Government aware that all primary schools Hornsby North Public School, which is more than 400 students over their enrolment cap?

(b) Has DPHI provided any projections concerning additional enrolments in the schools within the catchment of the Hornsby TOD to the Department of Education?

Refer to response to supplementary question on notice 58.

Q61. Are the Government aware that of the 31 station precincts selected under the TOD SEPP only Banksia, Booragul, Morriset and Teralba have no schools that are over their enrolment capacity?

DPHI consulted with the Department of Education in the development of the TOD Program.

Q62. What discussions have DPHI had with NSW Health in the selection of the 8 accelerated TOD precincts and 31 precincts that will be governed by the TOD SEPP?

One of the criteria used for the selection of stations was the former Greater Cities Commission's work to identify potential high growth areas. This work was consulted across government and considered health infrastructure.

Q63. Did NSW Health provide information to DPHI for the selection of these sites and did this include current and projected demand for hospitals and other health facilities, as well as information surrounding future capacity from planned works for health infrastructure?

Refer to response to supplementary question on notice 62.

Q64. Was any consultation done with the Department of Health with respect to health facility capacity within the TOD precincts?

Refer to response to supplementary question on notice 62.

Q65. Have DPHI provided NSW Health with any projections on future population patterns as a result of changes they are making to low and mid-rise housing, which comes in to place in April?

(a) If not, when will this occur?

(b) If so, what impact will this have on demand for health care and the health infrastructure demand throughout the State, have the Government worked with NSW Health to do any modelling on this?

Refer to response to supplementary question on notice 48.

Q66. The National Housing Accord committed to by the NSW Government committed to “working with local governments to deliver planning and land-use reforms that will make housing supply more responsive to demand over time”, why didn’t you work with local government in proposing this reform?

The Government and DPHI has, and continues to work with local government. An EIE for the proposed LMR reforms was exhibited between 15 December 2023 and 23 February 2024. Several councils submitted feedback and their views will be analysed and incorporated into the final policy where appropriate.

More engagement with councils will occur ahead of the commencement of the policy.

Q67. How many new homes does the Government estimate will be delivered as a result of the changes to allow for terraces, townhouses and two storey apartment blocks near transport hubs and town centres in R2 low density residential zones in each LGA in NSW?

The Department estimates that an additional 112,000 new houses could be delivered by mid 2029 as a result of the proposed low and mid rise housing reforms.

Q68. How many new homes does the Government estimate will be delivered as a result of the changes to allow for mid-rise apartment blocks near transport hubs and town centres in R3 medium density zones and appropriate employment zones in each LGA in NSW?

Refer to response to supplementary question on notice 67.

Q69. How many new homes does the Government estimate will be delivered as a result of the changes to allow for dual occupancies (two separate homes on a single lot), such as duplexes, in all R2 low density residential zones in each LGA in NSW?

Refer to response to supplementary question on notice 67.

Q70. What urban design testing or modelling has DPHI undertaken to inform the proposed controls as exhibited or to demonstrate how this combination of FSR and height controls will result in the intended 'mid-rise' outcomes?

The proposed FSR and height were developed based on a review of Development applications for mid-rise developments, LEPs/DCPs and the Apartment Design Guide. DPHI will work with stakeholders to ensure the final settings will achieve the intended development outcomes.

Q71. In preparing these reforms, what consideration was given to each Council's local centre hierarchies? Would it not be simpler to clearly map these areas based on known station precincts and town centre locations, rather than simply reference to a land use zone that could be used in many contexts throughout a geographical area?

Yes, consideration was given to councils' differing local centres. The intention is that well-serviced centres which are specifically zoned for that purpose (ie. E2 Commercial Centres) would be included, while the potentially smaller town centres zoned E1 Local Centre and MU1 Mixed Use would need to be individually assessed to determine its level of service. This process will now be undertaken in consultation with Councils to ensure the final policy settings achieve the intended outcomes.

Q72. Has the Government considered that allowing the subdivision of dual occupancies on small lots in area identified for high density development will be counterproductive to the intent of the reforms, leading to increased fragmentation of land and thereby reducing future opportunities and feasibility of apartment development in the areas where this is the desired outcome?

The Torrens title subdivision of dual occupancies will only be permitted in zones where it is appropriate and does not result in undesirable outcomes such as sterilisation of high density land. Ongoing refinement of the policy with stakeholders will ensure these unintended outcomes are not enabled.

Q73. Has the Government assessed the cumulative growth that would be unlocked within each local area or region, in addition to existing housing opportunities, and how this growth would impact local or regional infrastructure?

Modelling for uplift in dwelling capacity was undertaken. The policy focuses primarily on well-located areas which are serviced by existing infrastructure. The EIE indicated that the Department will work with councils to identify where further infrastructure planning and funding is required, including seeking feedback on councils' preferred approach to identifying and addressing additional infrastructure needs that arise as a result of the proposed changes.

Q74. Has the Government considered how extent of unplanned growth spread out across a local area or region might hinder Government's ability to focus and prioritise limited infrastructure spending to unlock and service growth in areas already identified for development?

Refer to response to supplementary question on notice 73.

Q75. Government investment in regional infrastructure such as schools, roads, hospitals, recreational facilities is already lagging well behind the housing that is being provided and local communities are rightly frustrated with the congestion and development. How will the Government respond to increased demand for regional infrastructure such as schools, especially where these reforms allow for unquantified uplift in areas where existing schools are already at or beyond capacity?

The Government is addressing over a decade of regional infrastructure neglect under the previous government. The EIE indicated that the Department will undertake further work and engagement to identify where further infrastructure planning and funding is required. Further council engagement will help to refine the policy and identify target areas with suitable amenity.

Q76. What supporting technical investigations such as flood investigations, bushfire studies, traffic and transport studies has the DPHI carried out to determine the capacity for the reforms to be appropriately delivered in the areas where they would become permitted?

The EIE indicated all existing planning controls, including those related to natural hazards, remain in place. Natural hazards risks will continue to be managed through the DA process. The final policy will apply a refined approach to a range of matters, including natural hazards.

Q77. Given the changes to Low and Mid-Rise housing will apply in heritage conservation areas and individually listed heritage properties:

(a) Will complying development certificates be allowed in these areas?

(b) Or will the new building types be permitted but subject to council applications?

The reforms do not propose to change any of the existing arrangements for managing heritage. The complying development standards and current heritage protection controls will not change.

Q78. Does any Council currently allow a height higher than 9.5m for Dual occupancies?

(a) Which councils allow a height of 9.5m or higher for dual occupancies?

This information is publicly available on the Department's eSpatial viewer at <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

Q79. Does any Council currently allow an FSR higher than 0:65: 1 for Dual occupancies?

(a) Which councils allow an FSR of 0.65:1 or higher for dual occupancies?

Refer to response to supplementary question on notice 78.

Q80. Does any Council currently allow a minimum site area of 450m² for Dual occupancies?

(a) Which councils allow a minimum site area of less than 450m² for Dual occupancies?

Refer to response to supplementary question on notice 78.

Q81. If you have a block of 1000 m², can you subdivide it in to two blocks of 500m² and then build a dual occupancy on the resultant block, thereby allowing for four residences on that property?

(a) Does any Council currently allow a minimum site width of 12m for Dual occupancies?

Refer to response to supplementary question on notice 78.

Q82. Does any Council currently allow a height higher than 9.5 m for Terraces and multi-dwelling housing?

(a) Which councils allow a height of 9.5m or higher for Terraces and multi-dwelling housing?

Refer to response to supplementary question on notice 78.

Q83. Does any Council currently allow a height higher than 9.5 m for Manor Houses?

(a) Which councils allow a height of 9.5m or higher for Terraces and multi-dwelling housing?

Refer to response to supplementary question on notice 78.

Q84. Does any Council currently allow an FSR higher than 0.7: 1 for Terraces and multi-dwelling housing?

(a) Which councils allow an FSR of 0.7:1 or higher for terraces and multi-dwelling housing?

Refer to response to supplementary question on notice 78.

Q85. Does any Council currently allow an FSR higher than 0.8: 1 for Manor Houses?

(a) Which councils allow an FSR of 0.8:1 or higher for manor houses?

Refer to response to supplementary question on notice 78.

Q86. Does any Council currently allow a minimum site area of 500m² for terraces and manor houses?

(a) Which councils allow a minimum site area of less than 500m² for terraces and manor houses Dual occupancies?

Refer to response to supplementary question on notice 78.

Q87. If somebody has a block of 1000 m², can it be subdivided into two blocks of 500m² and then build terraces or Manor Houses on each resulting block?

(a) Is there any minimum size for each resulting terrace on the block?

This information is publicly available in the Explanation of Intended Effect on the department's website at <https://www.planning.nsw.gov.au/sites/default/files/2023-12/eie-changes-to-create-low-and-mid-rise-housing.pdf>

Q88. Does any Council currently allow a minimum site width of 12m for Dual occupancies?

(a) Which councils allow a minimum site area of less than 12m for multi dwelling housing and manor houses?

Refer to response to supplementary question on notice 78.

Q89. Which councils allow a minimum site area of less than 18m for terraces?

(a) How many councils allow a minimum car park requirement of 0.5 space per dwelling for terraces and manor houses?

Refer to response to supplementary question on notice 78.

Q90. Does any Council currently allow a height higher than 21m in R3 zones?

(a) Which councils allow a height higher than 21m in R3 zones?

Refer to response to supplementary question on notice 78.

Q91. While the Government state that the changes in R3 zones will result in "six storey" buildings, the assessment will be conducted using the height, won't they?

(a) If a building is seven storeys, but within 21m, would that be permissible?

The intention is that the height of the building is limited in metres, rather than in storeys. This is the usual approach to managing building height. The height limits are designed to achieve a certain amount of storeys having consideration for other important provisions such as minimum ceiling heights.

Q92. Reducing the building separation requirements for six-storey buildings to the equivalent of 4 storey buildings will create buildings that are bulkier and with less separation, won't it?

Building separation requirements will be matters for development assessment by councils.

(a) Why are the Government reducing communal open space from a minimum of 25% to a maximum of 25%

The EIE proposes an updated provision for communal open space which will ensure the amount of communal open space provided is linked to the number of apartments in the development (minimum 8m² per apartment). The 25% cap will help ensure there remains sufficient developable area on the site.

(b) Will these changes apply to buildings which are zoned for six storeys, but become eight storeys using the in-fill affordable housing SEPP?

Yes.

(c) Will manor houses in R2 zones be eligible to use the in-fill affordable housing SEPP and be eligible for a 12.35 meters height and a FSR of 1.04?

i. What will the maximum car parking rates be?

The proposed non-refusal standard for carparking for manor houses is min 0.5 spaces per dwelling.

Q93. Won't reducing the minimum building separation requirements for five and six storey buildings to match the requirements for four storeys result in a building form that is bulky with less set back from neighbouring properties?

Building separation requirements will be matters for development assessment by councils.

Q94. With increasing densities, why are the Government reducing communal open space requirements from a minimum of 25% area to a maximum of 25% area?

(a) George's River Council have commented that this will: "Reduce the "breathing spaces" between apartment buildings and reduce the appeal of apartment buildings and the well-being of residents. Apartment residents will need to rely on public space to compensate for the lack of communal open space." What is the Government's response to these legitimate concerns?

The EIE proposes an updated provision for communal open space which will ensure the amount of communal open space provided is linked to the number of apartments in the development (minimum 8m² per apartment). The 25% cap will help ensure there remains sufficient developable area on the site.

Q95. Do the Government intend to increase grants for public open spaces to compensate for the additional pressures on local communal infrastructure?

The Government has introduced the Housing and Productivity Contributions scheme which will provide ongoing funding for the delivery of local community infrastructure. Additionally, there are no changes to councils ability to collect development contributions through existing means.

Q96. The Government have outlined that it proposes to permit the Torrens subdivision of multi-dwelling houses provided they meet the appropriate “size, width and access requirements”, what are these requirements?

These requirements will be consistent with the proposed minimum lot size requirements to ensure that each new lot created is of a proportionate size, width and has proper access.

Q97. The Government have said that in areas of “particularly high risk” of flooding you will work with councils to exclude the relevant areas from the application of the proposed reforms. Will the Government extend such provisions to other areas of risk, like bushfire prone land or properties within the flame zone?

Yes.

Q98. The Albanese Federal Labor Government has made outrageous cuts to infrastructure funding in NSW – how will this impact the delivery of new housing? Negatively I am assuming?

The Federal and NSW Governments continue to work closely to build new homes and provide infrastructure after more than a decade of neglect by both Coalition Governments.

Q99. How do the cuts by the Albanese Federal Labor Government threaten the delivery of new housing in NSW to combat the housing crisis?

Refer to response to supplementary question on notice 98.

Q100. Will the in-fill affordable housing SEPP apply to manor houses under the changes to low and mid-rise housing, thereby permitting a height of 12.35 meters and an FSR of 1.04?

A manor house can only be 2 storeys.

Q101. Under the State Environmental Planning Policy (Housing) 2021 – 16 (3) outlines that “the development includes residential flat buildings or shop top housing”, isn’t that correct?

Section 16(3) of the Housing SEPP specifies that up to 30% additional height of buildings is available for development for the purposes of a residential flat buildings or shop-top housing. While other specified housing types may access the bonus FSR under the scheme, the bonus height is only available for these two residential uses, which are generally only permitted in areas planned for higher density. The required affordable housing component must be met.

Q102. If the Western Sydney Parkland Authority is to no longer continue its current role as chief coordinator and delivery authority for the Aerotropolis Precinct, who is the chief delivery authority or agency working to deliver the vision for the Bradfield City and surrounding Aerotropolis?

There is no change to the Western Parkland City Authority’s role.

Q103. Industry wants to better work with this authority or authorities in order to deliver essential transport projects in the lead up to 2026 but is currently unable to identify the relevant agency or authority other than Transport for NSW (TfNSW) and Sydney Water who are not coordinating the entire precinct.

What will the Government do to ensure better coordination with industry?

The Government is continuing to work with industry for the precinct through relevant agencies. The Department has also established the Western Sydney Aerotropolis Technical Assurance Panel to oversee master planning for large sites within the Aerotropolis. The Technical Assurance Panel is a pre-lodgement process that brings together senior representatives of agencies and councils with proponents to solve strategic planning, staging and infrastructure issues associated with the large and complex master planning sites.

Q104. What efforts have been made by the NSW Government to engage with landowners within the Aerotropolis to assist and partner with government to deliver the necessary roads, water and service delivery infrastructure ahead of the Airports opening via policies such as Works in Kind (WiK)?

Refer to supplementary question on notice 103.

In addition, Professor Roberta Ryan from the University of Newcastle has been appointed as a Community Commissioner to provide an independent source of information, support and advice to landowners in the Aerotropolis.

Q105. What interim water, road, sewer, stormwater and public transport measures have been undertaken by the Government to date in the Aerotropolis?

Significant engagement and planning has occurred with landowners in the Aerotropolis to identify and plan for necessary infrastructure, including completion of the:

- Western Parkland City SEPP
- Western Sydney Aerotropolis Precinct Plan (Precinct Plan)
- Aerotropolis Development Control Plan (DCP) – Phase 2
- Special Infrastructure Contributions plan.

Matters relating to the specific water, sewer and stormwater measures should be referred to the Minister for Water. Matters relating to the specific road and public transport measure should be referred to the Minister for Roads and Minister for Transport.

Q106. Who is coordinating the delivery of the Aerotropolis within both the Government and Department? How effective have they been? Can they provide a score or evidence on their performance to date?

(a) What mechanisms are in place to ensure the performance of these people in the Department?

The Department of Planning, Housing and Infrastructure is currently working with other agencies, including Transport for NSW and Sydney Water, to identify staging and infrastructure options, to support the scheduled opening of the Western Sydney Airport in 2026 and the ongoing development of the Aerotropolis.

Q107. How much infrastructure investment is needed to be injected into the Aerotropolis? Does the Government know what exactly what funding is needed in order to deliver the necessary roads, water and sewer connections by 2026 (Airport opening)?

The minimum level of infrastructure for the Airport to be operational in late 2026 is on track. Questions about the funding for road, water and sewer connections should be directed to the relevant minister.

The Department of Planning, Housing and Infrastructure is working with Transport for NSW to develop a road staging and sequencing plan that will activate serviced industrial land in the Aerotropolis. This plan will be a tool to guide planning and investment decisions. @

Q108. TfNSW has disclosed that they are unable to give any timing as to when the required Aerotropolis roads will be upgraded or constructed. Industry have been informed that there has been no NSW Government decision to invest in these roads and have refused to give even an indicative timeframe for delivery. This is contrary to the \$1 billion of funding announced by the NSW Government in June 2021, which committed more than \$900 million to fund enabling works on lands near Bringelly, including remediation and road infrastructure.

Noted

Q109. TfNSW has also indicated that they do not believe that there is any prospect of the necessary connector roads being constructed by the time the airport opens for cargo operations in late 2025.

(a) What action is the Government taking to ensure the necessary connector roads are constructed in a timely manner?

(b) When does the Government project these connector roads will be constructed?

This matter falls within the portfolio responsibilities of the Minister for Roads.

Q110. Enabling road transport infrastructure is described as the Aerotropolis Roads Package, which identified 6 key road and transport projects in the Aerotropolis Precinct: Upgrade Elizabeth Drive, Upgrade Badgerys Creek Road, Upgrade Luddenham Road, Extending 15th Avenue to Badgerys Creek Road, Construction of the new Bradfield Metro Link Road and, Construction of the new Eastern Ring Road.

(a) What is the status of each of these roads?

(b) When does the Government estimate each of these roads will be built?

(c) How much money is being provided by the:

i. NSW Government for each of these projects?

ii. Federal Government for each of these projects?

This matter falls within the portfolio responsibilities of the Minister for Roads.

Q111. Who is the lead Minister for the Aerotropolis project?

The then Minister for Planning led the rezoning of the Aerotropolis precinct and identified required infrastructure as part of that process. Individual agencies are responsible for the delivery of infrastructure.

Q112. Was 30 minutes on rail to a major centre a selection criteria for TOD sites?

(a) If not, was there a time period on rail to a major centre a selection criteria for TOD sites?

i. If so (for (a)) – what is the time period that was made a selection criteria?

Yes.

Q113. What definition of “major centre” was applied?

The definition of major centre relates to ‘Metropolitan City’ or ‘Metropolitan Centre’ as identified in the Future Transport Strategy - Sydney, Newcastle, Parramatta, Wollongong, Gosford.

Q114. What were the parameters that were established “so that there was a distribution of the TOD locations”?

The assessment criteria methodology for sites selected for inclusion in the TOD Program is publicly available on the Department’s website
<https://www.planning.nsw.gov.au/sites/default/files/2024-03/transport-oriented-development-program-assessment-criteria.pdf>

Q115. Was this applied to both the accelerated precincts and the 31 sites selected under the TOD SEPP?

Yes.

Q116. What were the final parameters that were put in place for the selection of TOD sites?

The assessment criteria methodology for sites selected for inclusion in the TOD Program is publicly available on the Department’s website
<https://www.planning.nsw.gov.au/sites/default/files/2024-03/transport-oriented-development-program-assessment-criteria.pdf>.

Q117. When were parameters put in place for the selection of TOD sites?

The TOD Program has been in development since May 2023 and was publicly announced by the NSW Government on 7 December 2023.

Q118. Residents in Luddenham are concerned that “their community is dying” because of a lack of action from DPHI to rezone Luddenham

(a) The Luddenham Village Discussion Paper was on exhibition from 8 October to 5 November 2021 for public comment – why has it taken so long to take action?

Progression of the draft Luddenham Village precinct plan is dependent on confirmation of flights paths and noise impacts. The Commonwealth Government’s Flight Path Environmental Impact Statement (EIS) has recently been exhibited and (October 2023 to 31 January 2024) and flight paths are yet to be finalised by the Commonwealth.

(b) The Government made the Luddenham re-zoning an election promise.

i. Has the Minister ever directed DPHI to make the Luddenham re-zoning a priority?

ii. If so, on what date?

Timing of the rezoning is pending outcomes of flight path exhibition to be determined by the Commonwealth.

Q119. What directions has Minister Scully given DPHI on the Luddenham re-zoning?

(a) Has DPHI briefed the Minister on the Luddenham re-zoning?

i. If so, on what date?

ii. If not, why?

The Minister has directed that a rezoning should be pursued for the Village, in response to representations from the community, subject to adequate advice from the Commonwealth on long term noise impacts and land suitability.

The Department briefed the Minister on Luddenham Village on 4 March 2024.

Q120. What engagement has DPHI had with the Federal Government around the finalisation of flight paths for the Western Sydney Airport?

(a) Does DPHI have plans ready to go for the Luddenham rezoning, very soon after the flight paths are finalised?

i. How long will it take to release the Luddenham rezoning after the flight paths are finalised?

The Department has ongoing engagement with the Federal Government on flight paths and made a submission to the public exhibition of the Draft Flight Path EIS.

Once the flight paths are finalised by the Commonwealth, the Department will develop the program for the delivery of the final Luddenham Village Plan and rezoning.

Q121. When will the rezoning of Luddenham be completed by?

(a) When will the rezoning of Luddenham be implemented by?

Refer to response to supplementary question notice 120.

Q122. Will the people of Luddenham have certainty about what is happening in their community in regards of the re-zoning by the end of 2024?

Refer to response to supplementary question notice 120.

Q123. What engagement has DPHI had with the local council over the Luddenham re-zoning?

Liverpool and Penrith Councils were involved in the stakeholder workshops for the exhibition of the Luddenham Village Discussion Paper in October 2021.

The Department will continue to engage both Councils on the program for the delivery of the final Luddenham Village Plan and rezoning.

Q124. Which section of DPHI is responsible for the Luddenham rezoning?

Planning Land Use Strategy and Housing are responsible for Luddenham village rezoning.

(a) Why are they so slow?

Progression of the draft Luddenham Village precinct plan is dependent on confirmation of flight paths and noise impacts as determined by the Commonwealth.

Q125. What will DPHI do to ensure the full potential of Luddenham is realised?

The Department will develop a program for the delivery of the final Luddenham Village Plan and rezoning. The program will include milestones for community engagement and collaborating with state agencies.

Q126. Note: "The Department of Education confirmed Luddenham Public School would go from three to two classes in 2024, citing declining enrolments, with just 45 students last year."

What is DPHI's response to this?

The Department will collaborate with Education on the final Luddenham Village Plan and rezoning.

127. What is the progress with the rezoning of Orchard Hills?

- (a) When the DHPI website says “early 2024” can you specify a month in 2024?**
- (b) When will the ‘zoning intent’ structure plan be released?**
- (c) Can you give a commitment the exhibition will occur in this quarter?**

The Department is preparing the public exhibition material for Orchard Hills. The exhibition of the draft planning package is scheduled to commence in 2024.

Q128. When will the rezoning of Orchard Hills be completed?

The rezoning will occur before the end of 2024.

Q129. When will the rezoning of Orchard Hills be implemented?

Rezoning will occur before the end of 2024. Development applications may be lodged after the rezoning.

Q130. Will the people of Orchard Hills have certainty about what is happening in their community in regards of the re-zoning by the end of 2024?

The Department intends to publicly exhibit the draft planning package by 2024. The draft planning package will include the proposed rezoning plans and supporting technical studies.

Q131. The DPHI website says: “We are also adopting a staged approach to re-zoning land in Orchard Hills to better align with the planned delivery of new and upgraded infrastructure to service the precinct.”

- (a) Can you please outline this staged approach, and how it will occur?**

The precinct will be rezoned in stages. The first stage of rezoning will focus on the Metro station, with the subsequent stages to be rezoned in the future to align with servicing availability and staging of investment. The public exhibition of the draft planning package will include discussion on the potential next stages.

- (b) What is the proposed timeline for the staged approach?**

The timeline of the potential next stages will be included in the public exhibition of the draft planning package.

Q132. What upgraded and new infrastructure, apart from the Metro, will there be in Orchard Hills?

- (a) How much is it projected to cost?**
- (b) Is there the funding available for this?**

(c) How much more funding is required?

(d) Will there be a master planning process for Orchard Hills?

i. If so, when will it begin?

ii. If so, when it is estimated to be complete?

iii. If not, why?

The Department is collaborating with Council and State agencies on the draft planning package and supporting infrastructure. The first stages of development will leverage committed and existing infrastructure, such as roads, pedestrian paths, water, waste water and electrical infrastructure, associated with the delivery of the new Metro station.

There will be a range of new infrastructure required to service both the Stage 1 rezoning area, and the broader precinct. The Department is working through these issues with State agencies, utility providers, and Penrith City Council. The draft exhibition package is proposed to include a draft local contributions plan which will identify proposed costs of the local infrastructure.

Q133. What coordination is happening with other Departments to ensure proper infrastructure provision in Orchard Hills?

(a) With the Department of Education?

i. Please outline the progress which has been made?

(b) With the Department of Health?

i. Please outline the progress which has been made?

(c) With Transport for NSW?

i. Please outline the progress which has been made?

ii. With respect to road infrastructure?

iii. With respect to public transport, particularly rail and buses?

The infrastructure needs for Orchard Hills has been developed in consultation with other agencies and infrastructure providers.

The majority of the infrastructure within the precinct will be delivered by the local Council, with preliminary costings to be developed to inform a draft local contributions plan.

TfNSW is constructing the new Metro station currently and has provided comment regarding the proposed bus network and capable streets within the precinct.

Q134. What is the status with the Per- and polyfluoroalkyl substances (PFAS) Contamination Investigation by the Department of Defence, to the best knowledge of the NSW Government?

Defence has made the Department of Planning, Housing and Infrastructure aware of the potential for PFAS contamination on land near a Department of Defence facility, adjoining the Orchard Hills state-led rezoning. DPHI met with Defence, EPA and other agencies upon

learning about the potential for contamination, and briefed the local Member of Parliament, Penrith City Councillors, the Western Sydney Community Commissioner and the Orchard Hills community group on proposed next steps. The Commonwealth Department of Defence has no additional testing planned in its work program, so the Department has engaged consultants to better understand the extent and location of any contamination and its impacts for land use planning. The final report is due in the coming months, and results will be shared with the community, Penrith City Council and agencies. Preliminary results indicate low levels of PFAS that do not exceed the residential criteria.

Q135. The Orchard Hills community will have a consultation period after the rezoning is released – how long will this consultation be for?

The Department currently intends to exhibit the draft plans for 6 weeks.

Q136. Given the Sydney Metro St Marys site, alongside the St Marys heavy rail line, what is the government's plan to assist in revitalising Queen Street and providing economic uplift to the St Marys CBD?

Penrith City Council is currently developing a Master Plan for the St Marys Town Centre, which includes St Marys heavy rail and future metro stations. Private investment and renewal will be required to revitalise the centre following a rezoning. Council plans to exhibit the Master Plan by the end of 2024.

St Marys Metro Station is included as a site in the TOD Program. The Government will work with Penrith Council on the plans for St Marys as part of this program.

Q137. When will DPHI outline further the Government's plans to the St Marys community?

St Marys Metro Station is a site is included in the TOD Program. Responsibilities for the finalisation of the plans, and time for rezoning are currently being negotiated with Penrith City Council.

Q138. Will there be a rezoning in St Marys?

Yes.

(a) If so, when will there be an opportunity for community consultation?

i. When?

Council is looking to exhibit its Master Plan as part of its strategic planning for the St Marys Town Centre by end of 2024.

(b) When does DPHI anticipate any rezoning will be ready for implementation?

Responsibilities for the finalisation of the plans, and timing of the rezoning are currently being negotiated with Penrith City Council.

Q139. Will the Government provide funding for the revitalisation around the St Marys Station?

(a) Will there be a master planning process for St Marys?

i. If so, when will it begin?

ii. If so, when it is estimated to be complete?

iii. If not, why?

The master planning process will identify public domain strategies, and further design work may be required following the rezoning. The public domain projects are likely to be the types of works (open space, local streets) typically funded through a local contributions plan.

Q140. It has been reported that the WPCA has only started construction on a visitor centre – is this true?

No.

Q141. The WPCA has received \$500 million in grants, yet a visitor centre is all there is to show - with the airport opening in two years? What is the Government's response to this poor progress?

Stage one of the new city is on track to open alongside Western Sydney International (WSI) and the Western Sydney Airport Metro in 2026.

The First Building referred to in the media is the first commercial building in Bradfield City Centre and will house industry tenants, an advanced industry hub, and the first stage of the Advanced Manufacturing Research Facility (AMRF) that will support growth in the NSW manufacturing sector. It is due to open later this year, two years ahead of the airport opening.

The Bradfield City Centre Master Plan was publicly exhibited by NSW DPHI in February 2024 and submissions are now being considered ahead of Ministerial determination of the final Master Plan. An approved Master Plan will allow the WPCA to progress delivery of a 4km network of Civil Works, including roads and utilities to create serviced lots around the new Metro station.

A civil works tender was issued to the market on 15 February 2024, as well as an EOI for a telecommunications package issued to the market on 6 March 2024.

Serviced lots will be released to the market to allow developers and industry partners to accelerate delivery of housing and jobs. Expressions of interests for the first 4.3-hectare mixed use lot will be called in mid-2024.

The Second Building, a 12,800 square metre commercial building, will house industry tenants and the substantial second stage AMRF. Designs for the building are in final planning stages, and pending approval of a State Significant Development Application, will commence construction in 2025.

Delivery of Central Park, adjacent to the Metro station, is advancing following a design excellence competition winner awarded in June 2023. It is now well advanced in detail design for planning approval and is due to open alongside the Bradfield Metro Station.

Q142. Staff numbers in the WPCA have doubled over the last three years – what programs are these staff developing?

Staff numbers have increased, but not doubled over the last three years -

As at 30 June 2021, the WPCA had 90 employees (including 33 contractors)

At present, the WPCA has 138 employees (including 6 contractors)

The WPCA is tasked with delivering Bradfield City Centre and driving economic development and investment attraction to the Aerotropolis. The agency is doing this through:

- Delivery of the 114 hectare Bradfield City Centre
- Delivering the New Education and Training Model (NETM) program
- Establishing the Advanced Manufacturing Research Facility (AMRF)
- Attracting investment to the region

Q143. The Coalition is supporting the idea proposed by Housing Now! to establish a pattern book of housing designs:

(a) How much funding has been provided within DPHI specifically for the pattern book design competition?

\$200,000 in funding for this FY23-24 has been provided from the DPHI budget to initiate the Design competition program and Pattern book commencement.

(b) When did the pattern book design process begin within DPHI?

The process for developing the Pattern Book designs commenced within the existing Government Architect NSW team in November following the Premier's announcement.

(c) It has been reported in the press that a design competition to find the terrace and unit block designs have been "delayed amid budget constraints in DPHI"

i. Has the process been delayed?

No.

ii. When will the terrace designs be released for public feedback?

No specific date has been set.

iii. When was the initial goal when pattern book designs were announced in November?

It is expected the Design Competition process will launch in mid 2024.

iv. When will the proposed "Interactive Map" be launched?

The interactive map 'Good Design for Housing' is expected to be publicly launched by mid 2024.

Q144. What stage are we presently at in the process of developing these pattern book designs?

The Department is preparing briefs to commission patterns from architectural consultancies.

(a) What is the next stage of the pattern book design development process?

The next stages of Pattern Book design development are:

- Launch the Design Competition
- Launch an EOI for patterns developed with industry
- Low-Rise Housing Pattern Book development and launch
- Mid-Rise Housing Pattern Book development and launch
- Fast-track Planning Pathway Development.

i. What are all stages of the process from announcement to the first pattern book design homes being built? Is there a blueprint on how to progress – what is it?

The Department has proposed the following process to procure and progress pattern design development:

- Government Architect NSW commission patterns from architectural consultancies;
- Industry EOI seeking patterns from industry, potentially volume builders teamed up with architects; and
- Design Competition seeking innovative pattern designs locally and internationally. (Note all designs will be reviewed and endorsed by GANSW prior to public release)

(b) Has the Government established a timeline for the pattern book design program?

i. If so, what is it?

Pattern Book Design Timeline:

- Design Competition launch (Mid 2024),
- Industry EOI for patterns opened (Mid 2024),
- Design competition winners announced (late 2024),
- First tranche of patterns released (Early 2025),
- Planning Pathway (Early 2025)
- Stakeholder engagement

(c) When does the Government intend on releasing designs for consultation?

Consultation on Pattern book designs will occur:

- Late 2024 – Design Competition finalists available for public feedback
- Early 2025 – First tranche of Pattern Designs released.
- Stakeholder engagement will occur throughout the program

(d) Has the Government set a goal for when the first pattern book design will be built by?

Pattern Designs will be available for the public/industry to construct upon launch (early 2025).

Q145. What consultation has the Government architect engaged in with private developers to put together pattern book designs?

The Government Architect NSW engaged with industry including peak bodies for development, housing and design in Nov-Dec 2023, following the announcement of the scheme.

Q146. Does the Government have a projection on how many pattern book designed homes could be constructed?

(a) How has the Government sought to gauge interest amongst developers to build pattern book homes?

(b) What has been the results of interest amongst developers to build pattern book homes?

Analysis is underway to determine the applicability of the scheme across the State in consideration of the current housing reforms and various other factors including economic viability. Ongoing stakeholder engagement and consultation with industry and their peak bodies has indicated broad support for the pattern book. The Department will continue to consult with these bodies as this initiative progresses.

Q147. Industry has been saying that DPPI has shown a reluctance to a codes approach, with further reluctance to explore any solution that required legislation.

(a) Can you outline why there is a reluctance towards a codes approach?

(b) Why would the Government not bring legislation to the Parliament about Pattern Book Designs?

DPPI has explored all options to achieve more housing supply, including Codes. The Codes is an important approval pathway that is available for low rise housing including dual occupancies, terraces and manor houses. This pathway will be more widely available under the LMR reforms due to the proposed expanded permissibility of these development types, allowing these developments to be approved quickly.

The aim for the Pattern Book is to achieve flexibility in the assessment approach, which will form a key part of the evaluation of assessment pathway options. Development of the planning pathway to support the Pattern Book is underway and all options are being considered for a legislative/ environmental planning instrument approach to facilitate the proposed fast-tracked planning approval pathway for the Pattern Book.

Q148. How many designs does the Government intend on releasing?

The total number of designs is yet to be confirmed.

(a) What types of housing will pattern book designs include?

i. Will pattern book designs include duplexes, terraces, townhouses, manor houses?

The Pattern Book will include designs for the following typologies:

- Low Rise Housing (2-storey) including:
 - o Dual occupancy (attached)
 - o Terrace,
 - o Manor House (2-storey residential flat buildings)
- Mid Rise Housing (3-6-storey) including:
 - o 3-6 storey residential flat buildings

ii. How many stories would be included in these designs?

Low Rise typologies will address 2 storey development. Mid Rise typologies will address 3-6 storey development.

Q149. Apart from faster approvals, has the Government considered any further incentives for homebuilders to use pattern book designs?

The Pattern Book proposes to give developers, home builders and owners access to a simplified and expedited planning approval process.

Standardised design, construction methods and assured sustainability performance (energy/water) as part of the proposed Pattern Book will provide more certainty on cost and construction timeframes for homebuilders and owners. Cost and licencing are currently being considered, with the intent that patterns will be available for low or little cost, providing significant savings in upfront professional fees.

Q150. Has the Government given any consideration into what zoning pattern book designs would best be used in?

(a) If so, what are the results?

The Pattern Book designs will align with existing permitted uses in environmental planning instruments, as well as the proposed planning changes through the *Diverse and Well-Located Planning Reforms*.

Under these proposed reforms Pattern Book designs would be permitted with consent in R2 low density residential zones across the State and R3 Medium Density Residential zones in some places across the Greater Sydney, Hunter, Central Coast and Illawarra regions.

Q151. What measures will be put into place to ensure that there is a variety in the design of housing in a street or suburb?

The Diverse and Well-Located Planning Reforms will introduce more diversity/variety of housing stock within existing urban areas (infill development) and in greenfield areas across NSW by permitting denser low and mid-rise housing typologies previously not permitted in these areas.

For example, dual occupancy or terrace housing will be permitted for development in some greenfield areas which are predominately comprised of detached single dwellings.

The Pattern Book program incentivises the delivery of these less prevalent diverse housing typologies in NSW and will develop a variety of designs from a selection of architects across all typologies to provide diversity in the design offer.

(a) What is your view on a street where every house were to look the same?

This is an unlikely scenario in urban infill environments.

Q152. What is a SEER team within the Department of Planning, Housing and Infrastructure?

The SEER Team is former name of the Stakeholder Engagement and Policy Implementation team. This team is responsible for undertaking and coordinating all engagement with key stakeholders for the Planning Groups.

(a) What positions are members within the PLUSH teams within DPHI?

There is one Executive Director, two Directors and several supporting staff.

(b) Who constituted or constitutes the SEER team?

As above.

(c) What does SEER stand for?

Stakeholder Engagement and Economic Recovery.

(d) Is the SEER team still active?

Yes, under a new title Stakeholder Engagement and Policy Implementation

Q153. What is a PLUSH team within the Department of Planning, Housing and Infrastructure?

The PLUSH team constitutes statutory planning, state led rezoning, housing and economic policy and the Planning Delivery Unit.

(a) What positions are members within the PLUSH teams within DPHI?

The PLUSH team consists of positions ranging from Planning Officers (PO1A) and Student Planners through to Deputy Secretary (SEB3).

(b) Who constituted or constitutes the PLUSH team?

As above.

(c) What does PLUSH stand for?

Planning, Land Use, Strategy and Housing.

(d) Is the PLUSH team still active?

Yes.

Q154. The land that is being identified in the land audit, would all have various different zonings right now:

(a) What will the process be to re-zone the land into residential or mixed use zonings?

i. Can you please outline every stage in this process. It should be ready to go the moment the land is made available.

(b) When does DPHI anticipate to start the re-zoning process for land identified in the land audit?

i. How long will it take?

ii. Does DPHI have the required resource to do this work?

(c) What involvement will local councils have in the re-zoning of the land found for housing in the land use audit?

(d) What opportunities have councils had, and will have, to provide feedback to the land use audit and eventual re-zonings?

This matter falls under the portfolio responsibilities of the Minister for Lands and Property.

Q155. What is the current number of staff within DPHI, by agency?

As at 31 January 2024:

Agency	Headcount
Botanic Gardens of Sydney	327
Cemeteries and Crematoria NSW	15
Crown Lands	571
Greater Cities Commission	84
Greater Sydney Parklands	121
Heritage Stoneworks	42
Hunter Central Coast Dev Corp	27
Office of Local Government	70
Placemaking NSW	146
Planning	1124
Property & Development NSW	173
Sydney Olympic Park Authority	452
Valuation NSW	173
Western Parkland City Authority	133
Rest of DPHI	1410
Grand Total	4868

The above numbers are based on DPHI establishment data. Please note, relevant staff previously employed by GCC are currently being transitioned to reflect in DPHI establishment data, as per Machinery of Government and Process and Technology Harmonisation Program transition arrangements.

Data excludes Independent Planning Commission and NSW Reconstruction Authority who are not part of DPHI.

Q156. How many planners are employed by DPHI, as of today?

As at 29 February 2024, 737 planners were employed at DPHI.

Q157. How many planners were employed by the Department of Planning and Environment on its final day of existence?

As at 31 December 2023, 742 planners were employed at DPE.

Q158. How many redundancies were made as a result of the following:

(a) The restructure to DPHI?

i. If yes, how many redundancies, what were the cost of those redundancies and what were the bands of the staff who were made redundant?

(b) The abolition of the Greater Cities Commission?

i. If yes, how many redundancies, what were the cost of those redundancies and what were the bands of the staff who were made redundant?

As a result of the creation of the Department of Planning, Housing and Infrastructure on 1 January 2024, there have been no redundancies.

There have been no redundancies at the non-executive level for Greater Cities Commission staff. Non-Executive (Award) staff are currently undergoing the Premier's Department mobility process up to June 2024.

Q159. How many Deputy Secretaries and Senior Executives responsible for Planning matters have left the Department, and received a pay out in the following months:

(a) October 2023

(b) November 2023

(c) December 2023

(d) January 2024

(e) February 2024

No Deputy Secretaries and Senior Executives responsible for planning matters that have left the Department and received a pay out between October 2023 and Feb 2024.

Q160. Can you please provide an updated organisational chart for the Department of Planning, Housing and Infrastructure?

An updated organisation chart will be provided in the FY2024 Annual Report

Q161. Were new staff hired with the establishment of the new Department for Planning?

(a) If so, how many?

There is no new Department for Planning. On 1 January 2024 the Department of Planning, Housing and Infrastructure was established. No staff were recruited specifically for its establishment.

(b) Which agencies are recruiting and for how many positions?

As at 11 March 2024, the following agencies in DPHI are currently recruiting:

Agency	No Positions
Crown Lands	83
Planning	49
Homes and Property Development	37
Placemaking NSW	10
Western Parkland City Authority	1
DPHI remainder	123

Q162. Minister, you would be aware of media reporting about the inability of the NSW Planning Portal DA wait times to split approval times for various types of development. Average wait times for DA's include everything from complex subdivisions to decisions on residential storm water drains.

Noted

Q163. Does this process single out councils which are in fact handling more complex housing DA's?

The website breaks down data on development assessment by a range of metrics including by council and by housing typology.

Q164. Liverpool Mayor Ned Mannoun has criticised this method of reporting, stating, "We should be measuring councils based upon the type of development – there's no point mixing in a pergola or a pool with as subdivision for 200 lots which is actually going to provide housing. Ultimately the numbers are flawed."

(a) Does the Government agree with Ned Mannoun?

The Dashboard does report on different housing typologies, but not to the level of detail the Mayor alludes to.

(b) If so, what is the Government doing in response to his valid concerns?

The Department is not planning to change how it reports on this data in the dashboard at this stage.

(c) If not, why not?

The Department reports on this to present the overall functioning of the planning system and a general overview of each Council. There is no plan to change how this is reported at this stage.

(d) Will you use this oversimplified mechanism to strip planning powers from Councils?

No.

Q165. Liverpool builder and engineer Ammar Mendo told The Daily Telegraph, “the current planning portal was constantly down and slow to react,”

(a) what is your response to Mr Mendo?

From 1 July 2023 the NSW Planning Portal has been accessible to all customers and stakeholders 99% of the time.

Q166. How many outages have there been on the Planning Portal over the last 9 months?

One unplanned outage.

(a) For every outage, name the reason, date and the length of time the outage occurred.

Pega, 3 October 2023, 6 hours.

(b) Has the Department taken any action on complaints the Portal is “slow to react”?

Feedback is welcomed and sought out from a range of stakeholders to allow for continuous improvements and upgrades to the Portal.

Q167. How many development applications are in the Planning Portal, approved, but have not commenced construction?

(a) If the Department does not keep this data, why?

The Department does not monitor construction following the approval of DAs. There is insufficient data currently available to monitor or track all CCs or OCs back to the original DA.

Q168. What is the average time taken from approval to construction commencing? What is the Minister doing to get this timeframe down?

The Department does not track the average time from approval to construction commencing.

Q169. What is the timeframe in which the Department anticipates to upload new monthly information onto the NSW Planning Performance Dashboard?

The Department aims to publish the data within 15 working days of the month ending.

(a) How long has it taken to upload data for the following months:

i. July 2023

7 calendar days.

ii. August 2023

14 calendar days.

iii. September 2023

iv. October 2023

September and October were updated 17 October 2023.

v. November 2023

November was updated on 22 Jan 2024.

(b) Why has data for December 2023 not been uploaded yet?

Data for December has been uploaded.

(c) Why has data for January 2024 not been uploaded yet?

Data for January 2024 has been uploaded.

(d) Will you resolve to have data uploaded to the dashboard within 15 working days of the month ending?

i. If not, why not?

ii. If not, can you commit to a time frame, in days, to load data to the dashboard?

Data extraction for the NSW Planning Performance Dashboard take place on the 1st of every month. The Department aims to publish the data within 15 working days of the month ending.

Q170. Can you confirm why the following data is not publicly available for each Council:

(a) The number of Full Time Equivalent planners assessing DAs

This data is not available publicly as the Department does not collect data on the number of Full Time Equivalent planners assessing DAs for each council.

(b) Breaking down DAs on the Portal by size/value and for residential DAs, on the number of dwellings.

The data provided on the [NSW Planning Performance Dashboard](#) provides a breakdown by planning pathway, council and residential development types. The number of dwellings is also available.

(c) Reporting on assessment times and submitted-to-lodged times according to the breakdown by size/value and number of dwellings.

The average assessment times and submitted-to-lodged for all councils and development types is available on the [NSW Planning Performance Dashboard](#). The number of dwellings is also available.

(d) Number of DA withdrawals by each Local Council.

Withdrawn data is available on the [Application Tracker](#) by LGA.

(e) Capturing and including the time that assessment is paused for while RFIs are outstanding

The assessment times for Local DAs is measured in gross days which includes all days from lodgement stage to determination stage. Further work is required to enable reporting on RFI times.

(f) Number of RFIs issued

Data on the number of RFIs issued is not currently reported.

(g) Number of Land and Environment Court cases in each LGA

The number of Land and Environment Court cases are not on the [NSW Planning Performance Dashboard](#). However, Land and Environment Court decisions are available on the NSW Planning Portal.

(h) For all of the above, will they be included in the Premier's new "League Tables" Program announced at the Bradfield Oration in November 2023?

The League Tables will be informed by the parameters set out in the Statement of Expectations Order. Work is still underway to finalise the design, functionality and inclusions for the League Tables.

Q171. Concerning the announcement by the Premier, the Hon Chris Minns MP, at the Bradfield Oration in November 2023 to introduce new League Tables for Planning:

(a) What will the league tables include?

This is being prepared.

(b) When will the league tables be up and available to view?

Mid 2024.

(c) How much will this initiative cost?

To be delivered by existing roles.

(d) What are the requirements for data within DPHI, other Departments and Councils?

The data used in the League Tables will be sourced from the NSW Planning Portal

(e) When will data be available for housing approval times and delays for state significant developments?

The publication of residential development types for Local DAs and Complying Development Certificates (CDCs) is publicly available on [NSW Planning Performance Dashboard](#). For State Significant Developments (SSDs) the SEARs issued date and determination dates for SSD projects are available on the [NSW Planning Portal](#).

i. Please provide housing approval times for all state-significant developments, as of this date?

The average assessment time for State Significant Developments with dwellings was 151 days for the rolling-6-month period to 29 February 2024.

ii. Please provide the length of delay, for all state-significant developments, as of this date?

The average assessment time for all State Significant Developments was 86 days for the rolling-6-month period to 29 February 2024.

(f) When will data be available for the average number of days it takes for all councils to turn around a development application?

The average assessment times data for all NSW councils is available on the [NSW Planning Performance Dashboard](#).

i. How many days does it take every LGA in NSW to turn around a new housing development application (excluding modifications of existing homes)?

The average assessment time for FY 2023-24 (up to 29 February 2024) for residential only Local DAs (excluding modifications and review of determination) is 112 days.

Q172. In the last twelve months, how many complaints has the Department of Planning, Housing and Infrastructure received about the NSW Planning Portal?

The Department does not centrally record 'complaints' about the NSW Planning Portal, and the various avenues of submission do not differentiate between a 'complaint' about the Portal vs. a query or comment.

(a) Please provide a breakdown of the different types and sources of complaints be provided, with the number of each?

The Department responds to queries, comments and complaints about the NSW Planning Portal through a number of avenues, including:

- The online submission form and 1300 phone number managed through Service NSW
- The Planning Portal specific submission form on the DPHI website
- Representations from MPs and official correspondence
- Ministerial and Departmental correspondence via Ministerial form submission, email, phone calls and hard copy letters
- Referrals from the NSW Ombudsman
- Tickets raised about specific technical or project issues often include general feedback and complaints

For Planning Portal tickets, between 1 July 2023 to 11 March 2024 the percentage of planning portal enquiries resolved was 91%.

Q173. Does DPHI track response times for Planning Portal enquiries from Councils and Certifiers, including time to respond to enquiries and the percentage of enquiries resolved, and can this information be made available?

No, the Department does not record, track or report on this specific information.

Q174. Is DPHI aware of calls for the reliability of the Planning Portal to be improved, ensure correct legislation is included, for it made more user friendly and increased training provided for Portal Help Centre staff?

The Department is working with Service NSW to improve training and knowledge sharing, ensuring the first point of contact with the Department is more efficient and improves first contact resolution. The Government is addressing the legacy of complex issues inherited from the previous government's administration of the Planning Portal.

(a) What action has been taken to respond to these concerns?

As part of the release of key new functionality or enhancements to the digital services, a pre-production environment (sandbox) can be established within the portal to enable users, such as councils, to observe demonstrations and personally trial the digital service prior to the release of the change. This enables the stakeholders to practice and provide additional feedback critical to a positive customer experience.

Q175. Does DPHI formally and regularly consult with building industry stakeholders, including Certifiers, before implementing enhancements, changes and amendments to the NSW Planning Portal?

Yes, the Department does formally and regularly consult with customers and end users (Council, Industry and Agency).

(a) What consultation has occurred since 1 July 2023?

There are NSW Planning Portal Reference Groups (Agency, Council, Certifier, and Industry). Meetings are scheduled quarterly and are held online and is part of the program governance structure. The team continues to hold workshops with select groups of councils to hear their concerns and provide ongoing support in their transition to digital services.

Q176. Is it correct that enhancements made to the NSW Planning Portal on or about 1 September 2023 failed to distinguish between Exempt Development and Complying Development?

(a) How did DPHI become aware of the issue?

(b) Why did it take a month to fix?

(c) How did DPHI assist applicants and others to obtain their necessary building approvals in the meantime?

(d) What action has been taken to ensure similar issues do not happen again?

No.

Q177. Did further enhancements and upgrades on 1 October 2023 regarding BASIX and the Home Building Contribution Fund cause further issues for applicants seeking to access the NSW Planning Portal?

No.

(a) On this occasion, how long did resolving the issues take and how did the Department assist applicants and others to obtain their necessary building approvals in the meantime?

Stakeholder feedback informs ongoing policy changes and enhancements to digital services and complaints continue to be addressed on an individual basis, to ensure they are being resolved as efficiently as possible.

Q178. Bathurst Regional Council has called the NSW Planning Portal “a key blockage to faster and easier approvals” and “a system that is clumsy, far from customer friendly, hardly intuitive, is often off-line, requires frequent work arounds and which has consumed considerable staff resources to manage.”

(a) What is the Government’s response to this?

The NSW Planning Portal is a common operating model that combines digital technologies and operational capabilities in an integrated, sequenced way to allow all stakeholders to have a high-quality platform with transparency, and less-manually intensive user experience.

Q179. Bathurst Regional Council “used to be able to guarantee a 24 hour turnaround time on CDCs for new dwellings, the best performance in NSW.” Now it is unable to do so as a result of the Planning Portal.

(a) What is the Government’s response to this?

The NSW Planning Portal is delivering the digital transformation of the NSW planning system through this online environment. Through the NSW Planning Portal and the related digital services, the Program has created a common operating model for councils, certifiers, and State agencies.

Q180. Does the Department have a forward plan for the ongoing improvement of the NSW Planning Portal, and does that forward program include - more work on the detailed technical user interface and streamlining the usability of the portal for Certifiers receiving CDC, Subdivision and Post consent certification applications; further development of the detailed technical user interface and streamlining the usability of the portal for Councils assessing and receiving DA lodgement and establishing a dedicated helpdesk for Certifiers and Councils to resolve issues and enquiries promptly, with helpdesk and technical resources to resolve errors and issues with the Portal, as requested by stakeholders?

Yes, the Department has a forward plan. The Government is addressing the legacy of complex issues inherited from the previous government’s administration of the Planning Portal.

(a) If not, why not?

Please refer to the [NSW Planning Portal Roadmap](#) for ongoing enhancements and releases. The Department has enhanced the digital services on the NSW Planning Portal to support and facilitate the building reforms introduced by the Building Commission NSW, particularly through the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (Residential Apartment Building Act) and the *Design and Building Practitioners Act 2020* (Design and Building Practitioners Act) and in response to the Building Commission NSW engagement with AAC.

Q181. Does the Department of Planning and Environment believe sufficient Certifiers are available to process the building approvals and certifications necessary to achieve the Government's ambitious housing targets?

The Department acknowledges that a coordinated approach with stakeholders, including certifiers, is critical to meeting the targets set by the National Housing Accord. It is recognised that the development and housing construction industry faces ongoing skills shortages which will be compounded by increased housing activity.

The Department meets regularly with key industry stakeholders to provide updates on housing reforms and to consider issues or constraints being experienced by the industry.

Q182. Has DPHI done any modelling of how many Certifiers will be required each year to meet the housing targets?

No.

Q183. Is DPHI aware of, and if so, concerned about statements by Certifiers that their critical sector of the construction and housing sectors is ageing, declining in numbers and not attracting sufficient new Certifiers to meet demand?

Refer to response to supplementary question on notice 181.

(a) What steps is the Government taking to ensure sufficient Certifiers to meet its stretch housing targets?

This is a matter for the Building Commission NSW.

Q184. Minister, you promised to provide \$1 million for noise mitigation to reopen Wakefield Park, has \$1 million been provided towards any of the noise mitigation works that have been undertaken?

(a) If \$1 million has not been provided, how much money has been?

DPHI is developing a grant funding program for noise mitigation works in accordance with the requirements of the Grants Administration Guide, with independent probity advice being sought, prior to the program being finalised for Ministerial approval.

Q185. Minister Scully said in April 2023: “We will have the Department of Planning, Goulburn Mulwaree Council, and the Office of Sport work on a plan to get Wakefield Park reopened.”

(a) What plan has DPHI provided towards the facility’s reopening?

DPHI is working with the owners and Council to reopen the facility, with the owners identifying a program of works, agreed to by Council as the consent authority. The owners are targeting the reopening of Wakefield Park in mid 2024.

Q186. With respect to the planning aspects of the NSW Motorsport Strategy, what work has been undertaken to date?

This question should be referred to the Minister of Sport.

Q187. Does the Government have an understanding of the total cost that has been undertaken towards reopening the facility?

Yes.

(a) If yes, what is total cost to date?

The owners have advised that costs incurred to date range from \$1,130,500 to \$2,250,000, which they’ve advised is approximately 50% of costs.

(b) If no, does the government plan to support this expenditure?

The Government has committed to a \$1 million grant to support the reopening of the raceway.

(c) When?

DPHI is developing a grant funding program in accordance with the requirements of the Grants Administration Guide, with independent probity advice being sought, prior to the program being finalised for Ministerial approval. This would provide funding for noise mitigation works to support the reopening of the raceway.

Q188. Who is the owner of Wakefield Park Motor Racing Circuit?

(a) Is the Government looking for a new owner?

i. If so, is there a tender process ongoing?

The Raceway is under private ownership.

Q189. Who is the operator of Wakefield Park Motor Racing Circuit?

(a) Is the Government looking for a new operator?

i. If so, is there a tender process ongoing?

Refer to response to supplementary question on notice 188.

Q190. When will the NSW Government release the forecasts and modelling that underpin the assumptions being made for housing yields under the Transport Oriented Development Program and the Low-and Mid-Rise Housing Reforms.

This question relates to information that is Cabinet-in-confidence.

Q191. Has DPHI conducted any feasibility modelling into the following:

(a) TOD – Accelerated Precincts

(b) TOD SEPP Precincts

(c) Low Rise Housing Reforms

(d) Medium Rise Housing Reforms

Refer to response to supplementary question on notice 190.

Q192. What were the results of this feasibility modelling?

Refer to response to supplementary question on notice 190.

Q193. Will this feasibility modelling be released publicly at any time?

(a) If so, when?

(b) If not, why not?

(c) If not, because it is cabinet-in-confidence, for what reasoning was this information made cabinet-in-confidence?

Refer to response to supplementary question on notice 190.

Q194. What is the average cost of construction assumed in the TOD and Low-and Mid-Rise Housing Reforms for the various different property types included:

(a) Dual occupancy

(b) Terrace homes

(c) Manor house

(d) Town house

(e) Free standing house

(f) If this data does not exist, how is any feasibility modelling conducted without knowing this key information?

Refer to response to supplementary question on notice 190.

Q195. Without government investment, the biodiversity offsets credit market seems unable to mature on its own. Recognising this, the previous Government made an initial investment of \$106.7m to create the Biodiversity Credits Supply Fund and Taskforce to improve biodiversity outcomes by working with private landholders to conserve their land and generate biodiversity credits.

The Fund and Taskforce has been highly successful in generating more biodiversity credits for the offsets credit market, which is essential to improve biodiversity outcomes and support housing delivery as well as new jobs and infrastructure projects in strategic growth areas.

(a) Given the success to date, will that investment be increased?

(b) If yes, how much will it be increased by?

(c) If not, why not?

This matter falls within the portfolio responsibilities of the Minister for the Environment.

Q196. A recent positive innovation has been the formation of Urban Development Programs (UDP) across the Six Cities and some regions, which brings together state and local government, agencies and industry knowledge to allow the local areas to successfully plan for and manage a strong pipeline of development-ready housing supply to meet demand. Unfortunately, resourcing for these UDP Committees seems to be shrinking.

(a) Is the UDP approach still a priority?

Yes.

i. If not, why not?

ii. If so, what resourcing will be provided so we can accurately measure our efforts and identify where we need to work harder to meet the Housing Accord commitment?

The Urban Development Program remains a key priority for the Government, and the Department will continue to resource the expansion and enhancement of the UDP.

Q197. In response to Supplementary Questions from last estimates, we asked what is the number of residents per hectare of open space in every LGA in NSW – the response was “NSW councils quantify public open space differently to each other. As a result of different methods of data collection, and in some cases an absence of data, there is currently no data available to confirm the number of residents per hectare of open space across every LGA.”

(a) So what are the various “different methods of data collections” across every LGA?

(b) Does DPHI not consider this data important when making planning decisions?

i. Then why is this data it not available?

Some councils collect data on the amount of open space available per capita, others collect data on the percentage of land area that is used as open space. There is also variation in what different councils count as public open space – relying on land that is zoned for public recreation (in Zone RE1) is insufficient as public open space is often located on land that falls under different zoning.

Some councils include public open space with limited recreational uses as public open space while others adopt a narrower definition of freely accessible public open space.

The variations in what constitutes open space, the type of public open space information that is collected and the frequency with which it is updated means comparisons of resident per hectare of open space across NSW LGAs cannot be realistically or reliably undertaken.

DPHI recognises the importance of collecting good quality data to inform planning decisions however there is currently no centralised framework for collecting up to date, accurate data from the broad range of stakeholders with responsibilities for public open space provision. A statewide, up to date database on public open space is recognised as a valuable planning tool and will require extensive engagement, funding and time to prepare.

Q198. Can you now answer this question - where data is available (if it is not, skip the question), what is the number of hectares (or other relevant unit of measurement) of open space in the following local government areas in New South Wales:

(a) Bayside?

(b) Burwood?

(c) Canada Bay?

(d) Hornsby?

(e) Hunter’s Hill?

(f) Inner West?

(g) Ku-ring-gai?

(h) Lane Cove?

(i) Mosman?

(j) North Sydney?

(k) Northern Beaches?

(l) City of Randwick?

(m) City of Ryde?

(n) Strathfield?

- (o) City of Sydney?**
- (p) Waverley?**
- (q) City of Willoughby?**
- (r) Woollahra?**
- (s) City of Blacktown?**
- (t) Canterbury-Bankstown?**
- (u) Cumberland?**
- (v) Georges River?**
- (w) City of Parramatta?**
- (x) Sutherland Shire?**
- (y) The Hills Shire?**
- (z) City of Cessnock?**
- (aa) City of Lake Macquarie?**
- (bb) City of Maitland?**
- (cc) City of Newcastle?**
- (dd) Port Stephens?**
- (ee) City of Blue Mountains?**
- (ff) Camden?**
- (gg) City of Campbelltown?**
- (hh) City of Fairfield?**
- (ii) City of Hawkesbury?**
- (jj) City of Liverpool?**
- (kk) City of Penrith?**
- (ll) Wollondilly?**
- (mm) Central Coast?**
- (nn) Kiama?**
- (oo) City of Shellharbour?**
- (pp) City of Shoalhaven?**
- (qq) City of Wollongong?**
- (rr) Bellingen Shire?**
- (ss) Clarence Valley?**

(tt) City of Coffs Harbour?
(uu) Kempsey Shire?
(vv) Mid-Coast?
(ww) Nambucca Valley?
(xx) Port Macquarie-Hastings?
(yy) City of Albury?
(zz) Balranaid Shire?
(aaa) Berrigan Shire?
(bbb) Edward River?
(ccc) Federation?
(ddd) Greater Hume Shire?
(eee) Murray River?
(fff) Wentworth Shire?
(ggg) Bland Shire?
(hhh) Carrathool Shire?
(iii) Coolamon Shire?
(jjj) Cootamundra-Gundagai Regional?
(kkk) City of Griffith?
(lll) Hay Shire?
(mmm) Junee Shire?
(nnn) Leeton Shire?
(ooo) Lockhart Shire?
(ppp) Murrumbidgee?
(qqq) Narrandera Shire?
(rrr) Snowy Valleys?
(sss) Temora Shire?
(ttt) City of Wagga Wagga?
(uuu) Wingecarribee?
(vvv) Dungog Shire?
(www) Muswellbrook Shire?
(xxx) Singleton?

(yyy) Upper Hunter Shire?
(zzz) Ballina Shire?
(aaaa) Byron Shire?
(bbbb) Kyogle?
(cccc) City of Lismore?
(dddd) Richmond Valley?
(eeee) Tweed Shire?
(ffff) Bega Valley Shire?
(gggg) Eurobodalla Shire?
(hhhh) Goulburn Mulwaree?
(iiii) Hilltops?
(jjjj) Queanbeyan-Palerang Regional?
(kkkk) Snowy Monaro Regional?
(llll) Upper Lachlan Shire?
(mmmm) Yass Valley?
(nnnn) Armidale Regional?
(oooo) Glen Innes Severn?
(pppp) Gunnedah Shire?
(qqqq) Gwydir Shire?
(rrrr) Inverell Shire?
(ssss) Liverpool Plains Shire?
(tttt) Moree Plains Shire?
(uuuu) Narrabri Shire?
(vvvv) Tamworth Regional?
(wwww) Tenterfield Shire?
(xxxx) Uralla Shire?
(yyyy) Walcha Shire?
(zzzz) Bathurst Regional?
(aaaaa) Blayney Shire?
(bbbbbb) Cabonne Shire?
(ccccc) Cowra Shire?

(ddddd) Forbes Shire?
(eeee) Lachlan Shire?
(ffff) City of Lithgow?
(ggggg) Mid-Western Regional?
(hhhhh) Oberon Shire?
(iiii) City of Orange?
(jjjjj) Parkes Shire?
(kkkkk) Weddin Shire?
(lllll) Bogan Shire?
(mmmmm) Bourke Shire?
(nnnnn) Brewarrina Shire?
(oooo) Cobar Shire?
(ppppp) Coonamble Shire?
(qqqqq) Dubbo Regional?
(rrrrr) Gilgandra Shire?
(sssss) Narromine Shire?
(ttttt) Walgett Shire?
(uuuuu) Warren Shire?
(vvvvv) Warrumbungle Shire?
(wwwww) City of Broken Hill?
(xxxxx) Central Darling Shire?

This data is not available.

Q199. What is the status of negotiations between DPHI and Walker Corporation over infrastructure funding to support the Appin Development?

Negotiations are ongoing.

Q200. When is it anticipated that these negotiations will be finalised?

Late 2024.

Q201. What infrastructure will be included to ensure that Appin has more than sufficient infrastructure to support the (incomplete question)

Infrastructure items to be included in the state planning agreement are subject of the negotiations.

Q202. Will the single-lane bridge at Broughton Pass be upgraded?

This matter falls within the portfolio responsibilities of the Minister for Transport.

Q203. How will the bushfire risk be managed in Appin?

The Department prepared a range of bushfire studies to support the Greater Macarthur growth Area. The Appin rezoning was also accompanied by further detailed bushfire studies.

Further, the Rural Fire Service was also consulted during the exhibition period and no objections were raised.

Q204. Council voted unanimously to demand a written assurance from the state government that there would be infrastructure in place to allow for safe evacuation – what is the progress on this?

The Strategic Bushfire Study for the GMGA can be found at:

<https://www.planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/greater-macarthur-growth-area/greater-macarthur-2040>

The supporting studies for the Appin (part) Precinct, including bushfire studies, can be found at:

<https://www.planningportal.nsw.gov.au/ppr/lep-decision/appin-part-precinct>

Q205. There are a number of Councils across NSW with outdated LEPS, which alongside outdated definitions are impacting both industry and community negatively. An example is Upper Lachlan Shire Council whereby the definition of “intensive agriculture” has impacted a NSW Government DPIE Soils for Life program case study – Tarthra Place. This is not an operation that is intensive agriculture, it is regenerative but has fallen under the definition in the planning system. The council agree that the LEP is well and truly overdue to be updated but have expressed the difficulties that small regional councils endure surrounding funding planning projects.

(a) Will you consider funding the studies needed for Councils to update their LEPS?

The Department established the Regional Housing Strategic Planning Fund in 2022 to provide greater support to regional councils to help prepare planning strategies, technical studies, masterplans and planning proposals.

(b) Will you also consider modernising definitions captured in the state planning legislature?

The Department reviews and makes amendments to definitions in the Standard Instrument (Local Environmental Plans) Order 2006 as needed, which amends definitions in all standard LEPS. The Department will consider updating agricultural definitions when any future review of the Order is undertaken.

Q206. I understand Minister Jackson is leading the Review of Short-Term Rental Accommodation, but DPHI was not at her Budget Estimates hearing, hence the below questions:

(a) Have you canvassed what rate to set a potential STRA tax at?

(b) Will the Government rule out a STRA tax impacting the entire state?

(c) Would the Government consider a STRA tax, but only in certain postcodes or LGAs?

(d) Has the Government considered a Tourist Tax in Sydney and other holiday areas, similar to measures adopted in other cities such as Paris?

(e) Can you clarify the timeframes involved in the development and release of the recent STRA Review Discussion Paper? Given the complexity of the issues addressed in the paper, why was the industry provided less than one month to respond?

(a) – (e) The STRA review is being led by Minister Jackson. Questions relating to this review are matters for the Minister for Housing.

(f) Has the Government considered expanding the caps on STRA which were announced in the Byron Shire last year, more widely throughout the state?

Policy setting changes to non-hosted day caps will be considered as part of the policy review led by Minister Jackson.

(g) What is the progress on the 60-day rental cap in the Byron Shire?

i. In the Byron Shire, has there been any progress in freeing up long-term rental housing?

The 60-day cap on non-hosted STRA in Byron Shire is scheduled to take effect from the 23 September 2024. It is therefore premature to assess what effect, if any, the new day cap will have.

To date, registration numbers of non-hosted STRA in the LGA have remained reasonably steady. Dwellings that are actively used for STRA may be less than the total number of dwellings that are registered for STRA.

(h) What proof is there to show that limiting STRA will have any benefit on the long term rental market by freeing up supply?

The STRA review is being led by Minister Jackson. Questions relating to this review are matters for the Minister for Housing.

(i) Has the government conducted any economic analysis regarding the impact of STRA on the NSW economy?

(j) Has the government conducted any comparative analysis of STRA regulations in other jurisdictions, both nationally and internationally? What insights or best practices have been identified from and how are they being incorporated into the development of STRA policy in NSW?

(k) Has the government reviewed the findings of the recent Urbis regarding the economic impact of STRA in NSW?

i. What is the response of the Government?

(l) Can the government provide an update on the status of discussions with industry stakeholders and community representatives regarding the proposed reforms outlined in the STRA Review Discussion Paper?

(m) What measures are being taken to ensure that diverse perspectives and interests from a range of stakeholders in the STRA industry are adequately represented in the policymaking process?

(h) – (m) The STRA review is being led by Minister Jackson. Questions relating to this review are matters for the Minister for Housing.

(n) Has the Government conducted any modelling on how a STRA tax would increase hotel room prices?

i. What were the results of this modelling?

ii. Will the modelling be released publicly?

(o) What modelling has been conducted by Government about the potential negative impact on tourism and local economies if overly restrictive regulations are imposed on the STRA sector?

i. What were the results of this modelling?

ii. Will the modelling be released publicly?

(n) – (o) These matters fall under the portfolio responsibility of the Minister for Housing.

(p) Has it been estimated or modelled how much more money STRA landlords are making from renting out their property for STRA, rather than long-term rentals?

i. What were the results of this modelling?

ii. Will the modelling be released publicly?

The STRA review is being led by Minister Jackson. Questions relating to this review are matters for the Minister for Housing.

(q) Can you please provide a list of STRA registrations in NSW broken down by postcode and LGA?

The table below outlines total STRA dwelling registration numbers in each local government area (LGA) as of 26 February 2024.

Local Government Area	Hosted	Non-Hosted
ALBURY CITY COUNCIL	106	119
ARMIDALE REGIONAL COUNCIL	90	59
BALLINA SHIRE COUNCIL	330	432
BALRANALD SHIRE COUNCIL	2	0
BATHURST REGIONAL COUNCIL	151	189
BAYSIDE COUNCIL	228	233
BEGA VALLEY SHIRE COUNCIL	303	657
BELLINGEN SHIRE COUNCIL	151	100
BERRIGAN SHIRE COUNCIL	6	21
BLACKTOWN CITY COUNCIL	114	81
BLAND SHIRE COUNCIL	4	7
BLAYNEY SHIRE COUNCIL	40	27

BLUE MOUNTAINS CITY COUNCIL	467	732
BOGAN SHIRE COUNCIL	1	1
BOURKE SHIRE COUNCIL	2	2
BREWARRINA SHIRE COUNCIL	0	1
BROKEN HILL CITY COUNCIL	60	80
BURWOOD COUNCIL	39	39
BYRON SHIRE COUNCIL	1105	1273
CABONNE SHIRE COUNCIL	47	50
CAMDEN COUNCIL	32	35
CAMPBELLTOWN CITY COUNCIL	34	33
CANTERBURY-BANKSTOWN COUNCIL	119	83
CARRATHOOL SHIRE COUNCIL	2	1
CENTRAL COAST COUNCIL	1270	2424
CENTRAL DARLING SHIRE COUNCIL	2	7
CESSNOCK CITY COUNCIL	215	547
CITY OF CANADA BAY COUNCIL	83	99
CITY OF PARRAMATTA COUNCIL	245	297
CLARENCE VALLEY COUNCIL	268	742
COBAR SHIRE COUNCIL	1	12
COFFS HARBOUR CITY COUNCIL	382	655
COOLAMON SHIRE COUNCIL	2	2
COONAMBLE SHIRE COUNCIL	3	3
COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL	8	11
COUNCIL OF THE CITY OF SYDNEY	1106	2015
COWRA SHIRE COUNCIL	10	19
CUMBERLAND COUNCIL	55	42
DUBBO REGIONAL COUNCIL	71	110
DUNGOG SHIRE COUNCIL	32	56
EDWARD RIVER COUNCIL	6	6
EUROBODALLA SHIRE COUNCIL	452	1080
FAIRFIELD CITY COUNCIL	36	45
FEDERATION COUNCIL	32	73
FORBES SHIRE COUNCIL	10	9
GEORGES RIVER COUNCIL	69	62
GILGANDRA SHIRE COUNCIL	2	1
GLEN INNES SEVERN SHIRE COUNCIL	20	19
GOULBURN MULWAREE COUNCIL	59	46
GREATER HUME SHIRE COUNCIL	16	4
GRIFFITH CITY COUNCIL	12	11
GUNNEDAH SHIRE COUNCIL	10	17
GWYDIR SHIRE COUNCIL	2	
HAWKESBURY CITY COUNCIL	128	75
HAY SHIRE COUNCIL	8	12
HILLTOPS COUNCIL	18	30
INNER WEST COUNCIL	389	528
INVERELL SHIRE COUNCIL	16	9
JUNEE SHIRE COUNCIL	0	5
KEMPSEY SHIRE COUNCIL	185	576
KU-RING-GAI COUNCIL	97	87
KYOGLE COUNCIL	28	10
LACHLAN SHIRE COUNCIL	3	7
LAKE MACQUARIE CITY COUNCIL	290	453

LANE COVE MUNICIPAL COUNCIL	53	72
LEETON SHIRE COUNCIL	6	4
LISMORE CITY COUNCIL	113	56
LITHGOW CITY COUNCIL	92	93
LIVERPOOL CITY COUNCIL	77	37
LIVERPOOL PLAINS SHIRE COUNCIL	8	5
LOCKHART SHIRE COUNCIL	1	2
MAITLAND CITY COUNCIL	58	52
MID-COAST COUNCIL	573	1625
MID-WESTERN REGIONAL COUNCIL	225	262
MOREE PLAINS SHIRE COUNCIL	2	2
MOSMAN MUNICIPAL COUNCIL	87	180
MURRAY RIVER COUNCIL	39	52
MURRUMBIDGEE COUNCIL	3	1
MUSWELLBROOK SHIRE COUNCIL	16	13
NAMBUCCA VALLEY COUNCIL	136	190
NARRABRI SHIRE COUNCIL	8	4
NARRANDERA SHIRE COUNCIL	7	9
NARROMINE SHIRE COUNCIL	1	6
NEWCASTLE CITY COUNCIL	362	467
NORTH SYDNEY COUNCIL	211	507
NORTHERN BEACHES COUNCIL	1180	1977
ONDERDONK COUNCIL	47	32
ORANGE CITY COUNCIL	109	307
PARKES SHIRE COUNCIL	19	28
PENRITH CITY COUNCIL	77	56
PORT MACQUARIE-HASTINGS COUNCIL	365	676
PORT STEPHENS COUNCIL	362	1460
QUEANBEYAN-PALERANG REGIONAL COUNCIL	70	54
RANDWICK CITY COUNCIL	355	620
RICHMOND VALLEY COUNCIL	20	141
RYDE CITY COUNCIL	113	149
SHELLHARBOUR CITY COUNCIL	120	164
SHOALHAVEN CITY COUNCIL	1172	3430
SINGLETON COUNCIL	71	149
SNOWY MONARO REGIONAL COUNCIL	319	798
SNOWY VALLEYS COUNCIL	51	82
STRATHFIELD MUNICIPAL COUNCIL	32	51
SUTHERLAND SHIRE COUNCIL	238	249
TAMWORTH REGIONAL COUNCIL	114	135
TEMORA SHIRE COUNCIL	5	19
TENTERFIELD SHIRE COUNCIL	23	33
THE COUNCIL OF THE MUNICIPALITY OF HUNTERS HILL	6	22
THE COUNCIL OF THE MUNICIPALITY OF KIAMA	257	622
THE COUNCIL OF THE SHIRE OF HORNSBY	128	117
THE HILLS SHIRE COUNCIL	118	87
TWEED SHIRE COUNCIL	610	994
UNINCORPORATED	1	3

UPPER HUNTER SHIRE COUNCIL	19	28
UPPER LACHLAN SHIRE COUNCIL	24	31
URALLA SHIRE COUNCIL	15	13
WAGGA WAGGA CITY COUNCIL	120	205
WALCHA COUNCIL	6	2
WALGETT SHIRE COUNCIL	11	9
WARREN SHIRE COUNCIL	1	2
WARRUMBUNGLE SHIRE COUNCIL	17	15
WAVERLEY COUNCIL	500	1236
WEDDIN SHIRE COUNCIL	3	3
WENTWORTH SHIRE COUNCIL	13	18
WILLOUGHBY CITY COUNCIL	79	107
WINGECARRIBEE SHIRE COUNCIL	403	493
WOLLONDILLY SHIRE COUNCIL	34	23
WOLLONGONG CITY COUNCIL	481	508
WOOLLAHRA MUNICIPAL COUNCIL	185	405
YASS VALLEY COUNCIL	42	28

(r) How many people stayed in STRA accommodation in NSW in 2023?

i. Are these figures available by LGA? Please make available if so.

(s) Is it known how many of these people were visiting NSW from interstate and overseas?

(r) - (s) The STRA planning and regulatory framework governs the permissibility of the use of a dwelling for the purpose of STRA. It does not govern or capture occupancy data.

(t) How many people stayed in hotels in the Sydney Metro in 2023?

(u) How many people stayed in hotels in NSW in 2023?

(t) – (u) This information is not held or captured by the Department.

(v) What was the economic benefit of STRA accommodation on the NSW economy in 2023?

This matter falls under the portfolio responsibility of the Treasurer.

(w) How much would caps on STRA accommodation cost the NSW economy every year?

i. Has this modelling been conducted?

ii. What were the results of this modelling?

iii. Will the modelling be released publicly?

Modelling specific to this question has not been undertaken.

(x) Can you clarify the timeframes involved in the development and release of the recent STRA Review Discussion Paper? Given the complexity of the issues addressed in the paper, why was the industry provided less than one month to respond?

Refer to the response at (e) above.

Q207. Have you conducted inquiries into local government's enforcement of the current STRA planning framework?

Feedback on the current regulatory framework for STRA, including compliance and enforcement, has been requested as part of the policy review.

(a) Given there is a substantial amount of readily available data, has there been any qualitative and quantitative analysis undertaken to evaluate the effectiveness the current framework?

The effectiveness of the current planning and regulatory framework will be considered as part of the policy review. This will include the success of the non-hosted STRA day caps.

(b) Can the government provide insights into the number of complaints received and enforcement actions taken by local councils?

Local compliance action is not reported to the Department.

Q208. What was the membership of the Independent Productivity, Probity & Policy Advisory Committee (IPPPAC)?

The Probity, Productivity and Performance Committee membership included:

- Mr Peter Singleton (Chair)
- Dr Elizabeth Devlin
- Mr Sam Haddad
- Ms Carolyn McNally
- Mr Gary White

Q209. When did the IPPPAC last meet?

The Probity, Productivity and Performance Committee last met on 23 March 2023.

Q210. How regularly did the IPPPAC meet?

As per the Committee Terms of Reference, the Probity, Productivity and Performance Committee met at least quarterly or more regularly when required. The committee met on the on the following dates:

- 24 February 2022
- 5 May 2022
- 16 June 2022

- 13 July 2022
- 10 Aug 2022
- 9 September 2022
- 14 November 2022
- 15 December 2022
- 23 March 2023

Q211. What notice was given to members of the IPPAC regarding the abolition of the committee?

The Probity, Productivity and Performance Committee last met on 23 March 2023, when the Chair advised their terms of appointment had ended.

Q212. The Place Strategy controls are very new, only adopted in December 2022. Can the Government guarantee for the local community that the adopted height and densities will not be exceeded?

The Cherrybrook Station Precinct Place Strategy recommendations including height and density are currently being tested and validated as part of the state-led rezoning process.

Q213. Can the Government guarantee that a new School will be located within the Cherrybrook precinct?

As part of the Cherrybrook State Led Rezoning the department is working with School Infrastructure NSW on potential locations for a primary school to support the future population of Cherrybrook.

Q214. Can the Government assure the community that a site for additional sports fields will be located within the Cherrybrook precinct?

The Department is working with Hornsby Council and The Hills Shire Council to identify a suitable location for additional sporting fields to support the future population. The sports fields are not likely to be located in the precinct due to topography constraints.

Q215. Did the Premier consult you as the Minister for Planning and Public Spaces before making the decision to repurpose part of Moore Park Golf Course into a public park?

Yes

Q216. Was DPHI consulted directly before making the decision?

Greater Sydney Parklands provided information to the Minister for Planning and Public Spaces' office on request.

Q217. Did the Government undertake a business case, social impact or economic impact study before making the decision to repurpose part of Moore Park Golf Course?

The decision to transform 20 hectares of Moore Park South into green open space for community recreation in one of the densest parts of the city was made by the Government in response to the needs of the growing communities surrounding Moore Park.

Modelling shows there are almost 690,000 people within a 5km radius of Centennial Parklands, with the population projected to rise to almost 790,000 in 2041.

As is appropriate, Greater Sydney Parklands is currently developing a business case to support implementing the proposed changes and ongoing operations.

Q218. The Moore Park Golf Course currently generates around \$15 million in revenue per year, more than half of that revenue goes to maintaining Centennial Parklands spaces and facilities... how will the government fund the blackhole in revenue created when the course is repurposed to nine holes?

The NSW Government is committed to funding the new park and the operations of Centennial Parklands. Greater Sydney Parklands is currently developing a business case to support implementing the proposed changes and ongoing operations.

Q219. How much will the repurposing of Moore Park Golf Course into a public park cost the taxpayer?

Greater Sydney Parklands (GSP) is currently undertaking community consultation and preparing a detailed business case to support the proposed changes.

Q220. Your own consultation report says the site for repurposing the course is “unattractive, noisy, has inadequate public access and is not appropriately serviced by public transport.” Is the repurposing:

(a) Uncosted?

(b) Unplanned?

(a)-(b) No. Greater Sydney Parklands has prepared a detailed Discussion Paper which outlines a range of considerations, including demographics, access and connectivity, recreational needs and facilities, and other considerations.

The community will be asked to comment on how they would like to use the new park. The consultation includes detailed conversations with local councils, government agencies, golfing stakeholders and community groups, including young people.

Q221. Why will the Government not be open minded to a redesign that would keep all 18 holes and give the public greater access to the course and save the taxpayers money?

The Premier announced the decision to create a new 20-hectare recreational area in October 2023. The Premier reiterated the Government's commitment to the decision on 18 January 2024. This decision was in response to the unique circumstance of close to 100,000 residents coming into adjacent areas by 2041.

The community will be asked to comment on how they would like to use the new park. The consultation includes detailed conversations with local councils, government agencies, golfing stakeholders and community groups including young people.

Any detailed designs or proposals would be subject to ongoing consultation as per Greater Sydney Parklands' consultation and engagement framework.

Q222. Referral powers under the Environment Protection and Biodiversity Conservation (EPBC) Act 2022. Is there a process or policy that outlines when a Minister considers a development for referral under section 69A of the EPBC?

(a) What is the process or policy?

Process is as described in section 69 of the EPBC Act.

(b) Can the Secretary of the Department provide advice to the Minister on a referral matter without a direct request?

As described in section 69, a state may refer the proposal to the Federal Minister if the state has administrative responsibilities relating to the action.

(c) What are the criteria assessed by the Secretary when providing advice to the Minister about a development that might be referred to the Federal Minister?

The Secretary of the Department does not provide advice to the Minister on projects that could be referred to the Australian Government in relation to section 69 of the EPBC Act.

Q223. How many developments in the current financial year, to date, have been referred by the NSW Minister for Planning to the Federal Minister of the Environment using section 69A of the EPBC?

(a) How many occurred in the 22-23 financial year?

i. List the projects, proponents and how the decision was taken to make the referral?

(b) How many occurred in the 21-22 financial year?

i. List the projects, proponents and how the decision was taken to make the referral?

(c) How many occurred in the 20-21 financial year?

i. List the projects, proponents and how the decision was taken to make the referral?

(d) How many occurred in the 19-20 financial year?

i. List the projects, proponents and how the decision was taken to make the referral?

(e) How many occurred in the 18-19 financial year?

i. List the projects, proponents and how the decision was taken to make the referral?

No proposals have been referred to the Federal Minister by the NSW Minister for Planning in those years.

Q224. What are the lawful consequences of a person taking an action that will have an impact on Matters of National Environmental Significance (MNES) without first referring the action under the EPBC?

The responsibility to comply with the EPBC Act and to refer a project to the Australian Government, that may have an impact on Matters of National Environmental Significance (MNES), lies with the proponent. The Australian Government has responsibility for compliance action under the EPBC Act.

(a) Is the NSW Government concerned that people will be exposed to risk of legal consequences by not referring actions to the Federal Government that will impact MNES?

Note response above.

(b) Is the NSW Government concerned that MNES will be exposed to impacts due to non-compliance with requirements to refer actions under the EPBC?

The Australian Government has responsibility for compliance action under the EPBC Act. NSW DPHI considers potential environmental impacts of State significant development proposals under the EP&A Act.

Q225. List the developments that are currently subject to consideration for referral by the Minister under the EPBC?

Nil.

Q226. List the developments that are currently subject to the preparation of advice for the Minister for referral under the EPBC?

Nil.

Q227. How many houses have now been approved for buyback in the Northern Rivers?

As at 8 March 2024, 732 approved homes in total.

(a) How many houses in the Lismore Local Government Area?

520

i. How many have been settled?

269

ii. How many still contain residents under transitional arrangements?

13

(b) How many houses in the Byron Local Government Area?

6

i. How many have been settled?

2

ii. How many still contain residents under transitional arrangements?

0

(c) How many in the Ballina Local Government Area?

5

i. How many have been settled?

3

ii. How many still contain residents under transitional arrangements?

1

(d) How many in the Tweed Local Government Area?

146

i. How many have been settled?

50

ii. How many still contain residents under transitional arrangements?

1

(e) How many have not been approved

258 properties have been identified as ineligible.

Q228. How many houses have now been approved for raising in the Northern Rivers?

As at 8 March 2024: 1 in total

(a) How many houses in the Lismore Local Government Area?

i. How many have been raised?

0

(b) How many houses in the Byron Local Government Area?

i. How many have been raised?

1

(c) How many in the Ballina Local Government Area?

i. How many have been raised?

0

(d) How many in the Tweed Local Government Area?

i. How many have been raised?

0

Q229. How many houses have now been approved for retrofits in the Northern Rivers?

As of 15 March 2024, the RA has confirmed 370 homeowners are indicatively prioritised for a home raising or retrofitting. Work has commenced to confirm floor levels for a further 360 homeowners to determine prioritisation.

The next stage of the raising and retrofits program has commenced with the scheduling and carrying out of Home Assessments for eligible homeowners. These assessments will produce a report which will advise homeowners of the flood resilience options that are suitable for their home.

Briefings with the local building industry will commence in quarter two of 2024 across the Northern Rivers. This will ensure local providers understand the retrofit and raising program and the standards and compliance requirements.

(a) How many houses in the Lismore Local Government Area?

i. How many have been retrofitted?

0

(b) How many houses in the Byron Local Government Area?

i. How many have been retrofitted?

0

(c) How many in the Ballina Local Government Area?

i. How many have been retrofitted?

0

(d) How many in the Tweed Local Government Area?

i. How many have been retrofitted?

0

Q230. How many houses for each Local Government Area have been demolished in the Northern Rivers?

As at 8 March 2024, the Flood Property Assessment Program has completed the following

- (a) Lismore LGA - 18
- (b) Tweed LGA - 8
- (c) Richmond Valley LGA - 6
- (d) Ballina LGA - 3
- (e) Byron LGA - 11

(f) Clarence LGA - 0

(g) Kyogle LGA - 0

Q231. How many houses for each Local Government Area have been relocated in the Northern Rivers?

As at 8 March 2024, two properties have been relocated.

(a) How many of these houses have been 'gifted'?

1

(b) How many have been relocated within each Local Government Area?

One relocated within Lismore LGA, none in other LGAs.

(c) How many have been relocated to other Local Government Areas in the Northern Rivers?

0

i. For each Local Government Area, how many houses have been relocated into those areas from other Local Government Areas in the Northern Rivers?

0

(d) How many have been relocated outside of the Northern Rivers?

One relocated from Lismore LGA to outside the Northern Rivers, none in other LGAs.

Q232. How many entities have been the subject of contracts to maintain properties that are managed by the Reconstruction Authority?

As at 8 March 2024:

The NSW Reconstruction Authority engages NSW Public Works to maintain properties that have completed buyback through the Resilient Homes Program.

(a) List the entities? Lipman P/L.

(b) What is the total cost of contracts to maintain vacant properties?

The value of the NSW Reconstruction Authority engagement with NSW Public Works is \$2,535,000

(c) What is the scope of work that is being undertaken to maintain properties managed by the Reconstruction Authority?

The NSW Reconstruction Authority has engaged NSW Public Works to undertake activities which include fencing of sites, disconnection of all services (water, sewer, power, gas), boarding up accessible windows and doors to prevent unauthorised access, property maintenance including lawn mowing and grounds maintenance, and security patrols.

(d) What is the average cost per property that is being maintained?

Average property maintenance - \$2,500 ex GST per year

Q233. What is the total cost of temporary accommodation for people impacted by floods since February 2022?

As at 12th of March 2024 the total cost for temporary accommodation administered by the RA for

the Northern Rivers is \$463.8 million across the temporary housing villages and the At-Home Caravans Program.

(a) How many people in the Northern Rivers are still in temporary housing in each Local Government Area?

Total people across Pod villages and At-Home Caravans

Tweed – 91 people in pod villages, and 9 households in caravans

Byron – 222 people in pod villages, and 2 households in caravans

Ballina – 397 people in pod villages, and 2 households in caravans

Lismore – 93 people in pod villages, and 58 households in caravans

Richmond – 123 people in pod villages, and 71 households in caravans

(b) How much of this has been spent on AirBnB accommodation?

Nil

i. How much in the 2021-22 Financial Year?

ii. How much in the 2022-23 Financial Year?

iii. How much, to date, in the 2023-24 Financial Year?

(c) How much of this has been spent on motel accommodation?

Nil

i. How much in the 2021-22 Financial Year?

ii. How much in the 2022-23 Financial Year?

iii. How much, to date, in the 2023-24 Financial Year?

Q234. Has a formal request been made by the NSW Government to the Federal Government for additional funding to be made available to the Resilient Homes Program?

The NSW Government is in regular contact with the Commonwealth Government regarding expenditure under the DRFA.

(a) When was the last formal request for assistance made?

The NSW Government is in regular contact with Commonwealth Government regarding disaster funding matters.

Q235. How many instances of legal advice relating to modifications of coal mines have been considered by the Department since March 2019?

13.

(a) How many instances have been supplied by proponents?

8

i. List the modification numbers?

This information is under legal privilege.

ii. How many instances were inconsistent with other legal advice?

Nil.

(b) How many instances have been produced by the Department?

5.

i. List the modification numbers?

This information is under legal privilege.

ii. How many instances were inconsistent with other legal advice?

Nil.

(c) How many instances have been requested by the Department from independent sources?

0.

i. List the modification numbers?

ii. How many instances were inconsistent with other legal advice?

Not applicable.

Q236. Is there a standard guide held by the Department to inform decisions about modifications to coal projects?

No.

(a) What are the assessment criteria for deciding whether coal projects are modifications?

The Department relies on the substantially the same development test as required for 4.55(1A) and 4.55(2) developments.

(b) What are the conditions that would cause the Department to seek internal legal advice about the validity of a modification application?

The Department considers the principles established by case law including whether the modified development is materially the same as the originally approved project (or as last modified under the now repealed s75W of the EP&A Act).

Q237. How many modifications for coal projects have been determined to require a new assessment process in the financial year:

(a) 23-24?

(b) 22-23?

(c) 21-22?

(d) 20-21?

(e) 19-20?

(f) 18-19?

Nil. The Department ensures that the appropriate planning pathway application is determined prior to lodgement.

Q238. What is the total area of land that will be subject to the Transport Oriented Development State Environment Planning Policy (TOD SEPP)?

(a) What is the total area that is currently zoned for residential purposes?

(b) What is the total area that is currently zoned for amenity, environment and recreation purposes?

(c) What is the current number of residential developments in the total area?

(d) What is the current estimated population of the total area?

(e) What is the estimated increase in the number of residential dwellings in the total area if the TOD SEPP was fully implemented to its full capacity?

(f) What is the estimated increase in the number of residents in the total area if the TOD SEPP was fully implemented to its full capacity?

(g) What is the total increase in area that would be zoned for enmity, environment and recreation purposes if the TOD SEPP was fully implemented to its full capacity?

This information is publicly available on the Department's eSpatial viewer at <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

Q239. What is the total area of land that is zoned R2 or R3 in NSW?

(a) What is the projected average increase in dwellings if the diverse and well located homes program was implemented in accordance with the version taken for public consultation?

i. What is the estimated increase for each Local Government Area?

(b) What is the projected maximum increase in dwellings if the diverse and well located homes program was implemented in accordance with the version taken for public consultation?

i. What is the estimated increase for each Local Government Area?

This information is publicly available on the Department's eSpatial viewer at <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

The Department estimates that an additional 112,000 new houses will be delivered by mid 2029 as a result of the proposed low and mid rise housing reforms. The estimates factored in how many lots would be impacted, the level of additional development potential on those lots, and made high level considerations for feasibility and land affectations. The purpose of

the estimates was to inform the National Housing Accord commitments, they have not been broken down to Council level and maximum estimates have not been made.

Q240. How many Councils have, in writing, responded favourably to the TOD SEPP?

(a) How many have responded critically?

The Department recently undertook targeted consultation with all councils impacted by the proposed TOD SEPP. Submissions are currently being reviewed.

Q241. How many Councils made submissions to the consultation on the diverse and well located homes program?

(a) How many were supportive?

(b) How many were neutral?

(c) How many were critical?

49 Councils made a submission.

Council submissions have not been grouped as supportive, neutral, or critical. Most submissions contained varied commentary.

Q242. How many submissions were received to the expression of intended effects for the diverse and well located homes program?

Approximately 8,000 submissions were received through various channels.

(a) Are these submissions publicly available?

i. If yes, where?

This is a significant task to review, redact personal information where this has been requested, and make the submissions public. The Department will do this as soon as possible in stages.

(b) How many were supportive?

23%

(c) How many were neutral?

10%

(d) How many were critical?

67%

Q243. What was the value of the land on the Coffs Harbour Foreshore that was transferred from Crown Lands to the Department of Planning for the purposes of development?

(a) What was the value of the offer made by the City of Coffs Harbour for the same land?

i. What was the offered price for the land?

ii. What was the estimated value of the 2 blocks offered by the Council as part of the proposal?

(b) What return value on land sales is considered appropriate compensation?

This matter falls under the portfolio responsibilities of the Minister for Lands and Property.

Q244. How many representations have been received from members of the community about the proposed development on the Coffs Harbour Foreshore?

(a) How many representations have been received by entities other than members of the community?

i. How many of these are business interests?

(b) Under what circumstances would the Department consider a volume of correspondence from a particular source to be unreasonable?

i. Does the Department refuse to respond to correspondence after it is deemed to be an unreasonable volume?

ii. Is there any process within the Department to place certain senders of correspondence on contact restrictions or any similar system?

This matter falls under the portfolio responsibilities of the Minister for Lands and Property.

Q245. What definition or assessment is applied by the Department when considering whether two different plans are materially the same or different?

(a) Was this assessment used to inform the statement by the Secretary on page 95 of the transcript that “nor was the uses materially different from what the state was intending to do anyway”.

This matter falls under the portfolio responsibilities of the Minister for Lands and Property.

Q246. Since the NSW IPC was established in 2018, how many times has the Minister directed or requested the IPC to hold a public hearing with respect to a State Significant Development Application?

16.

(a) How many of these applications were proposed mining activities?

15.

Q247. How many applications for development consent for coal or gas mining activities have been determined under the Environmental Planning and Assessment Act since 2018 for which the Minister has not directed or requested a public hearing be held by the IPC?

Nil.

(a) Has a decision been made to request or direct the IPC to hold a public hearing with respect to the following projects:

i. Hunter Valley Operations Continuation North?

ii. Hunter Valley Operations Continuation South?

No.

(b) Are there any plans to review the practice - under the former government – of instructing the NSW IPC to hold ‘Public Hearings’ only for mining projects?

There is no practice to only refer mining projects to the IPC – it is open for all SSD projects.

Q248. Other than the power to compel witnesses, is the only difference between the NSW IPC’s ‘Public Hearing’ and a ‘Public Meeting’, that the former extinguishes merits appeal rights, whereas the latter does not?

No.

Q249. The NSW IPC’s Public Meeting Guidelines state that a “public hearing is only held if a formal request is made by the Minister for Planning”. What is the decision-making process and the criteria used to judge whether the IPC should be instructed to conduct a ‘Public Hearing’ for a project that has been referred to it?

The key considerations are the complexity of the project and the level of public interest. The Minister in the direction would include terms of reference to focus on matters of complexity or of a high level of public interest.

Q250. Do you agree that communities objecting to at least 5 renewable energy projects in NSW assessed since April 2023 (where 50 or more unique objections have been made to NSW DPE during the EIS phase of the development) have retained merits appeal rights whilst also benefiting from an IPC assessment process that includes a Public Meeting?

It is correct that a Public Meeting maintains merits appeal rights.

Q251. NSW DPE received 50 or more unique objections to both the HVO Continuation Project and Moolarben OC3 Extension Project. As Minister, do you agree that should you choose not to instruct the IPC to hold a ‘Public Hearing’ for these projects, that an IPC panel convened to determine these applications would likely choose to hold a Public Meeting (noting NSW IPC correspondence to Lock the Gate Alliance dated 29 February 2024 that states: “it is reasonable to say that a Panel is more likely than not to exercise its discretion to conduct a public meeting in relation to an application that has attracted 50 or more objections during public exhibition”)?

It is matter for the IPC as to whether they hold a public meeting. The IPC’s guideline for holding a public meeting are publicly available at

https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/general/2023-policy-and-guidelines-documents/public-meeting-guidelines_230913.pdf

Q252. Given the ICAC's historical concerns about actual or perceived corruption in regard to coal mining in NSW, and the conclusion that by ICAC that merits appeal rights were a 'disincentive to corrupt conduct' is the NSW Government concerned that a clear pattern emerged under the former Coalition government where the only class of development routinely denied merits appeal rights was for mining projects (predominantly coal mine projects)?

The Government is not responsible for the decisions made by the previous government.