

PORTFOLIO COMMITTEE NO. 6 – PLANNING AND ENVIRONMENT

Friday 31 August 2018

Examination of proposed expenditure for the portfolio area

PLANNING, HOUSING, SPECIAL MINISTER OF STATE

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The Committee met at 9.00 a.m.

MEMBERS

The Hon. Paul Green (Chair)
The Hon. Shayne Mallard (Deputy Chair)
The Hon. John Graham
The Hon. Taylor Martin
The Hon. Matthew Mason-Cox
The Hon. Peter Primrose
Mr David Shoebridge

PRESENT

The Hon. Anthony Roberts, *Minister for Planning, Minister for Housing, and Special Minister of State*

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CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

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The CHAIR: Welcome to the public hearing for the inquiry into budget estimates 2018-19. I acknowledge the Gadigal people who are the traditional custodians of this land. I pay respect to elders past and present of the Eora nation and extend that respect to other Aboriginals who may be present today. I welcome Minister Roberts and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Planning, Housing, Special Minister for State. Before we commence I will make some brief comments about procedures for today's hearing.

Today's hearing is open to the public and is broadcast live via the Parliament's website. In accordance with the broadcasting guidelines, while members of the media may film or record the Committee members or witnesses, people in the public gallery should not be the primary focus of any filming or photography. I remind members of the media that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at this hearing. I urge witnesses to be careful about any comments they may make to the media or to others after they complete their evidence as such comments would not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that witnesses could only answer if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can be taken on notice and answers provided within 21 days. Any messages from advisers or members of staff seated in the public gallery should be delivered through the secretariat. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. A transcript of this hearing will be available on the website tomorrow. For anyone in the public gallery who requires audibility opportunities there are some seats at the front closer to the loudspeakers. I ask everyone to switch off or put their mobile phones on silent. All witnesses from the department and statutory bodies or corporations will be sworn prior to giving evidence. Minister, you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. I declare the proposed expenditure for the portfolio of Planning, Housing, Special Minister of State open for examination.

LIZ DEVELIN, Acting Secretary, Department of Planning, affirmed and examined

BRENDAN NELSON, Deputy Secretary, Growth, Design and Programs, Department of Planning, sworn and examined

MARCUS RAY, Deputy Secretary, Planning Services, Department of Planning, affirmed and examined

ALISON FRAME, Deputy Secretary, Policy, Department of Planning, sworn and examined

SIMON OFFICER, Chief Financial and Operating Officer, Department of Planning and Environment, sworn and examined

SARAH HILL, Chief Executive Officer, Greater Sydney Commission, sworn and examined

JOHN BROGDEN, Chief Executive Officer, Landcom, sworn and examined

The CHAIR: As there is no provision for a Minister to make an opening statement before the Committee commences questioning we will commence with questions from the Opposition.

The Hon. JOHN GRAHAM: Minister, in the past 12 months you have announced and scrapped a medium density housing code, shelved plans for a score of planned precincts and had key planning bodies taken away from you by the Premier, and someone in your office or your department leaked your estimates preparation to *Crikey*. That is total chaos, is it not?

Mr ANTHONY ROBERTS: No, it is not. I reject the premise of the question. I am happy to take those questions individually, if you would like me to.

The Hon. JOHN GRAHAM: I accept your position in rejecting them. I will not ask many of the questions from the *Crikey* brief, given that I assume you have answers to those. I have to ask this question as it was reported that this was one of the questions for which you prepared. Did the department stage a staff event at the Sydney Opera House featuring an interpretive theatre group performing a planning show? Is that the case or not?

Mr ANTHONY ROBERTS: First and foremost I place on the record that I am proud of the achievements of the Department of Planning, particularly over the past year. It has been a year of massive progress because we are renovating Sydney and New South Wales.

The Hon. JOHN GRAHAM: That cannot be the answer you have in your brief. Did this interpretive theatre show take place or not?

Mr ANTHONY ROBERTS: I take it you are referring to a supposedly leaked document. I have not seen the document because, unfortunately, I do not have a *Crikey* account and nor does my department. To be honest, I do not think anyone has.

The Hon. JOHN GRAHAM: I am referring to your estimates preparation.

Mr ANTHONY ROBERTS: It is the old, "If a tree falls in a forest."

Mr DAVID SHOEBRIDGE: I will see if I can have one brought down.

Mr ANTHONY ROBERTS: If you could that would be handy. I do not think I have seen a *Crikey* article since Premier Bob Carr was in office.

The Hon. JOHN GRAHAM: Minister, last year Sydney added 100,000 new residents, more than 1,900 people a week. To accommodate them some parts of Sydney are seeing density go through the roof and others seem to be getting off scot-free. The five-year target set by the Greater Sydney Commission is: Blacktown, 13,950; Ryde, 7,600; Parramatta, 21,650; Hunters Hill, 150; and Mosman and Woollahra 300 each. Is that fair?

Mr ANTHONY ROBERTS: Mr Shoebridge can probably answer about Woollahra.

Mr DAVID SHOEBRIDGE: Why would I answer about Woollahra?

Mr ANTHONY ROBERTS: As a former councillor do you not live there?

Mr DAVID SHOEBRIDGE: So as a former councillor I have control over Woollahra's planning? Is that seriously your position as the planning Minister? That is a goofy answer from a foolish Minister.

Mr ANTHONY ROBERTS: We will come to some of your announcements or positions this year.

Mr DAVID SHOEBRIDGE: Answer the question.

The CHAIR: Order! I will not have interjections.

Mr DAVID SHOEBRIDGE: It was deliberately being rude.

The CHAIR: Interjections are disorderly at all times. If members are going to interject on someone else's speaking time it will reduce their speaking time.

Mr DAVID SHOEBRIDGE: I am fine with that.

The CHAIR: The Minister will answer the question.

Mr ANTHONY ROBERTS: Thank you Mr Graham. It is a sensible question with respect to Sydney's growth. This is a global city that continues to grow and mature. Current projections suggest that more than 1.7 million additional people will be living in Sydney by 2036 and that will require some 725,000 new homes. This increase in population is not a case of overseas migration; people are living longer, more children are being born and many people are moving to Sydney from interstate.

The Hon. JOHN GRAHAM: Minister, why are we putting them all in Blacktown, Ryde and Parramatta? Why is it not being shared equally?

Mr ANTHONY ROBERTS: I reject the premise of the question.

The Hon. JOHN GRAHAM: Those are the targets.

Mr ANTHONY ROBERTS: The targets are being set for the first time ever by an independent body called the Greater Sydney Commission.

The Hon. JOHN GRAHAM: I am asking whether the targets are fair.

Mr ANTHONY ROBERTS: I will ask the chief executive officer.

The Hon. JOHN GRAHAM: I am not asking about the nature of the targets or the process; I am asking you, as the Minister, whether the targets are fair.

Mr ANTHONY ROBERTS: Yes, the targets are fair. I will tell you why they are fair. We have an independent body now that uses scientific methods. I will ask the chief executive officer [CEO] of the Greater Sydney Commission [GSC] to explain how the targets are met. It is important to understand how these targets are set and where they are set. It is a very fair and intelligent question and I think it deserves a fundamental response. I will ask the CEO of the GSC to explain how the targets across Sydney have been met.

The Hon. JOHN GRAHAM: Minister, do you agree with the Premier's comments that some parts of Sydney "cannot handle extra development"?

Mr ANTHONY ROBERTS: Let us have a look at how the targets are set first and then I will come to—

The Hon. JOHN GRAHAM: I am not asking about the process importantly; I understand the process. That is not the question. Do you agree with the Premier's remarks to the *North Shore Times* last year in which she is reported as saying, "We've done our bit. That is that the North Shore shouldn't be expected to take any more density." Do you agree with those comments?

Mr ANTHONY ROBERTS: If you are referring to Mr Foley's comment that the North Shore should take an additional 300 per cent in development—

The Hon. JOHN GRAHAM: I am asking—

Mr ANTHONY ROBERTS: No, this needs to be placed on the record.

The Hon. PETER PRIMROSE: Mr Foley is not the Premier yet. We are asking about your Premier.

The Hon. SHAYNE MALLARD: Point of order: The Minister should be allowed to answer the question.

The CHAIR: I will set the bar at the beginning of this inquiry. Committee members can ask questions and, as Committee members very well know, the Minister can answer the questions as he sees fit.

Mr DAVID SHOEBRIDGE: Provided that he is generally relevant.

The CHAIR: As he sees fit. If the Minister wants to refer an answer to one of his assistants, he is entitled to do that to answer questions. I appreciate that members have the right to cut the answer short in light of promoting further questions. I will not have a question asked and the Minister not being given an opportunity to answer the question.

Mr ANTHONY ROBERTS: Thank you. I place on record that this is a very serious Committee. I take budget estimates seriously, as my department does. I take it seriously because it plays an important role in the parliamentary process—in fact in democracy. I am happy to take questions, but if I can be given some time and we will curtail our answers as much as possible. We are happy once we have been given that opportunity—

The Hon. JOHN GRAHAM: You have the floor.

Mr ANTHONY ROBERTS: Thank you very much. Ms Hill.

The Hon. PETER PRIMROSE: Here we go.

Ms HILL: I will start by explaining that the north district has a five-year housing target of 25,950 dwellings and a 20-year target of 92,000 dwellings. Housing targets are complex matters. However, to calculate, and in calculating them, we have reviewed a range of matters including the mix of housing demand with an area, urban capacity, environmental constraints and feasibility. With respect to the five-year housing targets, they were largely informed by forecasts that were already in the pipeline. Five years is a relatively short period in a planning and development sense.

The Hon. JOHN GRAHAM: Ms Hill, I take it you are not expressing a view on the Premier's comments, which was the question.

Ms HILL: I am certainly—

Mr ANTHONY ROBERTS: I ask that questions be directed to me, Mr Chair. We are answering the first question and we have been asked a subsequent question.

The Hon. JOHN GRAHAM: I will repeat the question.

Mr ANTHONY ROBERTS: It is difficult to have a barrage of questions and then be asked a final question. If we can have the questions—

The CHAIR: All members need to be aware that it is the Minister's portfolio and the questions go through him.

Mr DAVID SHOEBRIDGE: Point of order: The Greater Sydney Commission does not report through this Minister. It is not the Minister's job to field questions to the Greater Sydney Commission. The Greater Sydney Commission reports to a different Minister and it is not this Minister's job to refer or to protect the Greater Sydney Commission. He may want to but it is not his job and it is not where his responsibility lies.

Mr ANTHONY ROBERTS: To the point of order: I will correct Mr Shoebridge. During this reporting period, the Greater Sydney Commission did report to me. It is out there but I thought this was about the reporting period with which we are dealing with today.

Mr DAVID SHOEBRIDGE: It is about now.

Mr ANTHONY ROBERTS: No, it is about the reporting period.

Mr DAVID SHOEBRIDGE: It is about going forward and the current budget.

The CHAIR: Order! If Mr Shoebridge wants to continue burning time it will affect his time. Let Opposition members ask questions.

Mr ANTHONY ROBERTS: We are happy to cooperate and answer every question, as we should, without fear or favour to this Committee. That is the respect that I want to give this Committee. It would be nice to have that respect returned by certain members.

The Hon. JOHN GRAHAM: My question is to the Minister. Do you agree with the Premier's statement, "We've done our bit"?

Mr ANTHONY ROBERTS: As in "We've done our bit" where?

The Hon. JOHN GRAHAM: That is that the suburbs of the North Shore should not take any more density?

Mr ANTHONY ROBERTS: Again, I reject the premise of the question. The suburbs of the North Shore are currently still meeting targets. They are in the process of building homes for future generations. We live in homes that were built by previous generations and we have a responsibility, as a good government, to build homes for the future. That is why the Greater Sydney Commission sets district targets, regional targets and they are arrived at based on capacity. Again, through applying scientific—

The Hon. JOHN GRAHAM: So you do not accept that comment. Do you agree with the comment of your planning predecessor, Rob Stokes, that, "Unit blocks are generally an inappropriate form of housing for the region"?

Mr ANTHONY ROBERTS: Sorry? Can you repeat—

The Hon. JOHN GRAHAM: The quote is, "Unit blocks are generally an inappropriate form of housing for the region", referring to the North Shore.

Mr ANTHONY ROBERTS: One of the reasons we brought in the medium density housing code, for example, was to address some of those issues, giving people and communities a greater ability to provide that housing in different forms.

The Hon. JOHN GRAHAM: I am going to ask you about that.

Mr ANTHONY ROBERTS: But what drives development is the transport and investment. We have had unprecedented investment in transport. We talk about what we inherited. This Government inherited a 100,000 dwelling deficit.

The Hon. JOHN GRAHAM: Minister, do those comments not go to the attitudes which are driving these numbers, where these targets end up in Parramatta, Blacktown and Ryde?

Mr ANTHONY ROBERTS: What you are doing is politicising the issue and that is why we have a Greater Sydney Commission. In many areas of Sydney we have seen what people term as overdevelopment. I see overdevelopment very much where you do not have the necessary infrastructure underpinning a rising population. That is something we inherited. We are doing our best to ensure, through an unprecedented investment in infrastructure, that those areas will see an increase in population. Whether or not we like it, Sydney is growing and we have to meet the infrastructure needs of those communities. That goes back to the importance of having a Greater Sydney Commission that without fear or favour looks at where we can best develop new and resilient communities surrounding new infrastructure.

The Hon. JOHN GRAHAM: I would like to ask about one of those specific places. I would like to ask about Ryde. The Ryde local government area has a five-year housing target of 7,600 from the Greater Sydney Commission. Your department is coming over the top of that with three planned precincts along Epping Road—two within Ryde's boundary, one outside—adding 13,000 new dwellings. What have you got against Ryde?

Mr ANTHONY ROBERTS: No-one has anything against anyone. I reject the premise of the question. Some people use the term "overdevelopment" as a dog whistle for the nimbies in our community who want to stagnate this great State. My definition of overdevelopment would be when development outpaces the delivery of infrastructure or when development in the past was not coordinated with any infrastructure at all. That was the case under your Government and its part 3A. I proudly say that this Government killed part 3A when it reformed the Environmental Planning and Assessment Act. But we will not kill the opportunity for this city or this State to grow. We will not kill the opportunity to create homes for our children and their children. We have a responsibility and that is why our government is investing in infrastructure up-front. In fact, you would have noticed this morning's *Daily Telegraph*—

The Hon. JOHN GRAHAM: You have referred to the medium density housing code—

Mr ANTHONY ROBERTS: Let me finish answering the question. You would have noticed this morning in the great tomb of knowledge that is the *Daily Telegraph* the newly exhibited precinct of West Schofields. There is a planned precinct that is expected to deliver some 4,500 new homes over the next decade or more. But before a single house is built there we are delivering a dual carriageway upgrade of Schofields Road, a dual carriageway upgrade of Richmond Road, upgrades for Schofield station commuter car park, a new Tallawong metro station, and it goes on. We are building the schools and the parkland—

The Hon. JOHN GRAHAM: Minister, you referred to the medium density housing code. How many exemptions or deferrals have you granted and how many have now been exempted or deferred?

Mr ANTHONY ROBERTS: That is a very good question and one that I welcome. I will pass a map around to members because I do not want to delay this. The Low Rise Medium Density Housing Code and its design guide is a boon to home owners and buyers. It is primarily a customer service initiative, making it easy to build well-designed quality low-rise medium density homes that respect existing neighbourhoods. Let me stress here right now, unlike some members who do not understand what this is about, that the new code will apply only in areas where councils have already permitted medium density housing under their local environmental plan [LEP]. It does not increase the available land for medium density within a council local plan. What the code does is save homebuyers time and money in the application process. It also introduces good design for these homes so we have well-designed homes and streets.

The Hon. JOHN GRAHAM: Minister, you put some of those views on the public record already. How many of these have been deferred?

Mr ANTHONY ROBERTS: At the moment 50 have been deferred and some 78 councils found it very easy to put it in place within their existing LEPs.

The Hon. JOHN GRAHAM: For what period have they been deferred?

Mr ANTHONY ROBERTS: They have been deferred for a period of 12 months.

The Hon. JOHN GRAHAM: When does that 12 months expire?

Mr ANTHONY ROBERTS: The 12 months expires in the period to which they were given the deferral. I will go through the list. If you have a look at this map—

The Hon. JOHN GRAHAM: It was reported as 100 days after the election.

The Hon. TAYLOR MARTIN: Point of order: I would not mind hearing the rest of the answer.

The Hon. JOHN GRAHAM: I am sure that is right.

Mr ANTHONY ROBERTS: If you have a look here—

The Hon. JOHN GRAHAM: No, I am asking about the timing, Minister.

Mr ANTHONY ROBERTS: It is 6 July—

The Hon. JOHN GRAHAM: It has been reported as 100 days after the election.

Mr ANTHONY ROBERTS: It is 6 July 2019. It is nothing unusual—

The Hon. JOHN GRAHAM: Is that the case for—

Mr ANTHONY ROBERTS: I would like to finish the answer, Mr Chair.

The Hon. JOHN GRAHAM: I will let you finish if you are talking about the timing.

Mr ANTHONY ROBERTS: Thank you very much. Councils came to us seeking a deferral. When you have a new code or a new policy it is not unusual for local governments, particularly if they are reviewing their LEPs, to ask for a deferral.

The Hon. JOHN GRAHAM: Minister, is that timing the case for all those deferrals?

Mr ANTHONY ROBERTS: Additional time will be granted to councils that require it.

The Hon. JOHN GRAHAM: No, I am asking whether that has been granted to any councils.

Mr ANTHONY ROBERTS: Let me finish the answer. A list of Labor and Green electorates that include council areas that received a deferral, unlike what we have seen—

The Hon. JOHN GRAHAM: Minister, is it true that one council has been granted an extended deferral, that is, Ryde council?

Mr ANTHONY ROBERTS: Every council has been given 12 months, except for Ryde, because Ryde has a major transport investment in the shape of a new metro, which again provides opportunities for that suburb—

The Hon. JOHN GRAHAM: So that is the only place that has been granted that?

Mr ANTHONY ROBERTS: This is the Ryde council that has a Labor mayor. I will refer to the map before you. Unlike what we have seen, the areas that include The Greens seats of Balmain and Newtown, together with the Australian Labor Party seats of Heffron, Rockdale, Maroubra, Kogarah, Blue Mountains, Strathfield,

Campbelltown, Macquarie Fields, Bankstown, Canterbury, Lakemba, Summer Hill, Auburn, Fairfield, Granville, Prospect, Londonderry and Liverpool have got deferrals as the councils in which they exist sought additional time.

The Hon. JOHN GRAHAM: Who provided the advice, Minister?

Mr ANTHONY ROBERTS: As they are providing a new LEP, a new strategic look, which is part of our plan to put more strategy within our local areas, they have been given time so they can incorporate this great new policy within those LEPs.

The Hon. JOHN GRAHAM: Minister, who provided the advice to provide the exemption for Ryde?

Mr ANTHONY ROBERTS: The advice was provided to us by the Greater Sydney Commission. I will ask Ms Sarah Hill to explain why that advice came through.

Ms HILL: Thank you, Minister. On 3 May the Minister wrote to the commission following representations from the member for Ryde concerning development within the Ryde local government area [LGA]. The Minister sought the advice of the commission as to the extent of the impact of current proposed future development in Ryde LGA and the commission's position on how these potential impacts could be better managed. In order to respond and to provide this advice, the commission obtained data from the Department of Planning regarding housing forecasts and rates of growth and undertook an analysis across six key areas; those key areas being the quantum of residential development over the past five years, the net proportional increase in forecast development over the next five years, baseline dwelling numbers and the forecast proportional increase in dwellings in light of existing—

The Hon. JOHN GRAHAM: Ms Hill, you referred to the written representation. Did the member for Ryde meet with the Greater Sydney Commission?

Ms HILL: The Greater Sydney Commission regularly meets with many stakeholders. We brief members—

The Hon. JOHN GRAHAM: Correct. Was one of those the member for Ryde?

Ms HILL: We have met with the member for Ryde, yes.

The Hon. JOHN GRAHAM: Thank you. What was discussed in that meeting?

Ms HILL: We have met with the member for Ryde briefing, as I said, many elected officials on district and region plans—a range of issues relating to the district and region plans. Development and infrastructure are common things in our discussions with elected officials.

Mr ANTHONY ROBERTS: I point out to the Committee that Ryde's LEP is fundamentally broken. The Labor mayor of Ryde requested an additional year, which I have granted. If you are opposed to me responding to the concerns of the mayor of Ryde who asked me for an additional year, I will provide that additional year so they get it right. If it takes them that amount of time to get the LEP right—

The Hon. JOHN GRAHAM: Minister, how long—

Mr ANTHONY ROBERTS: We have also given them an additional \$2.5 million of New South Wales Government money to assist them getting their flawed LEP right.

The Hon. JOHN GRAHAM: Minister, how long was this code in place before you deferred it and started issuing those deferrals?

Mr ANTHONY ROBERTS: I will seek the advice of Deputy Secretary Frame on that.

Ms FRAME: Thank you, Minister. The code was gazetted in March but was not going to commence until July. We normally allow a time frame for councils to prepare. The code had not commenced until 6—

The Hon. JOHN GRAHAM: So it had not even started before it was deferred?

Ms FRAME: It was the appropriate period for councils to signal in response to the Minister's invitation whether they required more time. Fifty councils requested that additional time and were granted that additional time. For 78 councils the code commenced on schedule on 6 July.

Mr ANTHONY ROBERTS: In finalising this question for the time being, I place on the record that this is about being respectful towards councils. This is about listening to councils, their needs, their ability to respond to what is a great policy and ensuring that the resources that they expend on implementing this policy are

part of their ongoing strategic plan renewal as they update their LEPs. We have listened to the mayor of Ryde and the local member for Ryde.

The Hon. JOHN GRAHAM: If other councils ask for a similar exemption will you grant that?

Mr ANTHONY ROBERTS: We will take it on a case-by-case basis. For some councils, the LEP is so broken that they require assistance. I have offered councils assistance where they need it. In fact, Ryde is not the only council for which we are providing \$2.5 million. We want councils to get this right. We want to assist them in further developing their strategic plans. We need more cooperation between State and local governments. Again, it has been respectful; we have had that respect between State and local governments. We have a clear line of sight between the overall Greater Sydney plan through the districts and down to good local strategic plans.

Mr DAVID SHOEBRIDGE: Minister, which other councils have LEPs that are so broken that they cannot implement the medium density housing code? What studies have you undertaken to identify which of those councils have those broken LEPs?

Mr ANTHONY ROBERTS: Thank you, Mr Shoebridge. I wish you had picked up the phone before you decided to beat up on this on Channel 7. I would have been happy to provide you with the information. Your beat-up two nights ago was a classic example of your nimby flair—fear-mongering and misleading nonsense. The people that you claim to represent—LGAs like Woollahra and the City of Sydney—requested a deferral and they have been granted those. The first two councils to be granted—

Mr DAVID SHOEBRIDGE: Minister, which councils do you say have such broken LEPs that they cannot roll out the medium density housing code? What process did you undertake to find out which of those councils are? It is a simple question. Cut the abuse and answer the question.

Mr ANTHONY ROBERTS: The first two councils to be granted a deferral were Labor-led councils. Any council that requested a deferral got one, regardless of political persuasion. If you hate the fact that the people of Blacktown and Fairfield want a fair go and that we can now save money and time on establishing low-rise home projects, that is your issue.

Mr DAVID SHOEBRIDGE: Minister, your evidence was that a number of councils have such broken LEPs that they cannot roll out the medium density housing code. You said you take this process seriously, so tell us which councils have such broken LEPs that they cannot roll out the medium density housing code and what process did you undertake to identify those councils, or was that just more of your empty political rhetoric?

Mr ANTHONY ROBERTS: If you want empty political rhetoric and nimbyism—

Mr DAVID SHOEBRIDGE: Answer the question.

Mr ANTHONY ROBERTS: I am answering the question.

Mr DAVID SHOEBRIDGE: No, you are not. You are not even pretending to.

Mr ANTHONY ROBERTS: Do not badger me. Quite frankly, your comments on Channel 7—

Mr DAVID SHOEBRIDGE: Frankly is what we are aiming for.

The Hon. PETER PRIMROSE: The Minister wants to abuse members here.

The Hon. TAYLOR MARTIN: The Minister is not getting a chance to answer the question.

The CHAIR: Order! I will chair the meeting, thank you.

Mr DAVID SHOEBRIDGE: What councils, what process?

Mr ANTHONY ROBERTS: Councils told us that they needed time and, if I can just take you through this, the responsibility for LEPs is with councils. No other councils appear to have a broken LEP. Some have asked. As I have said, there are some 50 that have sought deferrals.

Mr DAVID SHOEBRIDGE: So despite your earlier evidence the answer is none?

Mr ANTHONY ROBERTS: As they are working through and updating their LEPs what I am making quite clear is we are giving them time, as we have done time and again. In the past we provided time and assistance to councils to get it right. We want a consistent policy which is a very good policy across Sydney and New South Wales and councils are in full control. I think some people fail to realise that this is a government that is listening to communities. It is a government that is respectful towards councils. In everything we do we are working with

councils to provide a good outcome for their communities. Some people might not like that, but that is what we do.

Mr DAVID SHOEBRIDGE: Your evidence here is that this is a government that listens to communities.

Mr ANTHONY ROBERTS: Absolutely.

Mr DAVID SHOEBRIDGE: There have been more than 22,000 objections to the Narrabri Gas Project yet your Government is still pushing it and still promoting it. Why are you ignoring those 22,000 objections if as you say you are listening to communities? You should be prepped on this.

Mr ANTHONY ROBERTS: We have already switched across, it appears, from your Channel 7 failure, your beat up—

Mr DAVID SHOEBRIDGE: Answer the question.

Mr ANTHONY ROBERTS: I am answering the question. Let me make quite clear that we are now switching all of a sudden—

Mr DAVID SHOEBRIDGE: Answer the question.

Mr ANTHONY ROBERTS: We are now switching all of a sudden—

Mr DAVID SHOEBRIDGE: Point of order: The Minister has to address the question, not a previous question. I have asked him about the Narrabri Gas Project. I ask you to draw him back to the question and direct him to be at least generally relevant to it.

The Hon. MATTHEW MASON-COX: To the point of order: It is important that the Minister be given an opportunity to get to the subject matter by way of introductory comments. Let us give him an opportunity to get there. If we stop the interruptions I think we will get to where we need to be.

The CHAIR: Order! Members know that Ministers and any person who has been asked a question can answer in the way they see fit, while being generally relevant.

Mr ANTHONY ROBERTS: If Mr Shoebridge is so uncomfortable that his comments on Channel 7 the other night have been caught out—

Mr DAVID SHOEBRIDGE: I am happy if I am the subject of this budget estimates hearing but I think the people of New South Wales would rather you answered the question about the Narrabri Gas Project.

Mr ANTHONY ROBERTS: You were wrong. You need to apologise for misleading and lying to people two nights ago on Channel 7. That is what you need to do. But if you want to move on all of a sudden now that those comments have been found to be false and misleading I am quite happy to let that stand. I will move on to Narrabri for you.

Mr DAVID SHOEBRIDGE: Point of order: I think we have had enough of this. The Minister has wide scope in answering questions provided he is being generally relevant, but this is not his opportunity to keep rehashing his anger about a Channel 7 television segment where he was shown to be so politically and bureaucratically incompetent. This is not his opportunity. He had a chance on Channel 7, he botched it on Channel 7 and he is embarrassed now.

The CHAIR: Mr Shoebridge, you will not use a point of order to berate the Minister. Ask your questions or we will move on.

Mr ANTHONY ROBERTS: Again, I am happy to table this map for the Committee—I am happy to come back to this—which shows that with respect to the Low Rise Medium Density Housing Code no-one has been singled out for preferential treatment.

Mr DAVID SHOEBRIDGE: Point of order: The Minister is holding a map of Sydney and the medium density housing code that he wishes to table. My question was about why he ignored the 22,000 objections to the Narrabri Gas Project. Narrabri is not in Sydney.

The CHAIR: The Minister did seek leave to table the previous map.

Mr DAVID SHOEBRIDGE: It has already been done.

The CHAIR: That is not part of this question, Minister. I ask you to answer the question as you see fit and to be generally relevant. You need to remain within the scope of the question.

Mr ANTHONY ROBERTS: I just point out that it is difficult to answer a question when suddenly halfway through it the question changes from Greater Sydney to Narrabri.

Mr DAVID SHOEBRIDGE: It was never about Greater Sydney.

Mr ANTHONY ROBERTS: The medium density housing code—

Mr DAVID SHOEBRIDGE: I will ask the question again. You say you will respond to community concerns, but there have been more than 22,000 objections to the Narrabri Gas Project and your Government continues to push it. You are not being honest, are you, when you say you are responding to community objections?

Mr ANTHONY ROBERTS: Please bring back Mr Buckingham, who had some real, decent Green questions—but I will put that to one side. I am entitled to respond to any allegations made by Mr Shoebridge; I think I am granted that. There is an ongoing process with respect to the Narrabri Gas Project. As you know, the Narrabri Gas Project is a strategic energy project for New South Wales and has the potential to supply up to half of the State's gas demand. Santos has lodged its application including an environmental impact statement to develop that project. That was lodged in February 2017.

The department has engaged leading scientific experts to provide independent advice on the project including a water expert panel chaired by Professor Peter Cook, who is from the University of Melbourne. A summary about the experts engaged by the department is provided throughout a document that I am happy to give. There is a water expert panel that has disciplines of geology, groundwater, geotechnical and produced water, land use, safety hazards and risks and other aspects, Aboriginal heritage, and social impact assessment as well as economic evaluation. Mr Shoebridge, I am happy to acknowledge this: Some 23,000 submissions were received during an extended 90-day exhibition period—

Mr DAVID SHOEBRIDGE: They hate it.

Mr ANTHONY ROBERTS: —in early 2017 including around 17,000 from New South Wales, 5,000 from interstate and almost 200 from overseas from around 25 countries.

Mr DAVID SHOEBRIDGE: The whole world hates it, yet you are pressing it.

Mr ANTHONY ROBERTS: In April 2018 Santos submitted its "Response to Submissions" report to the department. At the beginning of July, following further advice from agencies and the department's experts, the department requested additional information to be provided by Santos. I understand the department asked for clarification around a range of issues including the management of salt and produced water, the potential impacts on water resources, fugitive emissions, hazards and risks, and biodiversity impacts and offsets. Any additional information from Santos will be provided to the department's independent experts and relevant government agencies.

I inform this Committee the department will then continue to work closely with key government agencies and independent experts to finalise its assessment of the merits of the project including carefully considering the issues raised in public submissions. The final decision on the project will be made by the Independent Planning Commission [IPC], which is the consent authority for the project. I am well aware of the concerns in the community about coal seam gas. I can assure you that the department will be undertaking a very rigorous assessment of the proposal using the best available science before any decision is made.

Mr DAVID SHOEBRIDGE: Will you table the correspondence to and from Santos regarding this most recent stage of the process, and if not why not?

Mr ANTHONY ROBERTS: I will take that on notice.

The CHAIR: Many local residents are deeply concerned that a recent approval has been granted for the development of 880 apartments, a dozen shops, a hotel and medical centre in Woollooware Bay near Shark Park. Residents echo that developers do not care about community impacts and the lack of infrastructure when proposing and building new developments. In regard to Shark Park, development concerns have been raised about proximity to the nearby protected wetlands. Are you aware that the community has no confidence in the so-called Independent Planning Commission and the decisions it has made in regard to this development?

Mr ANTHONY ROBERTS: Thank you very much for that question. I place on the record that the IPC is an independent body and it is a body in which I have full faith. It is led now by former Chief Scientist and Engineer Professor Mary O'Kane and it does a remarkable job at ensuring that there is integrity within the planning process. Because this is site specific, I might ask whether Deputy Secretary Ray could give an update on that for you if you would be happy with that.

The CHAIR: A brief one, thank you.

Mr RAY: There was an independent assessment conducted by the department. There was a fair amount of community consultation on that particular project and the community's concerns about the proposal. It was an extension of an existing proposal so a substantial amount of that site had previously been developed. The community's concerns about car parking and other matters were taken fully into account. I will have to check; I think the department actually met with community groups on that project to deal with their concerns. I will take that on notice.

The CHAIR: Minister, are you willing to visit the site with me and stakeholders to see those concerns firsthand?

Mr ANTHONY ROBERTS: Absolutely.

The CHAIR: You noted that you have confidence in the decision of the Independent Planning Commission, but are there any further avenues for the current project to be reviewed through peer assessment for community interest?

Mr ANTHONY ROBERTS: Mr Ray?

Mr RAY: The commission went out and visited the site. It held a public meeting and made its determination on the approval. There are no rights to a merits appeal on that particular proposal. There would be a right of judicial review but that action would have had to have been taken within 90 days, I think, of the decision. What I will say is: In that particular case the Independent Planning Commission thoroughly reviewed the department's assessment and heard from local community members about the concerns before making any decision. The other issues about the impact on wetlands were thoroughly considered. Indeed, I think one of the conditions imposed by the Independent Planning Commission was to ensure that certain playground equipment, other utilities and things of that nature could not be established on the foreshore area—which is what the developer wanted—in order to ensure that there were not any adverse impacts on the wetlands.

The CHAIR: We will take the visit up; it will be very helpful. Minister, I turn now to the Penrith Lakes Scheme, which has almost finished its 30-year journey with the recreational lakes and beaches ready to be made available to the people of Western Sydney this summer. On the surface this seems to be a fantastic asset but I understand it has become bogged down. In the Penrith Lakes Scheme there are some 2.5 kilometres of sandy beaches on the lake foreshore. Those lake beaches will provide a welcome oasis away from the coast and come as a relief to the residents of Western Sydney. It is my understanding that if the Government could work with them to release the scheme to the community this would allow the people of Western Sydney to cool themselves in their own backyard on hot days.

Given that last Christmas Penrith was recorded as one of the hottest places in Sydney, what actions can the Minister take so that families can access these waters on those hot summer days? Are there funds available to aid the release of the beach for this summer to alleviate the need for the people of Western Sydney to travel to beaches on the New South Wales coast? What is the Government doing to ensure that an incredible recreational asset such as this, which is the same size as from the Sydney Harbour Bridge to Sydney Heads, is being prepared for swimming and boating for the public of Western Sydney?

Mr ANTHONY ROBERTS: The Penrith Lakes Scheme is a great opportunity for the people of Western Sydney to create new parklands, open space, beaches and lakes. That is something we have been working on, but it is not the only thing this Government has been working on in order to create new open space right across Sydney as our population grows. That is part of planning and it is good planning where we ensure that not only do we look at infrastructure as being roads, rail, schools and so forth but also that open space and parks are critical. The completion of the Penrith Lakes Scheme relies on four factors: the satisfactory rehabilitation of the site; the resolution of the ongoing issues with the Penrith Lakes Development Corporation [PLDC] on residential development; the adequate protection of heritage on the site; and the creation of new parklands. The department, on behalf of this Government, must ensure the satisfactory rehabilitation of this site by PLDC in compliance with ministerial development approvals. This compliance will ensure that the land and lakes dedicated to the

Government under the deed is capable of redevelopment and of supporting safe, sustainable, water-based recreation and play areas.

The site also contains significant heritage, which must be protected. On 20 April this year, following my request, Hadley Park was listed on the New South Wales State Heritage Register. It is one of the first Castlereagh land grants, with rare, original colonial farm buildings and its State heritage listing will protect this important site again for future generations. My department is working very closely with PLDC to transfer Hadley Park and the wildlife lake to the Government. There is significant work required with respect to turning over this area to the public. The estimated cost of this work is estimated to be around \$300 million but, again, you have a commitment from me that this department is doing everything it can to fast-track and work towards the creation of what will be an example when it comes to open water recreational space in Western Sydney.

The CHAIR: What would be the maintenance cost of the land and the lakes that they are trying to hand over to the State? Has anyone done costings on that? If not, can you take the question on notice?

Mr ANTHONY ROBERTS: Can I take it on notice?

The CHAIR: Obviously quite a bit of land and parkland maintenance would need to be done over the years, and I would be very interested in the value of that figure to the taxpayer. Secondly, I understand that the finished landform at Penrith Lakes for future residential dwellings is built more than one metre above the 100-year flood level, with occupants able to safely walk out on a gradually rising grade two escarpment above the probably maximum flood levels. Is the Minister aware that Molino Stewart, a leading New South Wales flood evacuation expert, can demonstrate that some 1,570 residential allotments can be safely evacuated from Penrith Lakes now with some minor upgrade to the Northern Road with no need for contraflow or local evacuation centres. Given that there is a 30-year-old deed that provides for this private land to be developed for various uses, including residential, is the Government engaging with the experts to find a solution?

Mr ANTHONY ROBERTS: I am sorry—can the Chair go back maybe three sentences? Mr Shoebridge is muttering; I cannot hear the Chair.

The CHAIR: I am sorry?

Mr ANTHONY ROBERTS: Can the Chair go back three sentences? I am finding it difficult to hear with the muttering.

The CHAIR: Members will cease private conversations. Given that there is a 30-year-old deed that provides for this private land to be developed for various uses, including residential, is the Government engaging with the experts to find a solution?

Mr ANTHONY ROBERTS: Thank you for the question. Infrastructure NSW has been leading the work with respect to flooding, but I might seek further amplification from Deputy Secretary Nelson.

Mr NELSON: The Penrith Lakes Scheme has gone through and considered a whole range of flooding-risk impacts. One of the challenges we have had is that there has been an expectation by the previous owners of the site around a higher development capacity and that just is not the case. The work that Molino Stewart has done has certainly gone into the mix as part of the consideration of the future-use potential. In January of 2017 the Minister exhibited new planning controls, which considered not only the capacity of the entire Penrith lakes development but also considered the evacuation capabilities for that precinct. So rather than 4,900 homes and dwellings that PLDC was seeking, there was a much lower figure based on not only advice from people like Molino Stewart but also the advice of Roads and Maritime Services that do the evacuation.

The CHAIR: I will come back to this. We will now move to Opposition questions.

The Hon. PETER PRIMROSE: Can I talk briefly about local planning panels [LPPs]? When is the first quarter local planning panels performance report going to be released?

Mr ANTHONY ROBERTS: Can I seek advice from Deputy Secretary Frame on that?

Ms FRAME: The first quarter report is currently being finalised. It is in early stages of analysis in the Department of Planning. It is a very small sample size at this stage so there is nothing I am able to provide today but I can say that it has been received by the department and is currently undergoing that analysis and evaluation.

The Hon. PETER PRIMROSE: Estimated time—ballpark?

Ms FRAME: Can I take that on notice?

The Hon. PETER PRIMROSE: Please do. Will the report identify all the costs incurred by councils in establishing and supporting these panels?

Ms FRAME: It is too early for us to have any solid information on that. It has been raised as a concern by some councils, but at the moment it is still too early to determine the net cost of operating panels. Certainly there has not been enough time elapsed yet to assess one of the key savings attached to panels, which is fewer appeals to the Land and Environment Court and significantly reduced legal costs for councils that have had those panels in place for some time, preceding the introduction of the mandatory panels. We are anticipating that it will take some time for the full impacts to be adequately assessed.

I can further update the information I provided earlier to let you know that—as I said, it is a very small sample in that first report—it was 30 councils that have supplied the data that we are currently assessing and it covered 136 Independent Hearing and Assessment Panels [IHAPs] meetings and 460 development applications [DAs]. At the moment we are undertaking analysis and, as I said, I will take on notice when we would be able to provide more information.

The Hon. PETER PRIMROSE: Minister, last year in these estimates I asked you a question about costs to councils and you said, and I quote from the *Hansard*, "Local government is happy to bear the cost" of planning panels. Do you still believe that is the case?

Mr ANTHONY ROBERTS: I think as the report comes through we will see more of that. Anecdotally, speaking to some councils, they find that the new process has assisted them greatly. Do we have any further information to that?

Ms FRAME: No, Minister. As I said, we need some time to assess the full impacts of the costs, including the savings. I can say that, certainly for the councils that had IHAPs in place and have had for some years now, they have not raised issues with us about the cost because we consider that they have found savings to offset that. They have not made that fully clear to us but they certainly have not raised issues about the cost of operating an IHAP for them—that is, the councils that have had that in place before.

The Hon. PETER PRIMROSE: But other than the voluntary ones, Minister, last year, and I quote again, "Local government is happy to bear the cost". You stated that to this Committee last year. Do you stand by that?

Mr ANTHONY ROBERTS: Yes, I stand by that because I think time will prove that indeed councils will achieve savings through greater efficiencies as we have a more open and transparent planning system. Certainly, as we drive towards councils focusing more on getting their local strategic planning right, I think you will see not only greater transparency and openness but you will see a greater level of support by communities when it comes to developing infrastructure and new communities within their boundaries.

The Hon. PETER PRIMROSE: Minister, when you introduced these panels and put the legislation to Parliament you declared they were necessary particularly from a corruption point of view as well as a number of other matters. That is right, is it not?

Mr ANTHONY ROBERTS: That is correct.

The Hon. PETER PRIMROSE: How many members constitute any given empanelled planning panel? What is the range of members who would be on a typical panel?

Mr ANTHONY ROBERTS: What we have at the moment is the ability, on the planning panels themselves, to provide a level of expertise that has not been there in place before. The numbers may vary. Mr Ray?

The Hon. PETER PRIMROSE: Give me a range, that is all.

Mr RAY: On every individual panel there are to be four members; there will be a chair, there will be two independent experts that are council appointees, and there will be a community member. But my recollection from the way councils went about appointing community members and independent experts is that all councils appointed three, four, five independent experts and in every case there were at least three chairs appointed by the Minister and in almost all cases there were four, five community members. So there is a pool of people. In one council at least it had 15 people it could choose at any one time to put four members on individual panels.

The Hon. PETER PRIMROSE: Can I specifically talk about the expert ministerial list? The information I have is that there are 218 members of that. Is that correct?

Mr RAY: Yes, I think that is right.

The Hon. PETER PRIMROSE: Fifty-three have been appointed to multiple panels, have they not?

Mr RAY: I would have to check on the numbers. I would have to take that on notice.

The Hon. PETER PRIMROSE: Do you know how many expert members sit on two panels?

Mr RAY: I do not know. I would have to check on that number, but I do know that there are a number of expert panellists that sit on a number of different panels.

The Hon. PETER PRIMROSE: I would be interested to know if my information is accurate and that it is, in fact, 53. Minister, if you are taking this on notice I would be interested in how many expert members sit on two panels, three panels, four panels and how many more. Is that okay with you?

Mr ANTHONY ROBERTS: Yes, thank you, Mr Primrose.

The Hon. PETER PRIMROSE: Are you aware that Mary Lynne Taylor is concurrently chair of one panel, alternate chair on a further three, an expert member on five and an alternate expert member on a further three, and the acting chair on the Sydney Central Planning Panel?

Mr RAY: Yes, I am aware of Mary Lynne Taylor's chair duties but I am not aware of the number of panels that she has been appointed to as an alternate or as an expert by councils.

The Hon. PETER PRIMROSE: Minister, how can you justify giving one person far more power in the planning system than any councillor could ever have dreamed of, particularly given your fundamental concern that no single person, no entity, should have greater power, as a corruption mitigation measure?

Mr ANTHONY ROBERTS: I see very much the point around having as many people within the system as possible, but it comes down to probity, integrity and the fact that our members go through a rigorous process with respect to recruitment. An independent assessment by external sources supported and gave significant endorsement to these new panels. But one of the reasons we have ensured that Nick Kaldas has come on board is to have a review, to get a bit of a health check as to how these are going, and if there are areas for improvement I am always open and the department is always open to have a look at how we can better improve particularly that corruption prevention, but how to improve the efficiency of those panels.

The Hon. PETER PRIMROSE: Minister, would you be concerned that one person is on so many panels, given the fact, as I said, in your second reading speech you indicated that you wanted to disperse power not actually centralise it in individuals?

Mr ANTHONY ROBERTS: Again, the issue around having one individual, the power is not invested in one individual on a committee and that is why we have a panel. But it is a point that I am happy to take on board. If we have a need to introduce more people, bring more people in, I am quite happy to look at that.

The Hon. PETER PRIMROSE: Can I ask that you take on notice then the concern and indicate to us in your response why you have no concerns about people being appointed to multiple boards?

Mr ANTHONY ROBERTS: In fact, what I will do, Mr Primrose, is ensure that this particular issue is looked at and reviewed by Mr Kaldas.

The Hon. PETER PRIMROSE: And I look forward to reading his report. Will you give us a copy of his response in relation to that matter?

Mr ANTHONY ROBERTS: Mr Kaldas' report will be made public.

The Hon. PETER PRIMROSE: Particularly in relation to this matter?

Mr ANTHONY ROBERTS: Absolutely. I will make sure that one of the areas that he specifically looks at is this area.

The Hon. JOHN GRAHAM: Minister, Nick Kaldas is a former hostage negotiator and he has investigated assassinations and high-profile murders. What exactly is going on in your department that you have called him in?

Mr DAVID SHOEBRIDGE: It was the Greater Sydney Commission that asked for it.

Mr ANTHONY ROBERTS: Mr Kaldas brings with him a wealth of knowledge particularly around corruption prevention and rebuilding systems, as he has done within the United Nations, and that is where from a governance role to have his expertise and the fact that he is prepared to have a look and give us a health check and see what we can do better—

The Hon. JOHN GRAHAM: Do you have concerns about corrupt conduct in your department? Is that why you have called him in?

Mr ANTHONY ROBERTS: No, not at all. He has been called in because I want to take Planning from where it was and the decisions that were made in the past. No-one wants to revisit the past, but what I want to make sure is that we have a robust system that is an exemplar around the world of "If you want an open, transparent, efficient planning system, then come and have a look at New South Wales." We can always improve and will continue to do that.

The Hon. PETER PRIMROSE: I have been hearing that it is possible for a panel member to work indirectly for a developer—that is, they are not excluded from sitting on a planning panel, but they may consult for a developer and still hold an interest in certain applications being approved. Is that the case?

Mr ANTHONY ROBERTS: Mr Ray?

Mr RAY: I do not think that is the case. There are very clear conflict of interest provisions that all the panel members have to sign up to. It is my understanding that panel members cannot hold an interest in a proposal from a developer, at all, that comes before them.

The Hon. PETER PRIMROSE: Indirect interest?

Mr RAY: There are very clear rules about both pecuniary interests and non-pecuniary interests. It is clearly each panel member's responsibility to manage real or perceived conflicts of interest.

The Hon. PETER PRIMROSE: If this was brought to your attention, you would expect an individual who has been in that position to be removed from a planning panel?

Mr RAY: I would need to see exactly what the circumstances were, and I would then have a look at the circumstances to see how they applied to the very detailed conflict of interest guidelines. In circumstances where there was clearly a conflict of interest, then that panel member should not have sat in relation to that matter.

The Hon. PETER PRIMROSE: Mr Ray, would you be the one making this determination?

Mr RAY: I am not quite sure that I would be the one making the determination, but certainly I would be involved in providing advice.

The Hon. PETER PRIMROSE: Who would make that determination?

Mr RAY: I think ultimately the Minister establishes the pool of members. If it is a council-appointed member, then it is up to the council to make that determination.

The Hon. PETER PRIMROSE: Who would enforce that concern?

Mr RAY: That would be a matter the Department would be on the front foot about and the Department would be advising council if the Department thought there had been a conflict of interest.

The Hon. PETER PRIMROSE: I am hearing the terms "advising" and "assessing", but I am not hearing terms which would make me expect that this was a situation which was not conducive to corruption. What regulations or provisions would oblige a person in that circumstance to be removed or to remove themselves?

Mr RAY: The process is that at each individual meeting the chair is responsible for ensuring that all conflicts of interest are addressed and that if, for whatever reason, those conflicts are not raised and there is a subsequent complaint, if it is the Minister appointee, it is ultimately the Minister's role to take action against that person if there was a conflict. If it is a council appointee, it is up to the council to take action.

The Hon. PETER PRIMROSE: This is not a reflection on you, Minister, but if that did not happen, is there an appeals process, if there was a concern that action had not been taken by a council, by a Minister, by a department?

Mr RAY: There is not a formal appeals process at the moment, but if there was concern that action had not been taken that was appropriate, that is something that we would review.

Mr ANTHONY ROBERTS: I am also quite happy to have Mr Kaldas look at that. Again, if it assists, and I understand your thoughts on this, that is something that we should look at doing.

The Hon. PETER PRIMROSE: I would also ask that maybe Mr Kaldas could meet—I know he will be meeting with a number of people—particularly with Local Government NSW in relation to these concerns.

Mr ANTHONY ROBERTS: I believe he is.

The Hon. PETER PRIMROSE: I have lots of other questions in relation to planning panels but I am running out of time, so we will move onto those questions in another forum. Turning to Landcom, how many projects is Landcom currently working on?

Mr ANTHONY ROBERTS: In answer to that I would say not enough, but they are improving. They are going gangbusters. Landcom has new direction and great life. It has a great history. It is being incredibly well led. That is a good segue into passing across to the chief executive officer [CEO], Mr Brogden. If you have been to Oran Park, there is a great example there of Landcom actively leading the marketplace in developing new communities where libraries are being built before people are moving in. Parklands and schools are in existence before people move in. That is one of the great things that Landcom can do.

The Hon. PETER PRIMROSE: Minister, I am pleased that you are so supportive of the actions of Landcom and so involved in all of its activities but, given my limited time, how many projects is Landcom currently working on?

Mr ANTHONY ROBERTS: Mr Brogden? Sorry—I do get carried away with the great work that Landcom does.

The Hon. PETER PRIMROSE: I have noted your active involvement and support for everything Landcom is doing, Minister.

Mr BROGDEN: I do not have an exact number, but I can get that for you by the end of the day.

The Hon. PETER PRIMROSE: Ballpark?

Mr BROGDEN: Thirty, 30-plus.

The Hon. PETER PRIMROSE: How many of these projects are currently meeting the affordable housing target of 5 to 10 per cent as outlined in your housing policy?

Mr BROGDEN: The board of Landcom adopted an affordable housing target in September 2017, so this time last year, whereby our projects would all have a 5 to 10 per cent affordable housing target. That was not retrospective; it was prospective. We can only speak to the projects that we are starting since then, with one particular exception. Green Square has a 3 per cent affordable housing target in it, which was mandated 15 or 20 years ago back with the City of Sydney and that is delivered through the City West Housing Corporation.

The Hon. PETER PRIMROSE: One out of about 30?

Mr BROGDEN: Yes, one at the moment. What I can say is that, with our projects into the future, they are requiring a 5 per cent to 10 per cent affordable housing target. We are out to the market on two projects that are part of the 50 or so projects that were put through the North West Rail, the eight stations. For Tallawong and the showground stations, the projects we have put out, the land we put out, to the tender process have both required the developers to come back with 5 per cent to 10 per cent affordable housing targets. We are now starting that process.

The Hon. PETER PRIMROSE: When was the role of chief executive of Landcom first advertised?

Mr ANTHONY ROBERTS: I would have to ask Mr Brogden.

Mr BROGDEN: The previous CEO of Urban Growth, as it was then, left that role in December 2016. The then board I was on, I was the chairman at the time, but I was on leave for health reasons. The board appointed the CFO, Michael Brodie, as the acting CEO for a period of three to six months and then following that they replaced him with the appointment of Barry Mann as the acting CEO. During that period—the first six months of 2017—the role of CEO was out for search, through a search process. The board considered a number of candidates through the middle of 2016. At that stage the board was unsuccessful in appointing anybody. Then the board moved to appoint me as acting CEO and moved to another recruitment process, which was run by the board without me being part of it and chaired by the then acting chair, now chair, Suzanne Jones. That process commenced in November 2017 and concluded in May 2018, with my appointment as the permanent CEO.

The Hon. PETER PRIMROSE: So it was actually advertised?

Mr BROGDEN: It was searched, so it went through a search process. I was not on the board when the decision for the second search was undertaken, so I cannot speak to that process, but it was certainly a formal search process.

Mr DAVID SHOEBRIDGE: Through you, Minister, to Mr Brogden, what is the definition of affordable housing that Landcom was using?

Mr BROGDEN: We use the Environmental Planning and Assessment Act definition, and from our perspective we look to target "moderate" and "low" within those definitions.

Mr DAVID SHOEBRIDGE: What is "moderate"?

Mr BROGDEN: It is as per the Act.

Mr DAVID SHOEBRIDGE: Can you provide us on notice what the income is for "moderate"—what the entry point is for affordable housing? Maybe Mr Nelson has the figure.

Mr BROGDEN: I will come back to it.

Ms FRAME: I have that information: \$103,000 is moderate, 80 to 120 percentage of median income.

Mr DAVID SHOEBRIDGE: Through you, Minister, to Mr Brogden, do you believe that having people on \$100,000-plus accessing affordable housing is doing the right thing in terms of dealing with those hundreds and hundreds of thousands of people in Sydney on vastly lower incomes who are not getting access to housing? Is \$103,000 the right level?

Mr BROGDEN: It is as per the legislation and we use the legislation. It is the household income, so not necessarily the individual income. What I would say is that the Government has had for a long period of time social housing through what we now call the Land and Housing Corporation for a certain group of people on certain incomes or welfare, and to my understanding 94 per cent of people who are Land and Housing Corporation tenants are on welfare. There are a very small number of people on low incomes in Land and Housing Corporation social housing. The Environmental Planning and Assessment Act looks to deal with a group of people who are earning low incomes. As you know, it characterises "very low", "low" and "moderate", and that is what we look to target.

Mr DAVID SHOEBRIDGE: Could the entirety of 5 per cent to 10 per cent be met by people on that moderate income if they were the first in to buy the housing?

Mr BROGDEN: We will not necessarily sell the housing. Some of it we will work with or transfer to or sell to community housing providers, so it then becomes their policy.

Mr DAVID SHOEBRIDGE: My same question, including accessing it through community housing: If you sell at a price to community housing where they can only have a viable economic model when they are leasing it out to households on \$103,000, that is a decision you will be making. I am asking you: Are you going to be making those decisions or are you going to be ensuring that people genuinely at the lower end of the economic ladder can access the affordable housing through Landcom?

Mr BROGDEN: Affordable housing is often a relative thing based on the community where you live in terms of the cost of living.

Mr DAVID SHOEBRIDGE: That is what I am asking you.

Mr BROGDEN: We would look to make it appropriate for that area to the best of our ability.

Mr DAVID SHOEBRIDGE: Who decides whether it is 5 per cent or 10 per cent? Do you have a policy that sets out how that is happening and, if so, is it public?

Mr BROGDEN: Yes, our policy is on the website. It is a sustainability policy that includes an affordable housing section.

Mr DAVID SHOEBRIDGE: When I looked at it I could not work out how you were going to determine whether it was 5 per cent or 10 per cent.

Mr BROGDEN: The hard minimum is 5 per cent, so they must be a minimum of 5 per cent. The 10 per cent is an encouragement to move up to 10 or beyond.

Mr DAVID SHOEBRIDGE: What are your policies in place doing to encourage it to 10?

Mr BROGDEN: We are specifically putting it in the policy at 5 per cent.

Mr DAVID SHOEBRIDGE: Lastly, do you not think it would be appropriate to revisit the 30-odd projects already in the pipeline to ensure that at least 5 per cent to 10 per cent of those projects, the uncompleted projects, are delivered as affordable—or are there ministerial or political barriers preventing you doing that?

Mr BROGDEN: Yes, I should have mentioned earlier: We are looking at our existing book of projects to see if there is the capacity to reopen them and look for 5 per cent to 10 per cent affordable housing. Some of them are so far down the track that they are almost completed and it is clearly too late—they are at the finishing stages. Where possible we are.

Mr DAVID SHOEBRIDGE: Could you provide on notice what the projects are where you think it is possible?

Mr BROGDEN: Yes.

Mr ANTHONY ROBERTS: In answer to that, letting more councils on to SEPP 70 has not happened since 2002. I was proud to announce that SEPP 70 has been expanded to include five additional councils—Canada Bay, Inner West, Randwick, Ryde and Northern Beaches—enabling those councils themselves to initiate affordable housing schemes and levy contributions towards affordable housing from developers.

Mr DAVID SHOEBRIDGE: Minister, there are few actions we agree on, but we agree on the extension of SEPP 70. When are you going to roll it out to the rest of Sydney?

Mr ANTHONY ROBERTS: That is something that we are looking to do and Deputy Secretary Frame can more fully explain.

Ms FRAME: Since the Minister made that announcement and signalled that councils are able to gain access to SEPP 70 there has been increased interest from other councils requesting that they also be permitted on to the SEPP and we are working with them to consider their application. As you know, there is some demonstration required of affordable housing need and we are working with councils to streamline the process to make it as seamless as possible so it is less of an administrative burden to gain access to the SEPP. That is currently underway and we are working with the community housing provider sector and other stakeholder groups to look at that process.

Mr DAVID SHOEBRIDGE: I appreciate that further detail. Minister, there is no part of Sydney that does not have a housing affordability problem. Why do you not streamline the process and tell those councils in the Greater Sydney area that want it that they can get it without further bureaucracy or delay and that they can implement it tomorrow?

Mr ANTHONY ROBERTS: That is something we are happy for councils to approach us on, and we recognise the issue and have been taking steps to fix and remedy this problem across a range of strategies. It has taken since 2002 to further open the ability for councils to get on board with SEPP 70. I commend former a councillor from the City of Sydney here. The Sydney council, Ultimo, Pyrmont, Green Square and southern employment lands have resulted in around 740 affordable rental dwellings for low- to moderate-income households. The rest of Sydney, and particularly those areas that require additional affordable housing—

Mr DAVID SHOEBRIDGE: I appreciate that but we are running short of time. What strategic planning, if any, did the department do to ensure that councils across Sydney had the planning controls and the necessary infrastructure to allow them to implement the medium density housing code before you applied it as a blanket across Sydney? What strategic planning did you do to ensure it was not going to be a monumental stuff-up?

Mr ANTHONY ROBERTS: It has not been a monumental stuff-up. I reject the premise of that statement. The medium density housing code has been quite successful. A large amount of consultation went into it. Deputy Secretary Frame might give the full rundown on that as she and her team played a major role in delivering this.

Mr DAVID SHOEBRIDGE: My question was about the strategic review to ensure there was adequate infrastructure and appropriate planning controls to allow it to be implemented, not a general chat with council?

Ms FRAME: The key point to that in the response is that the code in and of itself, as the Minister explained earlier, does not change the zoning of any land across Sydney. The code only applies and operates where councils themselves have zoned land as suitable for medium density development.

Mr DAVID SHOEBRIDGE: In Ryde there were 16,000 housing units.

Mr ANTHONY ROBERTS: Through me.

Mr DAVID SHOEBRIDGE: Through you, Minister. In Ryde there were 16,000 lots. Did you know that before you implemented it?

Ms FRAME: We knew that Ryde Council had more of their LGA zoned for medium density housing than any other LGA in Sydney and had actually had a housing strategy in place since 2010-11 and was enshrined again in their LEP in 2014, that preferred medium density housing. The LEP was made in line with Ryde Council's desire to have medium density housing in their LGA. So, yes, we were aware of that.

Mr DAVID SHOEBRIDGE: Given you say you are aware of Ryde, what has changed so that you have a two year deferral and the Minister says the LEP is broken? You say you looked at the LEP before you implemented it; the Minister now says the LEP is broken. I put it to you, Minister, that there was a grossly inadequate investigation. If you say the LEP is broken, your department looked at it, something went wrong—what went wrong?

Mr ANTHONY ROBERTS: Before I ask Deputy Secretary Frame to respond can I make it clear, because one council's LEP was a very far outlier when it came to medium density, it should not preclude the rest of Sydney taking advantage of what is a fantastic design code, but more particularly where homeowners, not being able to do more that they can now, can save up to \$15,000 on a dual lot for two dwellings or \$42,000 for three terraces. This is again focusing on where it is required most, providing good design and a cheaper and more efficient way to get that design through. It is important if we can have some additional time in answering—

Ms FRAME: The code itself, as I said, did not change the zoning. We had discussions with Ryde but we could not agree on the fundamental aspects of the code, or we felt that they were wanting to assume that every lot that was zoned for medium density would be suitable for development under the code and work that we had done in the department. Given the high design standards in the code we did not consider that would be the case. In fact, there would be many lots zoned for medium density development in Ryde that could be subject to a DA for medium density development that would go through council, but would not meet the 20 to 24 design specifications for the code—things like solar access, the aspect of the block, the frontage, the setbacks, the requirement for a car park for every dwelling. There are many requirements in the code and it is not right to assume that every lot that is zoned for medium density would be suitable for development under the complying code.

The CHAIR: Minister, what is the current backlog of housing needs across New South Wales right now?

Mr ANTHONY ROBERTS: Across New South Wales or Greater Sydney?

The CHAIR: Across New South Wales. Then you can give me a more targeted figure.

Mr ANTHONY ROBERTS: Again, our projection of 1.7 million additional people across Sydney by 2036 will require some 725,000 homes. We are breaking every record when it comes to approvals and builds. As part of that we are ensuring, through better planning needs—

The CHAIR: I want a statistic. How many homes are we behind already? I know we are doing more than ever.

Mr ANTHONY ROBERTS: About 100,000.

The CHAIR: Thank you. Is the Government aware that any land sales within the Penrith Lakes scheme sees a revenue returned to government of 10 per cent in addition to bringing ratepayers to the area? Is the Government aware that Penrith Lakes has released a 47 hectare parcel of employment lands within the scheme and is looking to market 40 hectares of land for tourism purposes as well? Are the government proceeds going to be applied to local infrastructure?

Mr ANTHONY ROBERTS: Mr Nelson.

Mr NELSON: The department is aware that the Penrith Lakes Development Corporation [PLDC] has development objectives for the site consistent with the deed, which is now 30 years old, but also consistent with the amendment to the State environmental planning policy [SEPP], which was finalised last January. In respect of some of the industrial uses, we are aware that there is a proposal for some of those uses.

The CHAIR: That is correct.

Mr NELSON: But over the past year or so our focus has been on addressing the flood hazard and making sure that evacuation is appropriately considered.

The CHAIR: I will come back to that. Is the Government aware that given the mechanics of the deed, the PLDC is no longer under any obligation to dedicate the Lakes and Nepean River frontage parklands to the Government if the Government does not rezone the initial 150 hectares of rehabilitated urban south lands by February 2019?

Mr ANTHONY ROBERTS: Negotiations are underway. We always negotiate strongly on behalf of the people of New South Wales. I will ask if there is anything further.

Mr NELSON: I will have to take that on notice. At this stage, the Government has received over 400 hectares that have been dedicated. I think there is a difference in interpretation around expectation of dedication for Penrith Lakes, and they have been subject to numerous ongoing negotiations, backwards and forwards, between the Government and the PLDC.

The CHAIR: Are negotiations bogged down?

Mr NELSON: I would not say it is bogged down. I would say it is a difference in interpretation of a 30-year-old deed that with time has transcended and there are uses now, with the basis of better evidence, particularly around flood hazard. A principal consideration for us is making sure that we do not put people—

The CHAIR: I understand. That brings me to my next question. Minister, in April this year, a new medium density housing code was released. The new code is designed to make it easier for home owners to subdivide suburban lots into terraces or so-called manor homes under a fast-tracked complying development process, with dual occupancies being permitted to be built and subdivided into lots within site areas as small as 450 square metres. There is a growing community concern that the development of apartments is fast outpacing infrastructure throughout the City of Sydney and many councils and residents are concerned that their local areas will not cope with the extra housing development. For instance, many areas are already experiencing heavy traffic congestion, limited parking facilities, loss of open space and green space—including parks and sporting facilities—and can quickly become overcrowded, let alone the issues of overcrowding in schools and limited public transport options.

We talked about the issue of developing Penrith Lakes because of the evacuation and the need to make sure we can get people out safely. Would it not be the same principle? If we are overdeveloping spaces across the city, those same evacuation issues would be different—maybe not with respect to water issues but to other evacuation needs that you have in Penrith. Minister, are you aware of the reasons behind the deferral of the introduction of the code to the local councils that you talked about earlier, but more so Ryde, Canterbury, Lane Cove and the northern beaches? And what has been done to address the concerns of councils and local residents about overdevelopment, especially with regard to increasing livability within these local areas? Do you anticipate that deferrals will end on 1 July? I note this is shortly after the time of the 2019 election.

The Hon. SHAYNE MALLARD: It is very cynical.

The CHAIR: It is cynical, but it is an observation.

Mr DAVID SHOEBRIDGE: It was a very cynical move.

Mr ANTHONY ROBERTS: This was canvassed two evenings ago. I have corrected the record with respect to that. Sydney needs to respond to changing family structures and an ageing population by providing a variety of housing types. Typically in New South Wales housing falls into two categories—free-standing homes and apartments. A growing proportion of Sydney's detached housing is occupied by empty nest households. More than half of new homes built in Sydney are now high rise. In the past 12 months, medium density housing approvals—that is townhouses, terraces and one- to three-storey apartments—represented only some 40 per cent of all housing approvals. Over the past 10 years, the average number of these approvals has been around 17 per cent. There is a clear need to increase housing diversity to give people more choice, provide an interesting and vibrant built environment and ensure housing supply caters for a changing demographic.

Again, 50 councils, not just those couple of councils, have had a deferral. We have done that because we have listened to councils. We want to make sure that we are not saying to councils, "Stop work on your local environment plan because we need to apply the new code." Let us bring those together. You can do both. It is a saving of resources and it shows a respectful attitude that this Government has towards councils and local communities. We want them to get their strategic plans right. That is what we are doing. By giving these deferrals, that is the outcome. Again, the code does not increase any available land for medium density within a local plan itself. It provides good design and better opportunities for people. The fact is that people who want to do this can already do it but people in some places such as Ryde will not be able to do it because we have a better design code

in place. A better design has to be part of that. This is raising the bar and ensuring we have good built environments and streetscapes that reflect the attitudes and aspirations of existing streetscapes.

Again, it means savings to the average home owner. They are doing something. There has to be better design, but they are only doing something that they already do. It will save them \$15,000 when they want to do it and up to \$45,000 or \$42,000. We are tackling the need for new, vibrant and different types of housing and we are increasing the diversity that is available to people. If a community does not want a high rise as their meeting targets a diversity of housing stock is available to it. Again, as people get older—Sydney being an international city—there is the ability for someone to say, "I am an empty-nester and I wanted this block of land." There is the ability for someone to say, "Look, I want a dual occupancy here. My daughter is a teacher and my son is a nurse. I can move in with my family next door and with their children" providing them not only with the ability to enter the Sydney housing market but also with that important social network and frame.

The CHAIR: Minister, you would recall that last year I met with you to complain about and to deal with the inappropriate applications of environmental zones, or e zones. You subsequently issued a section 117 directive regarding the indiscriminate application of these e zones over commercial and agricultural use of private property where prior use should automatically exclude e zones. Would you update this Committee on how you are dealing with the current e zone issues?

Mr ANTHONY ROBERTS: I have never found you to be coming in and complaining about things. You always tend to provide a positive solution rather than just complaints. I agree with you. Getting the balance between protecting our environment and our farmland is of utmost importance for this Government. What is just as important is ensuring that the frameworks that we put in place are not being gained to meet outcomes that are beyond the objectives of our laws and policies. As this Committee would be aware, a independent review into the North Coast e zones was announced by the previous planning Minister in 2012 and the recommendations of that report state that the primary use of land will be considered and validated by ecological evidence to support the application of an environmental zone. A direction was issued in 2016 and the recommendations create specific categories of vegetation including coastal vegetation with lands and species habitat. In the interests of time I might ask Deputy Secretary Ray to update as to where we are.

The Hon. JOHN GRAHAM: I think the Committee would be interested in that but could I ask that that answer be tabled, given the time?

The CHAIR: It is an important answer and we have not taken away from the Opposition's time.

The Hon. JOHN GRAHAM: I am in your hands, Chair.

The CHAIR: I would like an answer. I take your advice Mr Graham that the answer be tabled but I am looking specifically for councils that are not complying with your section 117 direction and are flouting your authority as planning Minister. It is fine for Mr Ray to answer that question.

Mr RAY: At this stage all the councils are some way down the path on the section 117 direction. Ballina Shire Council has carried out some landholder consultation to determine the primary use of the deferred lands under the policy and it has engaged a consultant to assess the vegetation characteristics against the e zone criteria. We are expecting that the council will lodge a planning proposal within the next two to four months. Byron is undertaking a three-staged approach to implement the review. The first stage is where landowners and council agree on the proposed zoning; the second one is to rezone any deferred land that is not currently rural or environmental; and the third one is to work with landowners where there is an agreement about the zoning. They have done an assessment of the deferred lands where council and the landowner agree. Council has then written to all those landowners to give them the information and to ask whether they do in fact agree or whether they do not agree.

The CHAIR: Mr Ray, are the councils responding in an appropriate and timely manner or are they deferring in the hope that the Government will review its position on this matter?

Mr RAY: At this stage all the councils are moving forward but some are slower than others.

The CHAIR: Thank you.

The Hon. JOHN GRAHAM: Minister, I want to ask about the State significant development application for the redevelopment of the Sydney Football Stadium. First, I want to confirm that you are the determining authority for this stage one application. Is that correct?

Mr ANTHONY ROBERTS: Yes, we are.

The Hon. JOHN GRAHAM: Infrastructure NSW has given evidence to this effect, "We expect to lodge the response for submissions towards the end of August," Has that response to submissions been lodged?

Mr ANTHONY ROBERTS: I will direct that question to Mr Ray.

Mr RAY: That response to submissions has not yet been lodged.

The Hon. JOHN GRAHAM: So it is running slower than expected.

Mr ANTHONY ROBERTS: That is right.

Mr RAY: Yes, that is my understanding. We now expect it in the next couple of weeks.

The Hon. JOHN GRAHAM: Minister, when are you expecting this matter to be approved?

Mr ANTHONY ROBERTS: Once we receive responses, I suppose, is when it will start. Mr Ray?

Mr RAY: Ultimately, the department will finalise its assessment once we get the response to submissions. We do not have the response to submissions. We do not know at this stage whether the response to submissions addresses all the issues that we have sought Infrastructure NSW to address. If the response to submissions is not comprehensive we will have to ask for any gaps to be filled. Ultimately, it depends on the quality of the response to submissions as to the time in which the department might be able to finalise an assessment.

The Hon. JOHN GRAHAM: Infrastructure NSW has also said that the normal assessment duration is of the order of 75 days. That is correct, is not it? Can you confirm whether that is the normal process.

Mr ANTHONY ROBERTS: Mr Ray?

Mr RAY: Yes, there is a range of times. The average time might be around 75 to 90 days. That is from a comprehensive response to submissions being lodged.

Mr ANTHONY ROBERTS: I make it quite clear that it is to determination, not approval or rejection. It is to determination.

The Hon. JOHN GRAHAM: Correct, I agree. Minister, are you aware of any discussions about the Government sitting in the reserve week this year?

Mr ANTHONY ROBERTS: Normally, I would ask, "How does that affect the budgetary process?" But I will not do so. I am not aware of any conversations about sitting in the reserve week. As Leader of the House I will be quite frank with you. I would probably be aware of that if it was occurring. I am happy to assist even though it is outside the purview of the Minister for Planning.

The Hon. JOHN GRAHAM: I appreciate it. Have you been made aware of the advice given by the legal and cabinet section of the Department of Premier and Cabinet about the interaction between the stadium demolition contract and the caretaker convention guidance? Are you aware of that advice?

Mr ANTHONY ROBERTS: I am not aware of that advice. Mr Ray?

Mr RAY: I am not either.

The Hon. JOHN GRAHAM: As the determining authority, obviously you are committed to following due process in this determination. That goes without saying.

Mr ANTHONY ROBERTS: Always, without fear or favour, we will undertake our ministerial duties and responsibilities as the Act requires.

The Hon. JOHN GRAHAM: Why is your fellow Minister, Stuart Ayres, in responding to questions about the caretaker convention, asserting publicly that this decision had already been made? This is what he said publicly on 16 August:

The decision to redevelop the Sydney Football Stadium has already been taken.

Why is he saying that?

Mr ANTHONY ROBERTS: That is probably a question you should ask the very capable Minister.

The Hon. JOHN GRAHAM: We certainly will but I am asking you whether this decision has been made.

Mr ANTHONY ROBERTS: It is yet to come to me for determination.

The Hon. JOHN GRAHAM: Correct. So you are telling us that this decision has not been made. Minister Ayres is parading around Centennial Park like a dressed pony, saying that it has been made. Which of those two things is correct?

Mr ANTHONY ROBERTS: Has a decision been made to progress anything to do with the stadium? Yes, the decision has been made by government to do that. Has it been given—

The Hon. JOHN GRAHAM: You are being very clear that the planning determination has not been made.

Mr ANTHONY ROBERTS: Has there been approval to do it? No. We can decide to do something, but can we, through the planning side, get it through? No, we cannot, because the planning decision is yet to be made.

The Hon. JOHN GRAHAM: No approval and no contract has been issued. Those things are true.

Mr ANTHONY ROBERTS: The Government has a policy, a position. It has agreed on that. But again, strict processes have to be undertaken which includes, as Deputy Secretary Ray said, that we will look at everything in its entirety and a determination will be made.

The Hon. JOHN GRAHAM: It would be impossible to defend your decision in court if Minister Ayres's position was true that the decision to redevelop the Sydney Football Stadium had already been taken. That is patently not true.

The Hon. SHAYNE MALLARD: Point of order: The Minister has answered this question a number of times. I think it is time to move on. I know Mr Graham is trying for a gotcha moment, but the Minister has answered the question.

The CHAIR: The Minister is here to answer questions only about his portfolio, not Minister Ayres' portfolio. I ask Mr Graham to address his questions more specifically to the planning Minister.

The Hon. JOHN GRAHAM: I am comfortable that the Minister has dealt with this issue. I will move on. Minister, I want to ask about a meeting you have appropriately declared in your ministerial diary. You have already put a number of statements on the record about it and been clear about some of the details. I will just ask you to confirm those details. I am asking about the meeting you had with Daryl Maguire and Country Garden last year. This meeting occurred on 9 August last year, is that correct?

Mr ANTHONY ROBERTS: Let me just look at the actual dates themselves. Yes, 9 August 2017.

The Hon. JOHN GRAHAM: That was a sitting day, I think you have confirmed?

Mr ANTHONY ROBERTS: Yes, it was. Just before question time.

The Hon. JOHN GRAHAM: And the meeting was arranged by Daryl Maguire in person, is that correct?

Mr ANTHONY ROBERTS: That is on the record.

The Hon. JOHN GRAHAM: Where did the meeting occur?

Mr ANTHONY ROBERTS: In my office.

The Hon. JOHN GRAHAM: In your ministerial office at Parliament House. It has been indicated publicly that the attendees were Baiyuan Su, G.T. Hu and Tim Lakos, all from Country Garden, and Daryl Maguire. Is that correct?

Mr ANTHONY ROBERTS: If that is what is in my diary that is correct.

The Hon. JOHN GRAHAM: That is on the public record. I am not clear if it is in your diary or not.

Mr ANTHONY ROBERTS: Can I just say that the Department of Premier and Cabinet provides a comprehensive definition of precisely what constitutes a meeting and if that is in my diary that is who I met with.

The Hon. JOHN GRAHAM: That is what has been publicly reported. I am asking you if the public reports are correct.

Mr ANTHONY ROBERTS: Yes.

The Hon. JOHN GRAHAM: Who attended that meeting from the department?

Mr ANTHONY ROBERTS: From the department itself, there was no need for anyone from the department to attend that meeting.

The Hon. JOHN GRAHAM: So there was no departmental official present, is that correct?

Mr ANTHONY ROBERTS: The Department of Premier and Cabinet provides a comprehensive definition of precisely what constitutes a meeting with stakeholders and we strictly adhere to those definitions and requirements for the recording of those.

The Hon. JOHN GRAHAM: Yes, but I am entitled to ask about the meeting. You must have given some thought to this meeting subsequently. You have been quite up-front about aspects of it. I am simply asking you were departmental officials present.

Mr ANTHONY ROBERTS: There was no need for departmental officials to be present.

The Hon. JOHN GRAHAM: There was no need and they were not present. Is that correct?

Mr ANTHONY ROBERTS: That is my understanding. That is my recollection.

The Hon. JOHN GRAHAM: Since you became planning Minister have you met with Daryl Maguire regarding planning issues separate to this meeting?

Mr ANTHONY ROBERTS: The Department of Premier and Cabinet provides a comprehensive definition of precisely what constitutes a meeting with stakeholders.

The Hon. JOHN GRAHAM: Yes and if you met with Daryl Maguire, your parliamentary colleague, that would not be required to be reported in your diary. I am asking you at budget estimates: Since you became planning Minister have you met with Daryl Maguire regarding planning issues separate to this meeting?

Mr ANTHONY ROBERTS: Again, it is important to note that where there is no substantive discussion and particularly around the meetings that are scheduled, formal and within my control and in my role as portfolio Minister and member of Cabinet—and the requirements do not include meetings involving Ministers or meetings that are strictly personal, electoral or party political.

The Hon. JOHN GRAHAM: I understand the guidelines. I am asking you: Have you met with Daryl Maguire on planning issues since you became planning Minister? You must have given some thought to this.

Mr ANTHONY ROBERTS: I am quite happy to take it on notice and I am quite happy to think about it.

The Hon. JOHN GRAHAM: I would be comfortable with you doing that.

Mr ANTHONY ROBERTS: Again, I am very clear about this. We follow the Department of Premier and Cabinet's comprehensive definition of precisely what constitutes—

The Hon. JOHN GRAHAM: I understand and I acknowledge you have done that in this case. You might choose to take the next question on notice. Since you became planning Minister have you had other contact on planning issues with Daryl Maguire either on the phone or in person separate to meetings?

Mr ANTHONY ROBERTS: Again, I am happy to take that on notice, but it is not unusual for a member of Parliament to discuss general planning issues. In fact, I have members from all sides of politics talk about it. It could be overdevelopment, it could be—

The Hon. JOHN GRAHAM: I am asking you a specific question. Feel free to answer it now or take it on notice.

Mr ANTHONY ROBERTS: I am quite happy to take that on notice.

The Hon. JOHN GRAHAM: There have been reports that Country Garden paid \$69.88 million to secure land it knew would benefit from the M9 orbital months before locals knew. They are public reports. Did you ever discuss issues around the M9 orbital with Daryl Maguire?

Mr ANTHONY ROBERTS: I am happy to take that on notice, but again, to the best of my knowledge, no. No.

The Hon. JOHN GRAHAM: When were you aware of the route of the M9 orbital?

Mr ANTHONY ROBERTS: I can seek Mr Nelson's advice as to when we would have had a general idea in the ministerial office, but it was most probably when it was announced.

Mr NELSON: The department has been working closely with Transport for NSW in relation to all of the corridors that have now been out on public consultation. Our involvement with those corridors commenced in 2016 and continued all the way up until recently when they were publicly consulted on and we continue to work with them. The role that we have is one of a statutory role in making sure that the State environmental planning policy and any appropriate zoning is reflected in the final alignment of those corridors.

The Hon. JOHN GRAHAM: One final question: Did Daryl Maguire raise with you the sale of land at Wilton in any capacity?

Mr ANTHONY ROBERTS: To the best of my knowledge no, and there would be no reason. Again, I do not speak to people on site-specific issues. Can I just clarify? Some Ministers in the past have been very open in dealing directly with developers and applicants over site-specific issues. Some Ministers have decided not to talk to anyone. For me it has been very much a middle ground and we have put very robust firewalls in. I am happy to speak to anyone about how to improve then planning process, how to increase housing affordability and how to increase affordable housing, but when it becomes site specific I leave that to the department.

The Hon. PETER PRIMROSE: I would like to return to Landcom. Who made the decision to appoint Mr Brogden as permanent chief executive officer?

Mr ANTHONY ROBERTS: My understanding is that is a decision for the Landcom board.

The Hon. PETER PRIMROSE: Who was chair of the board at that time?

Mr ANTHONY ROBERTS: I will ask Mr Brogden.

Mr BROGDEN: The acting chair was Suzanne Jones.

The Hon. PETER PRIMROSE: Ms Jones was, as you say, only acting chair at the time when you were permanently appointed?

Mr BROGDEN: That is correct. I had stood aside as chair.

The Hon. PETER PRIMROSE: When was Ms Jones appointed permanently as chair of Landcom?

Mr ANTHONY ROBERTS: Just to assist, Mr Primrose, the board is appointed by the Minister for Finance, Services and Property and the Treasurer as shareholding Ministers.

Mr BROGDEN: The answer is Ms Jones was appointed Landcom chair for a period of three years from May 2018.

The Hon. PETER PRIMROSE: Through the Minister to Mr Brogden, did you recommend this appointment?

Mr BROGDEN: No, she was the deputy chair. She had been the deputy chair when I was chairman, so when I stood down Treasury appointed her as the acting chair.

The Hon. PETER PRIMROSE: The process was not advertised?

Mr BROGDEN: The chair's role?

The Hon. PETER PRIMROSE: Yes.

Mr BROGDEN: The acting chair's role was not advertised and my experience is that is usually the way these things work. So Treasury on their own premise appointed Ms Jones as the acting chair at that point.

The Hon. PETER PRIMROSE: Did you play any role in that recommendation?

Mr BROGDEN: No.

The Hon. PETER PRIMROSE: You did not speak to anyone in Treasury about this?

Mr BROGDEN: No.

The Hon. PETER PRIMROSE: How many people sit on the Landcom board at the moment?

Mr ANTHONY ROBERTS: Mr Brogden?

Mr BROGDEN: At present there are four directors.

The Hon. PETER PRIMROSE: How long have they each sat on the board?

Mr BROGDEN: John Barbeler and Peter Roberts—

Mr ANTHONY ROBERTS: No relation.

Mr BROGDEN: —joined the board earlier this year. Jim Betts was appointed to the board in 2017 and Ms Jones was appointed in 2016.

The Hon. PETER PRIMROSE: How many people have left the board in the past two years?

Mr BROGDEN: Two years?

The Hon. PETER PRIMROSE: Yes.

Mr BROGDEN: Bob Hamilton left at the end of his term within the past two years, Matthew Quinn retired, resigned from the board in the past 12 months, and one other director retired, did not seek reappointment in the past 12 months as well.

The Hon. PETER PRIMROSE: How many staff did Landcom trading as UrbanGrowth have prior to the restructure that saw the two organisations result: Landcom and UrbanGrowth NSW Development Corporation?

Mr BROGDEN: I would prefer to give you an accurate answer, if that is okay?

The Hon. PETER PRIMROSE: Please take it on notice.

Mr ANTHONY ROBERTS: We will take that on notice.

The Hon. PETER PRIMROSE: You may also wish to take on notice how many staff remained with Landcom after the UrbanGrowth NSW Development Corporation was formed?

Mr BROGDEN: Yes, I can come back to you on that.

The Hon. PETER PRIMROSE: I have a number of other questions in relation to similar areas about redundancies but I will also put those on notice. Minister, on 23 February last year the then Planning Assessment Commission [PAC] refused consent for the Drayton South project for a fourth time. In question time on that day you made the following remarks:

In response to concerns raised during this and other approval processes for State significant developments, I have asked my department to develop options for consultation that will provide guidance on how many times and how frequently a project that is not substantially different can be submitted to government for approval.

Why did it take you 10 months to finally amend the mining State environmental planning policy [SEPP] and then the farce of Drayton South?

Mr ANTHONY ROBERTS: Can I direct that to Deputy Secretary Frame?

Ms FRAME: I am sorry; can you repeat the question about the mining SEPP amendments?

The Hon. PETER PRIMROSE: Why did you take 10 months to finally amend the mining SEPP?

Ms FRAME: For Drayton South?

The Hon. PETER PRIMROSE: Yes.

Mr DAVID SHOEBRIDGE: Something about a farce?

The Hon. PETER PRIMROSE: I mentioned the farce but I will leave that—that was directed at the Minister.

Mr ANTHONY ROBERTS: Thank you.

Ms FRAME: I will have to take that on notice.

Mr ANTHONY ROBERTS: We will take that on notice.

The Hon. PETER PRIMROSE: Minister, have you been to Bylong Valley?

Mr ANTHONY ROBERTS: Not that I recall. I have been to a lot of places in New South Wales. Whether or not I have been to Bylong, that I cannot tell you. I am happy to take that on notice. I will go through my diary.

The Hon. PETER PRIMROSE: Michael Cassel is the chief executive of both the Hunter and the Central Coast Development corporations, as well as the project director for revitalising Newcastle. Is he being paid any form of remuneration or salary for all three jobs?

Mr ANTHONY ROBERTS: Whatever he is being paid is probably not enough. What he has been able to do with Newcastle is just incredible. We have seen the transformation there; it is generational. To have a look at Newcastle from a decade ago to where it is today is a tribute not only to the great work that Newcastle council does—I have to say that they work incredibly well together with the Hunter Development Corporation—but also to Mike Cassel and his team. In fact, I was only—

The Hon. PETER PRIMROSE: Minister, given the time issues, is he being paid a salary?

Mr ANTHONY ROBERTS: Yes, he is.

The Hon. PETER PRIMROSE: And you fully endorse that for all three jobs?

Mr ANTHONY ROBERTS: Yes.

The Hon. PETER PRIMROSE: Will you provide on notice a breakdown of that?

Mr ANTHONY ROBERTS: I am quite happy to do so.

Mr DAVID SHOEBRIDGE: Minister, do you believe any of the central business districts [CBDs] of Canterbury, Parramatta, Bondi Junction or Chatswood are facing overdevelopment?

Mr ANTHONY ROBERTS: I rely on the evaluation by professional planners. For me, again, where you have any sort of development you need the requirement of adequate infrastructure to be provided. I am happy to get Ms Hill from the Greater Sydney Commission to give a response to that.

Mr DAVID SHOEBRIDGE: Minister, we can go to Ms Hill in a second. I am asking your opinion as the planning Minister. You travel around Sydney. Do you think Canterbury is facing overdevelopment, yes or no? You may not have been to Bylong Valley but I am sure you have been to Canterbury. Is it facing overdevelopment?

Mr ANTHONY ROBERTS: Let me make it clear. When you define "overdevelopment" what is your idea of overdevelopment?

Mr DAVID SHOEBRIDGE: Vastly too many apartments, grossly inadequate provision of infrastructure, major traffic chaos, overcrowded schools and inadequate hospitals; that is Canterbury.

Mr ANTHONY ROBERTS: Can I say—

Mr DAVID SHOEBRIDGE: Yes or no?

Mr ANTHONY ROBERTS: When we look at the infrastructure that is being put in place there we find that once the Sydney to Bankstown rail line is converted to the metro we will have trains running every four minutes in the peak hour. Again, that is a catalyst; it is a great opportunity to renew that entire corridor. That is why the Greater Sydney—

Mr DAVID SHOEBRIDGE: Minister, it is a simple question: Do you believe any of the centres of Canterbury, Parramatta, Bondi Junction or Chatswood are facing overdevelopment?

Mr ANTHONY ROBERTS: Are you saying that—

Mr DAVID SHOEBRIDGE: I am not interested in your train line analysis. I am asking you as the planning Minister whether you think there is a problem.

Mr ANTHONY ROBERTS: What we need to do is ensure that where there is an increase in population in many of those places we have inherited there is probably a lack of master planning. That is why we are bringing in a master plan, and that is why we are working closely with councils to ensure that where there has been growth we provide the infrastructure to ensure that the—

Mr DAVID SHOEBRIDGE: How many new parks have you provided in Canterbury?

Mr ANTHONY ROBERTS: This is one of the great opportunities here: again working with councils—

Mr DAVID SHOEBRIDGE: Simple question: How many new parks in Canterbury?

Mr ANTHONY ROBERTS: No, the local environmental plans [LEPs] reflect district plans.

Mr DAVID SHOEBRIDGE: And also how many new schools in Canterbury?

Mr ANTHONY ROBERTS: This is really important this question. Mr Nelson, the additional green space?

Mr NELSON: In relation to Sydenham to Bankstown—

Mr DAVID SHOEBRIDGE: No, Canterbury.

Mr NELSON: Canterbury is part of that corridor. I can say that we are working closely with the council. The obligation of providing parkland is not just singularly a State obligation; it is both State and council. We are working closely with them to start to do that—

Mr DAVID SHOEBRIDGE: How many new parks have also been provided? It is a simple question.

Mr NELSON: I would like to get to that.

Mr DAVID SHOEBRIDGE: Just tell me the number.

Mr ANTHONY ROBERTS: Through me, Mr Shoebridge.

The Hon. TAYLOR MARTIN: Point of order: The witness cannot give the answer. I am keen to hear the answer.

Mr DAVID SHOEBRIDGE: I agree, he cannot.

The CHAIR: Order!

The Hon. TAYLOR MARTIN: He cannot give the answer because he is being badgered by the member.

Mr ANTHONY ROBERTS: I make the point that we as a department have not rezoned any new buildings in Canterbury; it has all been council led. I just want to put that on the record.

The CHAIR: Mr Nelson, can you quickly run through your answer?

Mr DAVID SHOEBRIDGE: They would be the councillors who met with Daryl Maguire and Country Garden, the Liberal councillors. They are the ones we are talking about. Can we get the answer?

Mr NELSON: Thank you, Minister. The plan that we have and that we are embarking on now with Canterbury-Bankstown Council will be to identify all the infrastructure that is needed, addressing the things such as schools, health facilities, pedestrian and cycle paths, the open space areas, road upgrades to make sure that we are planning for the future. As the Minister outlined, those planning proposals are not ones that have been necessarily led by the State—they are private proposals. In answering your question, we are doing the planning right now with the councils to be able to do that. If I look at the open space program, which the Minister alluded to a few moments ago, the Premier announced a number of new initiatives this year in relation to open space and the allocation of funding towards new open spaces across Sydney. She also identified the opportunity for a growing urban canopy—

Mr DAVID SHOEBRIDGE: Mr Chair, my time is limited. I was asking about what has been approved to date. I have been waiting for an answer and from what I understand I am not getting an answer on that.

The CHAIR: We will go back to the Minister.

Mr DAVID SHOEBRIDGE: Minister, what has been approved to date? Name one new park, one new school in Chatswood, Canterbury, Bondi Junction or Parramatta?

Mr ANTHONY ROBERTS: In answer to that question—

Mr DAVID SHOEBRIDGE: Name one.

Mr ANTHONY ROBERTS: What has been approved to date, for example, in Canterbury has been approved by council and under part 3A by the Labor Government. That is why we are developing master plans and that is why we are bringing in master planning so we will be approving new parks.

Mr DAVID SHOEBRIDGE: Mr Chair, my time is limited. I asked about what has been approved to date and we got an answer, which is nothing. Minister, do you support the process whereby developers can buy their way out of the planning laws through voluntary planning agreements and pay a couple of hundred grand or a couple of million dollars to councils and buy their way out of the planning laws, and do you know how many VPAs have been negotiated on your watch?

Mr ANTHONY ROBERTS: Can I make it very clear that the whole issue around VPAs has been of some considerable concern to me.

Mr DAVID SHOEBRIDGE: You are not alone, Minister, this is a very real concern, particularly about Parramatta. They are being signed like confetti in Parramatta.

Mr ANTHONY ROBERTS: I am concerned that they are paperless and they do not necessarily in any way coincide with our ability and our want to have an open, transparent planning system, and I think that is felt right across the board, that we need to ensure that we have a very close look at VPAs. The Government has a plan to ensure that arrangements that are made with developers around the provision of infrastructure ensure that it keeps pace with development in higher-growth areas and that it is open and transparent. We will be looking, and we are looking at the moment, very closely at reforming the whole VPA system. I am happy to provide further information if you want that on notice.

Mr DAVID SHOEBRIDGE: Please do. Are you aware that just in Parramatta the council has identified that despite having signed dozens and dozens of VPAs for millions and millions of dollars coming into Parramatta they still have an infrastructure shortfall of something in the order of at least \$300 million to provide basic infrastructure in Parramatta? Are you aware of that?

Mr ANTHONY ROBERTS: I am certainly aware that the whole VPA system needs to be overhauled. It is there for a reason.

Mr DAVID SHOEBRIDGE: But Parramatta is our second major CBD. The council has identified at least a \$300 million problem with infrastructure. I asked you about overdevelopment in Parramatta and you said it depends upon infrastructure. Council has identified a \$300 million hole. Are you aware of that? What are you doing about it? How are you going to fix it?

Mr ANTHONY ROBERTS: Could I make it very clear here that VPAs are not with the State Government; that is between a council and a developer.

Mr DAVID SHOEBRIDGE: They are registered often with the planning department, and your own department negotiates VPAs.

Mr ANTHONY ROBERTS: Ms Frame, would you like to correct that?

Ms FRAME: Only for State significant development. We do not have a role in many of the VPAs that you are referring to in councils.

Mr DAVID SHOEBRIDGE: You negotiate VPAs and you register them.

Ms FRAME: We negotiate some, but not all, VPAs.

Mr DAVID SHOEBRIDGE: I did not say that. You said they had no role and I am pointing out to you that your own department negotiates VPAs. You do not even know it.

Mr ANTHONY ROBERTS: What I assume you are talking about, as you state in your question, is the VPAs between councils and developers around the opaqueness.

Mr DAVID SHOEBRIDGE: You say you have a worry about them being corrupting and non-transparent.

Mr ANTHONY ROBERTS: I said they were opaque.

Mr DAVID SHOEBRIDGE: All right, they are opaque. I will put to you they are corrupting. What do you say? When a developer can pay a council a couple of million bucks and buy an additional 50 per cent of floor space or 30 metres of development, that is corrupting. Do you agree or not agree?

Mr ANTHONY ROBERTS: It is opaque and it is not consistent as a planning regime.

Mr DAVID SHOEBRIDGE: Can you on notice provide to this Committee how many VPAs have been negotiated and signed in Parramatta and the amount of money that the council is contracted to receive under VPAs for the past four or five calendar years?

Mr ANTHONY ROBERTS: The VPAs go towards the development of infrastructure, which is important. What are you actually asking?

Mr DAVID SHOEBRIDGE: I am asking for Parramatta because there is a direction that they are meant to have a register of their VPAs. They do not comply with the register and you have made no efforts to make them

comply with the register. I am asking about what the VPAs are over the past five years, how much is being paid to council and why there is not a register for Parramatta.

Mr ANTHONY ROBERTS: Have you raised this with my department with respect to they allegedly do not have—

Mr DAVID SHOEBRIDGE: We found this information in the past few weeks and budget estimates is the ideal time to raise it with you. Has the department raised with you the gross non-compliance of Parramatta with the basic requirement to provide a register?

Mr ANTHONY ROBERTS: I would say to anyone in this Committee with my background around ensuring we have an open and transparent planning system and ensuring the delivery of infrastructure—

Mr DAVID SHOEBRIDGE: You are ensuring nothing of the sort. They have not even got a register.

Mr ANTHONY ROBERTS: You do not need to wait two weeks to pick up the phone to my office and let us know that you have an issue. I am quite happy to take that on board, I really appreciate it, but in future—

Mr DAVID SHOEBRIDGE: Then let us talk about Waverley council. Are you aware that almost 10 per cent of the budget of Waverley council comes through payments from these corrupting voluntary planning agreements—almost 10 per cent of the council's income comes from it? And we could have a similar analysis about Willoughby Council. Are you aware of this?

Mr ANTHONY ROBERTS: As I have said, I have expressed concerns both within my department and externally around the opaqueness of VPAs and the need to reform those. That work is currently underway to reform those to create a more open and transparent system in providing infrastructure to local communities. But I am happy to take those on notice. I appreciate you raising that other issue and I will be seeking advice on that.

The CHAIR: Minister, I might ask you a question on one of your other heavy, demanding portfolios as Special Minister of State. Earlier this year the Parliament passed the Electoral Funding Bill 2018. Under this bill political candidates can give their campaigns unlimited amounts and these amounts of money are reported through the disclosure of electoral expenditure. While I believe that the ability of the candidate to fund their own campaign is imperative, has the Government given any thought to the fairness of this approach where a candidate's ability to spend personal funds is well beyond what most grassroots candidates can compete with if they are quite wealthy, particularly the bright yellow billboards come to mind as an example of a Federal level?

Mr ANTHONY ROBERTS: There is not much I can do about planning around those.

The CHAIR: Do you think that unlimited restrictions could create over time an unfair playing field amongst candidates in that only the rich could be candidates, and could it potentially cause New South Wales to miss out on some incredible grassroots candidates?

Mr ANTHONY ROBERTS: New South Wales already has the toughest political donation laws in Australia and under this Government that will continue to be the case. One of the key pillars of this reform is focused on limiting the ability, for example, of third parties to exercise undue influence in our electoral processes. I want to make it quite clear that the Electoral Funding Bill that was implemented this year made a range of reforms that were recommended by an independent panel of experts and the across party Joint Standing Committee on Electoral Matters.

In May 2014 the Government appointed the independent panel of experts led by Dr Kerry Schott to consider and report on the options for the long-term reform of the State's electoral funding laws. In its final report, coming to your point, the panel made 50 recommendations to strengthen the existing framework. In March 2015 the Government accepted 49 of the panel's 50 final recommendations in principle, subject to a further review by the Joint Standing Committee on Electoral Matters. In June 2016 the committee finalised its inquiry into the panel's first report, endorsing 44 of the panel's 50 recommendations in principle. The committee shared the panel's view that the current Act should be comprehensively reviewed and rewritten to ensure that it achieved its objectives.

That came to the Electoral Funding Bill 2018, representing the culmination of the expert panel's and joint standing committee's work. That bill implemented the majority of the recommendations for reform that were made by the expert panel and the committee supporting a stronger and more transparent electoral funding regime. I thank that expert panel. I know the amount of time, effort and work that went into that. The bill preserves the key pillars of disclosure—caps on donations and expenditure, and public funding—that make up the current New South

Wales electoral funding regime, which, again, is the toughest in the country. The reforms implemented by the bill will, however, increase the integrity, transparency and accountability of political donations in New South Wales.

So a range of reforms have occurred. The issues that you have raised are probably best to be taken back to the joint standing committee for further discussion. Again, any good reform always needs to have a review and those will be reviewed. I would encourage you, if there are issues pertaining to this, to take it up there directly. But I will take this on board and, if you like, I will refer it myself for review.

The CHAIR: Minister, back to Planning and Housing. As you are aware, the royal commission on banking is currently underway and many banking customers are today finding it tougher to get a home loan or to refinance their current loan. We have heard of families who have been denied the opportunity to refinance their mortgage at a better interest rate and with a lower monthly repayment because the banks are deeming their income too low. This seems to be absurd considering many are already paying their current mortgage at a higher interest rate. Given the work the New South Wales Government has done to increase housing supply, have you considered what effects restricted lending may have on housing prices, demand and supply?

Mr ANTHONY ROBERTS: Recent reports about a slight correction in approvals probably goes more to the new lending practices of banks, which is something that needs to be addressed at a Federal level. But, of course, that is of some concern. We are doing everything we can; for example, we are helping first home buyers enter the marketplace. From memory, our first home grants that were issued between 2017-18 were \$107 million. Some 32,700-odd first home buyers received stamp duty concessions, totalling some \$476 million. Our housing affordability strategy aims to deliver a wide range of suitable housing in the right areas, providing choice and diversity; reflecting, as I mentioned before, a changing population. This Government will continue to ensure that housing supply remains a key priority, as well as housing affordability. Any slight decrease in housing approvals at the moment probably can be directly apportioned back to the banks general lending policy.

The CHAIR: Recently the Affordable Housing Income Gap report was released by the community housing provider, Compass Housing. Housing or rental stress occurs when more than 30 per cent of those households income is spent on rent. The report found that in Kiama, 36 per cent of the weekly income is spent on rent, on Shoalhaven, 35 per cent and Wollongong and Shellharbour both sit at around 33 per cent. I acknowledge that the Government has been working to increase housing supply to entice more first home buyers into the market, but what is the Government doing to ensure that more affordable housing is made available throughout New South Wales, not just Sydney-centric?

Mr ANTHONY ROBERTS: Housing affordability and affordable housing are critical. The chief executive officer of Landcom has already stated their commitment in driving forward and leading within the marketplace. As I said before, the Premier released the Government's housing affordability strategy—A Fair Go for First Home Buyers. I compliment the Greater Sydney Commission because its district plans and action to implement affordable rental housing targets as part of the new housing strategies has been quite successful with targets generally in the range of between 5 per cent and 10 per cent of new residential floor space. As I said before, State environmental policy 70—which is a great opportunity for our local councils to step up to the plate to provide affordable housing—had not included new councils since about 2002. The opportunity to follow the lead of great councils such as the City of Sydney to include an additional five councils—Randwick, Inner West, Northern Beaches, Ryde and Canada Bay—

The CHAIR: Is there any merit to make it mandatory for councils across New South Wales to at least have a 5 per cent target, given their growth management strategies that need to prepare for ageing in place?

Mr ANTHONY ROBERTS: This discussion has been going on for some time. I know the Greater Sydney Commission has done some great work on looking at percentages. Quite often the problem is that 100 per cent of nothing is nothing. You have to look at some of the economic drivers and the abilities to reach certain targets, depending on the area. Some areas economically where you may be able to live are a higher percentage than others. If you would give us a short time, because Sarah Hill and her team has done a remarkable job working out how the percentages apply across the—

The CHAIR: We are quite Sydney-centric on this issue. I am talking New South Wales wide—regional and rural councils. There are people who will not be able to age in place because of the cost of living and housing.

Mr ANTHONY ROBERTS: I ask Deputy Secretary Frame to briefly provide some further information.

Ms FRAME: You would be aware that the State Environmental Planning Policy (Affordable Rental Housing) provisions apply across the whole State.

The CHAIR: That is correct. That is why I asked about the mandatory approach across the State, not just in Sydney.

Ms FRAME: Certainly the approach with affordable housing has to date been to apply inclusionary zoning provisions where there is uplift of land so that it is capturing a portion of the value uplift there. That, to date, has been a principle that the Government has applied in extending inclusionary zoning schemes and applying targets. The State Environmental Planning Policy (Affordable Rental Housing) has delivered in the past five years more than 11,000 secondary dwellings, more than 500 new affordable housing dwellings and more than 332 new boarding houses, totalling more than 12,000 new affordable dwellings.

A key aspect of the Government's response to affordability, particularly for downsizers and the ageing population, is in fact the Medium Density Housing Code. In the department an in-depth economic analysis was undertaken to demonstrate that within whichever suburb a medium density option was delivered, it was typically at a price point, on average, 25 per cent less than a single dwelling house, as you would expect. That is something that is intuitive; that is a cheaper price point and it extends up to 37 per cent in some suburbs. Across New South Wales, the application of the Medium Density Housing Code and its leveraging of existing zoning for medium density we also anticipate will provide more of an affordable price point and deliver more appropriate homes for people wishing to downsize and stay in the region and area that they know and with which they are comfortable. That was a core objective of the Medium Density Housing Code.

The Hon. JOHN GRAHAM: Minister, Luna Park has operated on its current site since 1935. The operators have to submit a fresh development application every time they move or change a ride. They have to take into account the noise impact on residents who have chosen to move next door to an operational amusement park. Do you think that is fair?

Mr ANTHONY ROBERTS: The department was recently involved in a Land and Environment Court appeal lodged by Luna Park Sydney against a decision by the principal certifying authority to refuse to grant a construction certificate for a new ride, I believe it was. Luna Park plays a major role not just for tourists but also for families. As I said, it has been there for longer than any of us in this room.

The Hon. JOHN GRAHAM: It seems like you have been here a long time.

Mr ANTHONY ROBERTS: Yes, it does at times. The need for coexistence particularly in Sydney as we have land-use conflicts is always at the forefront of our minds. I have a great deal of sympathy for Luna Park. I also acknowledge that there are people who live close to Luna Park. I might ask Deputy Secretary Ray to expand.

The Hon. JOHN GRAHAM: You might. I am interested in the principle and I want to ask you about it. It really goes to how we regulate those sorts of issues around the State. How are we doing that in relation to entertainment venues, especially music venues? What is your in principle view about some of the regulations that are in place relating to these venues as we have looked at this through the upper House inquiry into the music sector. I want to give you some examples of matters that are either the subject of State regulation through the Liquor Act—not your portfolio—that are often the subject of regulation through development applications by local councils. We are choosing whether or not to make these allowable matters in a development application. These are the sorts of restrictions that we have discovered are in place. Venues are being told to play, or not to play, particular sorts of music; for example, no rock music.

Mr ANTHONY ROBERTS: That is disgraceful.

The Hon. JOHN GRAHAM: Yes. Surely there is no reason for that sort of regulation; only jazz trios was one suggestion that was put to us. Let me give you another example. We are regulating how many musicians can take the stage. This is a live example of a development application: "Entertainment shall be restricted to soloists, duos and trios. Other examples may permit one acoustic instrument." "Live bands" is taken to mean accompanying musicians constituted by more than two musicians." Would you agree that that sort of regulation, on the face of it, makes no sense?

Mr ANTHONY ROBERTS: In principle it is critical that, as we develop new communities, we keep the character of the old communities. That is one of the chief drives of the Premier through our character statements. As new communities develop we have to look at the characters of the existing community and ensure that they are part of it. So, for example, the live music scene unfortunately was killed by poker machines, as The Whitlams quite nicely put it. It was atrocious for the music industry. Great bands came through doing the pubs. To have people that have moved in next to a live entertainment venue and then complain about the noise, it is like moving in next to an airport and complaining about the planes. We are doing work in our department on this. This

is critical for a vibrant city. If you want to live in a place where there is no noise I can give you 100 acres about 100 kilometres away.

The Hon. JOHN GRAHAM: I will give you another example: this condition is in place in hundreds of venues, sometimes on the liquor licence and sometimes on the development application, "no entertainment" or "no live music". That is not about the noise. You can have a noisy television or play recorded music as loud as you like; this is a ban on employing musicians to work, just a ban on work. Why is this the subject of government regulation?

Mr ANTHONY ROBERTS: There is a level of excitement amongst my staff about this.

The Hon. JOHN GRAHAM: I am sure that is true.

Mr ANTHONY ROBERTS: We are all of that age. The most recent pleasure I had was enabling artists in breweries to serve food. It was a ridiculous law that if you were brewing you could sell alcohol but you had to give food away for free, totally in conflict. It is sorting out that ridiculous regulation. If they promise to be brief the Greater Sydney Commission is doing work as well as Deputy Secretary Frame.

The Hon. JOHN GRAHAM: That would be helpful.

Ms FRAME: We are actively involved on work on the night time economy led from the Arts portfolio within the department. I know they presented at the parliamentary inquiry some of the work we were progressing and I will be appearing before that inquiry in a few weeks time to talk about what planning we are working on. We are conscious of the issues. We are aware that there could be scope for the planning system to override local controls, which is for the Government to consider. Councils typically do not like to have that done and that is not normally the call for the State Government to intervene over council consent conditions, but it is something that has been raised with us and something that is being considered and the Government will make decisions.

The Hon. JOHN GRAHAM: Minister, in the interests of time I will pass to my colleague.

Mr ANTHONY ROBERTS: Could we give Ms Hill 30 seconds?

Ms HILL: In brief, I draw your attention to strategy 9.1 of the Greater Sydney region plan that also identifies the importance of facilitating opportunities for creative and artistic expression and participation, including the night time economy, and wherever feasible minimising regulatory burden. That is part of the plan.

The CHAIR: We encourage you to look at the agent of change in Victoria before you come to the next inquiry.

The Hon. PETER PRIMROSE: Minister, can you tell us the current value of reservations in the housing acceleration fund?

Mr ANTHONY ROBERTS: Mr Nelson?

Mr NELSON: There are five tranches of Housing Acceleration Fund [HAF]. Tranches one and two had an allocation of \$483 million and they provided for 19 projects, supporting over 118,000 homes and 1,200 hectares of employment. Rounds three and four also have a reserve fund of \$483 million and that is funded from the Restart NSW Fund and that is for 11 projects which are estimated to support around about 100,000 homes in round figures. In 2017-18 there was also a further allocation of funding for a fifth round and that reservation is \$480 million and we are going through the process at the moment of identifying the projects to be delivered as part of that fifth tranche.

The Hon. PETER PRIMROSE: What was the allocation in this year's budget?

Mr NELSON: The allocation in this year's budget: We are managing all five of those programs. As each tranche goes forward on the recommendation of Infrastructure NSW [INSW] we have to go through a strategic business case process, a final business case and a recommendation of INSW to Treasury for the release of funds. So it depends in terms of a specific project you are talking about. At the moment I can tell you that HAF round one we are 90 per cent complete and will be completed late this year. Round two is 56 per cent completed. We have 33 per cent under construction and 11 per cent in design and tender. In relation to round three we have 33 per cent under construction, 33 per cent in design and tender, and 33 per cent in business case development. Round four, 38 per cent under construction and 63 per cent in business case. In round five we recently completed a strategic business case for the entire allocation.

The Hon. PETER PRIMROSE: Is it the case that there is still around \$682 million in the reservation?

Mr NELSON: The total reservation has a value of somewhere around \$1.46 billion.

The Hon. PETER PRIMROSE: May I then specify, the unallocated allocation?

Mr NELSON: Because it is a drawdown over a forward program I will have to take that on notice, that specific number.

The Hon. PETER PRIMROSE: My specific question is in relation unallocated funds in the Housing Acceleration Fund, is it the case there is around \$682 million?

Mr NELSON: I can tell you the majority of that would be from HAF round five and the reason that they are currently unallocated is that they are going through a strategic business case. We have to demonstrate to the satisfaction of INSW and to Treasury that the benefit cost ratio is greater than one. We have recently gone through the gate two process and we are attending to a number of the recommendations there. Once that process is completed we will then have a series of recommendations for the Minister.

Mr DAVID SHOEBRIDGE: At the time the Greater Sydney Commission was set up the idea was to have a strategic planning body and a more coherent approach to planning in Sydney, would you agree with that?

Mr ANTHONY ROBERTS: Yes, tick.

Mr DAVID SHOEBRIDGE: Whose idea was it to take the Greater Sydney Commission away from the Planning Minister and put it off to the Premier and divide that part of the planning system?

Mr ANTHONY ROBERTS: It was mostly my idea and Chief Commissioner Lucy Turnbull in discussion. The beauty about the GSC from a planning perspective was to put an overarching plan across Sydney. To develop that plan you had the overarching plan, district plans, local plans and a clear line of sight throughout them. Now the plan has been delivered it is going from a planning stage to an implementation stage. For me to have the GSC there as a long-term independent organisation it was important not just to exert its independence but important to be able to have a say across all of government for the implementation of roads, hospitals and schools, and part of that plan was to move that under the Premier.

Mr DAVID SHOEBRIDGE: You say it was your idea?

Mr ANTHONY ROBERTS: It was a joint idea. Great ideas have many fathers, in this case it was specifically two.

Mr DAVID SHOEBRIDGE: Father and a mother, you and Lucy?

Mr ANTHONY ROBERTS: Let us not get into traditional marriage roles. There were two partners.

Mr DAVID SHOEBRIDGE: It was an equal marriage?

Mr ANTHONY ROBERTS: I think all marriages are equal.

Mr DAVID SHOEBRIDGE: Is it true this beautiful idea partly arose because there was an undeclared war between the Greater Sydney Commission and the Department of Planning and they just cannot get on and they needed to be separated?

Mr ANTHONY ROBERTS: No, then you would be talking about a marriage or partnership that was unhappy.

Mr DAVID SHOEBRIDGE: You have now separated, that is nice. Lucy has headed off and found a happier home with the Premier. Did the separation occur because, as is notorious, the Greater Sydney Commission and the Department of Planning were basically at war and could not get on and could not cooperate?

Mr ANTHONY ROBERTS: Well, I totally reject the whole premise of the question. The bottom line is that when the GSC was involved specifically in planning, they were with the Department of Planning and Environment. Now that the planning is done, they are into the implementation stage. You cannot implement a global plan by being in one department.

Mr DAVID SHOEBRIDGE: You deny that was a motivating reason because they could not get on; they were not cooperating? Is that your evidence?

Mr ANTHONY ROBERTS: Can I tell you, in my experience, I have never seen anything but wonderful cooperation from the Department of Planning and Environment, and the Greater Sydney Commission.

Mr DAVID SHOEBRIDGE: We have that on record. That is good.

Mr ANTHONY ROBERTS: Yes. But it was a great idea to move them to the Department of Premier and Cabinet.

Mr DAVID SHOEBRIDGE: It was a great idea to take them away from you; I agree.

The Hon. SHAYNE MALLARD: That is not what the Minister said.

Mr DAVID SHOEBRIDGE: Do you know how many different consent authorities there are in the New South Wales planning system?

Mr ANTHONY ROBERTS: Is this one of those higher or lower type of—

Mr DAVID SHOEBRIDGE: This is just if you have an idea about your portfolio. How many different consent authorities do you think there are in the New South Wales planning system that you said is open and transparent?

Mr ANTHONY ROBERTS: We have councils.

Mr DAVID SHOEBRIDGE: Councils. Tick.

Mr ANTHONY ROBERTS: You have State Government.

Mr DAVID SHOEBRIDGE: I have a little list here.

Mr ANTHONY ROBERTS: You have the Environment Protection Authority [EPA].

Mr DAVID SHOEBRIDGE: The Minister. The EPA?

Mr ANTHONY ROBERTS: It would have a role in the provision of advice.

Mr DAVID SHOEBRIDGE: Did you say the EPA? It is not a consent authority.

Mr ANTHONY ROBERTS: No, I did not. But in the provision of advice.

Mr DAVID SHOEBRIDGE: So far we agree on councils. You say the State Government, that means you, the Minister.

Mr ANTHONY ROBERTS: The Independent Planning Commission, Independent Hearing and Assessment Panels, Joint Regional Planning Panels.

Mr DAVID SHOEBRIDGE: Yes. Anything else?

Mr ANTHONY ROBERTS: There are other agencies that probably get involved.

Mr DAVID SHOEBRIDGE: What are the other agencies, probably?

Mr ANTHONY ROBERTS: The Land and Environment Court.

Mr DAVID SHOEBRIDGE: The Land and Environment Court. Any more takers?

Mr ANTHONY ROBERTS: I do not know. If you have them all there, run through the list.

Mr DAVID SHOEBRIDGE: You are the Minister. You are in charge of this mess. Tell me about the other ones.

Mr ANTHONY ROBERTS: What mess is there?

Mr DAVID SHOEBRIDGE: You cannot even name the planning authorities in your own system and you said it is open and transparent.

Mr ANTHONY ROBERTS: How many have I just named? I mean, seriously!

Mr DAVID SHOEBRIDGE: You have named a whole bunch, but there is a whole bunch you have missed. The Greater Sydney Commission?

Mr ANTHONY ROBERTS: Do you want to elaborate on those?

Mr DAVID SHOEBRIDGE: The Greater Sydney Commission, yes. Tick.

Mr ANTHONY ROBERTS: That is where we got the planning panels.

Mr DAVID SHOEBRIDGE: Can you think of any more? Sydney Planning Panels?

Mr RAY: Sorry, I do not think the Greater Sydney Commission is a consent authority.

Mr DAVID SHOEBRIDGE: They get delegated power from the Minister.

Mr ANTHONY ROBERTS: They are not a consent authority.

Mr RAY: But they are not a consent authority for a development application.

Mr ANTHONY ROBERTS: You can keep going if you want to be silly about this.

Mr DAVID SHOEBRIDGE: Local planning panels?

Mr ANTHONY ROBERTS: We have been there.

Mr DAVID SHOEBRIDGE: No, you have not. Local planning panels? Sydney Planning Panels?

Mr ANTHONY ROBERTS: These are the planning panels I mentioned.

Mr DAVID SHOEBRIDGE: How can you say that such a spaghetti junction mess is open and transparent when you cannot even name the planning consent authorities?

Mr ANTHONY ROBERTS: I just did. That is what you are saying. You named the GSC as one. You are making these things up. I do not want the GSC as one.

Mr DAVID SHOEBRIDGE: You delegate powers. You say the GSC is not and you do not give it any planning powers? It is not a consent authority?

Mr ANTHONY ROBERTS: It is not a consent authority.

Mr DAVID SHOEBRIDGE: And you never gave it the role of a consent authority?

Ms FRAME: Can I confirm, the GSC delegations are not derived from the Minister for Planning.

Mr DAVID SHOEBRIDGE: Any more.

Ms FRAME: No, from their inception, from the Greater Sydney Commission Act, they reside and emanate from the Greater Sydney Commission.

Mr DAVID SHOEBRIDGE: Correct.

The CHAIR: Time, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: It is an unholy mess and it is anything but transparent, is it not, Minister?

The CHAIR: Minister, it has recently come to my attention that some developers are challenging mandatory height limits for inner-city developments. This has occurred in Bayside City Council, for example, which is an area already experiencing overdevelopment. For instance, earlier this year, developers argued to remove a 44-metre height restriction on a development within this LGA and developers then set about convincing a planning panel to again increase the height to 68.3 metres, more than one-third over the limit. While I understand the need to develop housing across New South Wales and I understand that housing is needed throughout Sydney, it is difficult when rules have been set and communities are happy with the standard, and then they are ignored or fought by companies with access to greater legal and financial resources. Minister, what are you doing to ensure that in such instances these companies and businesses abide by community expectations and the community planning contracts, such as the local environment plan?

Mr ANTHONY ROBERTS: Thank you, Mr Green. I will ask Deputy Secretary Ray to respond to that.

Mr RAY: There is a system in place, Mr Chair, that allows for rezoning reviews. It was put in place by former Minister Stokes. There are some clear guidelines and clear rules where a proponent can seek to have a review of council's decision. Those reviews are conducted independently by either the Sydney Planning Panel or the Joint Regional Planning Panel. On those panels there are two council nominated representatives as well as a chair that is selected by the Minister, but with the concurrence of Local Government NSW, and two other independent experts. There is quite a detailed and transparent process that was put in to enable those reviews to take place. Council has a clear opportunity, both in writing and before the panel, to make submissions about whether there are any matters relating to the broader strategic planning that the Greater Sydney Commission has done, if it is in Sydney, or the department in the rest of the State, which would require a change of rules and then also a site specific consideration.

The CHAIR: My point is, if your bank account is really healthy, you can go to the Land and Environment Court and override community expectations about planning issues.

Mr RAY: In the case of development applications, there is a right of appeal for every development consent.

The CHAIR: I might move on, thank you. I am not getting anywhere with that. Across Western Sydney over the past 10 years we have seen large housing developments roll out in areas such as The Ponds and The Hills Shire Council. Jordan Springs was built on a former Australian Defence site and Marsden Park, along Richmond Road, was formerly rural land. Home buyers have noticed the reduction of individual lot sizes at these sites and that houses are very closely placed, giving it, at times, a somewhat ghetto appearance. Minister, given the recent child obesity statistics, are you concerned that lot sizes for family homes are becoming increasingly smaller, thereby reducing the opportunity for children to grow up with a backyard in which they can play a game of cricket or soccer?

Mr ANTHONY ROBERTS: The requirement that we have a diversity of housing is critical in any sort of planning. I am not a planner, but I know that some people do not mind raising a family—in fact, they are more comfortable raising a family—in a unit.

The CHAIR: Playing Fortnite, playing electronic games.

Mr ANTHONY ROBERTS: I have three boys. I know all about Fortnite.

The CHAIR: I have six kids who play it.

Mr ANTHONY ROBERTS: Do you know why it is call Fortnite? Because once your kids get it, you do not see them for a fortnight. Seriously, some people want to live close to the inner city. That is why parks are required. Some people wish to purchase a home on the traditional quarter acre block. But, again, as Deputy Secretary Frame mentioned, for the ability to have diversified housing you have different price points. I have been to communities where we have seen great parks around new subdivisions on smaller than quarter acre blocks, but they are directly opposite extensive parklands and bushland. Again, that is what our Government is pushing with our new codes. It is creating those canopies in Western Sydney but also creating new communities and vibrant communities.

Look at The Ponds. It is a great example of good planning and we are seeing that replicated and, in fact, improved across the new green fill releases, where before people purchase the block of land or build their home—as I said, Oran Park is another example. The library is built. You have these beautiful boulevards. Landcom is doing a magnificent job there. I remember being there with Mr Brogden with a young people who had had their father—remember? He slept overnight, in fact, a number of nights. I think she was a nurse, from memory. But the bottom line is they bought their block of land to build on and there were already community facilities in place such as schools—the library we later opened—parks and open space where you can take your children.

Mr DAVID SHOEBRIDGE: You can almost say it is the exception that proves the rule for Sydney. There is nowhere else. You have mentioned one place in all of Sydney where you provided the infrastructure first—about 10 times.

Mr ANTHONY ROBERTS: In answering your question, Mr Green—

Mr DAVID SHOEBRIDGE: The exception proves the rule. You are in denial, Minister.

Mr ANTHONY ROBERTS: That is why, can I say, The Greens will never become a party outside the inner city. In fact, next election hopefully Labor takes back its rightful seats, because Labor is quite happy to look at new vibrant ways.

The Hon. JOHN GRAHAM: I will signal some questions on notice, because there are many very good questions in your estimates folder that we did not get to, things like: Why did the Office of Open Space and Parklands give so much money to councils around the North Shore when these areas already have so much tree canopy cover? Why did the department's transitional development office spend more on a year of communications for 2018 than on the planned precincts public awareness campaign? No trees have been given out under the Free Tree Initiative: Will Bunnings keep the money? I am signalling that we will put those questions on notice to you, Minister, but I now pass to my colleague.

The Hon. PETER PRIMROSE: When the Federal Government sets immigration numbers, are you or your department consulted?

Mr ANTHONY ROBERTS: No.

Mr DAVID SHOEBRIDGE: Minister, what is the Government's new plan for Sydenham to Bankstown? Does the housing target of 35,400 homes along the corridor remain in place? Are you going to require councils to deliver on that? If not that, then what?

The CHAIR: Minister, take that on notice. I will ask the final question: What further work and advice have you received from the department regarding potential opportunities for Aboriginal economic development in the way of housing needs? Time has now concluded, so I will put that on notice and there will be further questions put on notice in light of your evidence. You will have 21 days to answer them. The secretariat will be more than able to assist you to achieve that. We thank you for your presentation and all your colleagues for presenting today. That concludes this session.

Mr ANTHONY ROBERTS: To the Chair and all Committee members, thank you very much for your time and the opportunity to present. Again, I put on the record that if you do have any concerns or any ideas to strengthen the planning process, I am always open to those. I thank you for your time and for having us here today.

Mr DAVID SHOEBRIDGE: I suggest you get Mr Kaldas to look at development applications.

The CHAIR: Thank you.

(The witnesses withdrew)

The Committee proceeded to deliberate.