

**BUDGET ESTIMATES 2020-21**  
**PORTFOLIO COMMITTEE NO.7 – PLANNING AND ENVIRONMENT**  
**PLANNING AND PUBLIC SPACES, TUESDAY 9<sup>TH</sup> MARCH**  
**RESPONSES TO QUESTIONS ON NOTICE**

**QUESTION 1 (page 4 of transcript)**

**The Hon. PENNY SHARPE:** If you want to argue it is great news, you keep going, that will be terrific. Minister, in terms of the RU1, RU2 and RU3 that you say are going to be under the old SEPP 44, how many hectares is that?

**Mr ROB STOKES:** I cannot answer that.

**The Hon. PENNY SHARPE:** Why not?

**Mr ROB STOKES:** I can provide you an answer on notice. I know that there is roughly 802,000 square kilometres in New South Wales. How that converts to hectares and the coverage of different zones, I do not have that on top of my head.

**ANSWER**

I am advised:

52,899,700 hectares.

**QUESTION 2 (page 9 of transcript)**

**The CHAIR:** Okay. I just wanted to get to the issue of koala plans of management. You have said in the media release that Tweed and Byron shires will be able to finalise their koala plans of management. Why were those two councils chosen? I understand within your department there are potentially other drafts still there, is that correct? Or is it only Tweed and Byron that have approached the Department of Planning wanting to finalise or update their koala plans of management?

**Mr ROB STOKES:** Certainly I was aware of those councils; there may well be others. I understand Armidale might, from memory; Wollondilly, I think, does as well. In relation to the specific list, I could take that on notice.

**ANSWER**

I am advised:

Wollondilly Shire Council has not lodged its Comprehensive Koala Plan of Management (KPOM) with the Department of Planning, Industry and Environment (the Department) yet. Council is still working on its KPOM and is aiming to exhibit it in the second half of 2021.

Clarence Valley Council has also submitted a draft 2021 KPOM, which is being reviewed against *State Environmental Planning Policy (Koala Habitat Protection) 2021* (Koala Habitat Protection SEPP 2021) and the complex interactions with Private Native Forestry agreements within this local government area.

KPOMs for Tweed Shire Council and Byron Shire Council have now been finalised.

**QUESTION 3 (page 10 of transcript)**

**The CHAIR:** I have a media release in front of me from the North East Forest Alliance, which states that "North Coast Council zoning currently prohibits logging of 167,000 hectares and requires development consent for logging over 600,000 hectares, all of which will go." Is that a correct statement?

**Mr ROB STOKES:** Again, I would have to take that—I can refer through to the Secretary. I have taken a few of these on the technical details. I might refer you to the Secretary.

**The CHAIR:** It is a significant change, is it not, and if you are not aware whether 600,000 hectares of land for logging will now be able to be logged without development consent and you are not sure whether that is the case—

**Mr ROB STOKES:** No, I am not suggesting that. I am just suggesting, in relation to technical details, I have someone who can assist you and I would refer your question to them.

**The CHAIR:** Is that Mr Ray?

**Mr RAY:** Chair, I would have to take on notice the exact figures. I would have to take that aspect on notice.

**ANSWER**

I am advised:

The NSW Government had no input or involvement in the preparation of the media release referred to. As the rightful author, this question would be better directed to the North East Forest Alliance.

**QUESTION 4 (page 13 of transcript)**

**The Hon. ADAM SEARLE:** We will leave the departmental liaison officers to one side. It is correct, though, that 13 members of your ministerial staff have left your office over the last year or so? Is that correct?

**Mr ROB STOKES:** I would have to take that on notice—

**The Hon. ADAM SEARLE:** Please do because that is quite a big turnover in a staff of 10.

**Mr ROB STOKES:** I assume that those figures are including departmental liaison officers as well.

**The Hon. ADAM SEARLE:** They do not.

**Mr ROB STOKES:** Okay. Again, I am happy to assist the Committee in relation to its inquiries but I would say quite honestly that these are allegations based on innuendo and smear and really there is not terribly much I can do to assist the Committee. I certainly do not want to compound any hurt that has already been caused by anonymous allegations.

**ANSWER**

I am advised that figure is not correct.

**QUESTION 5 (page 17 of transcript)**

**The Hon. ADAM SEARLE:** Going to the issue of the former staff members who have now gone to the department, Minister, can you or the secretary confirm that every one—is it five or is it six? I was not entirely sure.

**Mr BETTS:** Six.

**The Hon. ADAM SEARLE:** Were each of those positions advertised publicly?

**Mr BETTS:** No. All of them were compliant with government sector employment legislation and four of them were externally advertised. Two of them were temporary appointments which, within the context of the Government Sector Employment Act, can be given to people on that fixed-term basis subject to the completion of what is called a suitability assessment, which is undertaken impartially by our HR function within the department.

**The Hon. ADAM SEARLE:** In relation to those two temporary appointments, how do those positions come to be created, Mr Betts? Were they existing positions or not?

**Mr BETTS:** They were vacant positions, by definition. I believe that they were pre-existing positions which had fallen vacant. But I can take that on notice.

**The Hon. ADAM SEARLE:** Please do. So four were externally advertised.

**Mr BETTS:** Correct.

**ANSWER**

I am advised:

In compliance with the *Government Sector Employment Act 2013*, the following new temporary positions were filled by former Ministerial staff:

1. One, as result of stimulus funding to support the Crown Lands Commissioner's team; and
2. Another as one of 15 new temporary positions within the Green and Resilient Places Division.

**QUESTION 6 (page 18 of transcript)**

**Hon. ADAM SEARLE:** In relation to those two positions, you have taken on notice whether they are pre-existing positions or whether they were created specifically for this purpose.

**Mr BETTS:** Yes.

**The Hon. ADAM SEARLE:** How did those two staff members come to be selected? If those two positions were not advertised externally, were they advertised internally within the department so other people were aware of them?

**Mr BETTS:** That would be the normal course. But I would need to take that on notice.

**The Hon. ADAM SEARLE:** Again, in relation to those two positions, were there competitive selections—i.e. multiple candidates considered for either of those two positions?

**Mr BETTS:** There is no requirement under the Government Sector Employment Act to undertake that where it satisfies the terms of the legislation that it is a temporary appointment. But I can get you on notice more details about how the process was actually run.

**The Hon. ADAM SEARLE:** Yes. I understand, I guess, there are the legal requirements and then within that there are a range of options, including external advertising. Can you tell the Committee why it was that—in relation to those two positions, which were not externally advertised—the decision to not externally advertise was undertaken? Was that your decision?

**Mr BETTS:** Yes. Ultimately, it would be my decision, yes, in the sense that—

**The Hon. ADAM SEARLE:** But was on recommendation from somebody else.

**Mr BETTS:** Yes. It would be on recommendation from the hiring manager on the advice of our HR department. I have to say, we probably recruit around 500 people a year into a department with a complement of over 8,000 people. Often where positions are created on a temporary basis we take advantage of the opportunity to match the person to the vacancy when people are looking for progression within the department or looking for new opportunities. That is permitted under the legislation and not every position has to be externally advertised, which has a cost and time delay associated with it. But it is all—just to re-emphasise—merit based as defined by you, by the Parliament, through the Government Sector Employment Act.

**The Hon. ADAM SEARLE:** Again, in relation to those two positions, I think you talked about positions being specifically created, but we are not clear whether these were created or whether they were otherwise vacant.

**Mr BETTS:** I have said that I will take that on notice, but I am confident that they were pre-existing positions.

**ANSWER**

I am advised:

There are no requirements under the *Government Sector Employment Act 2013* to externally advertise vacancies that are for less than 12 months. For further information, refer to the answer provided in QUESTION 5.

**QUESTION 7 (page 19 of transcript)**

**The CHAIR:** Minister, back to koalas. The koala plans of management for Tweed and Byron, you said in the media release last night, have been approved. That is not all of the koala plans of management before your department that are waiting for approvals. There is one that has been put in to your department by Clarence council for their comprehensive koala plan of management for Ashby, Iluka and Woombah. They say, "This was despite the plan being rejected by DPIE". The council approved these plans but they were rejected by the Department of Planning and Environment [DPIE] "due to the differences in recognised preferred koala feed trees for the Clarence and those listed on SEPP 44." They also say in this submission: *this excluded the majority of our Council area from being identified as 'core koala habitat' under that SEPP (now replaced by the Koala SEPP). The inability to formally recognise areas ... is a hindrance to protecting the local koala populations from development.*

**The Hon. BEN FRANKLIN:** Chair, just to assist: It is Clarence Valley Council, not Clarence Council.

**The CHAIR:** Thank you. That means that Clarence Valley Council—where does their koala plan of management now fit? It was not in the LLS legislation, it is not here, it has not been approved.

**Mr ROB STOKES:** I will take it on notice. What I can say, and I need to clarify: I did not say that those koala plans of management for Byron and Tweed had been approved. It now clears the way for them to be approved. They were held in abeyance until this matter could be resolved, that is my understanding.

**The CHAIR:** Until what matter could be resolved?

**Mr ROB STOKES:** Until the matter of reintroducing the new SEPP could be done, these koala plans of management could not be concluded.

**The CHAIR:** Who recommended that Byron and Tweed koala plans of management be included in here to be finalised? Who made that recommendation to exclude Clarence Valley, for example?

**Mr ROB STOKES:** Again, I will take that on notice in relation to the status of Clarence Valley. You are making an assertion that I will have to get advice on.

**The CHAIR:** But Minister, in this media release these are the dot points that have—these are the important parts of the media release, which I am assuming you have agreed to, looked over.

**Mr ROB STOKES:** Yes.

**The CHAIR:** You knew how controversial this would be. The question is: Surely you know why Tweed and Byron Shire is here and why others are not.

**Mr ROB STOKES:** I see what you are getting at and I can answer your question. Please understand, Chair, I am not suggesting for one moment that this achieves complete koala protection across New South Wales—of course it does not. However, it certainly ensures a greater measure of protection than was available a week ago. It is a step forward in relation to koala protection. Does it resolve all existing draft koala plans of management? No. Does it ensure a pathway so that some of them can be resolved and made? Yes, and that is good news.

**The CHAIR:** The reason it does not resolve all the issues around koala plans of management, though, has to be that local councils want to protect koala habitat and some local councils and your department cannot sign off on it because that is controversial because that koala habitat is potentially open to development, isn't it?

**Mr ROB STOKES:** No.

**The CHAIR:** That is the only reason, surely.

**Mr ROB STOKES:** Again, you are asking me about a technical matter. I do not want to mislead the Committee so I will take it on notice.

### **ANSWER**

Refer to answer provided in QUESTION 2.

**QUESTION 8 (page 22 of transcript)**

**The CHAIR:** Minister, this latest announcement, the new SEPP, how much did you get out of this that the Local Land Services bill—like, how much more do you think you achieved to protect koalas than the Local Land Services bill that was referred to an inquiry at the end of last year? What are the changes you advocated for that are in here?

**Mr ROB STOKES:** As you would appreciate, there are a lot of moving parts here. I think the best way to answer your question is to take it on notice and provide some reflective comments on that.

**The CHAIR:** You cannot sit here in any way and say the key parts of this new SEPP, what you went to the table with to negotiate and what outcomes you got—you said it was a compromise, and I understand between the Liberal and the National parties, I am sure there is a lot of that. What did you bring to the table?

**Mr ROB STOKES:** I did not actually use the word "compromise".

**The Hon. PENNY SHARPE:** Settlement.

**Mr ROB STOKES:** It was seeking—what is a better word—a consensus as to a way forward. In relation to a comparative analysis between what was provided for in this approach as opposed to the former approach, I have not undertaken that assessment. I think it is a valuable assessment to do and I have undertaken to do that on notice.

**ANSWER**

The benefits of the agreed Government position in relation to the protection of koala habitat include:

- A new Koala Habitat Protection SEPP 2021, with updated and expanded definition of core koala habitat and koala use trees;
- The opportunity to progressively finalise draft KPOMs; and
- The opportunity to improve the identification and protection of koala habitat protection codes, created under the *Local Land Services Act 2013*, whilst ensuring no diminution of the habitat protections currently contained in the *State Environmental Planning Policy (Koala Habitat Protection) 2020* (Koala Habitat Protection SEPP 2020).

**QUESTION 9 (page 26-27 of transcript)**

**The Hon. DANIEL MOOKHEY:** In those weekly meetings that you just described, have you ever been notified that there have been any impediments that required the Minister's attention in respect of any VPAs for Rhodes?

**Mr ROB STOKES:** Well, I can say that I have not sought to intervene. I think that would probably answer part of your question. In relation to just ensuring that I am not missing any details, I will refer to the secretary to—

**The Hon. DANIEL MOOKHEY:** The question was not whether you sought to be notified, but whether you were notified.

**Mr ROB STOKES:** I do not have all the—there are weekly briefings and there is a lot of information in them, so I will refer to the secretary.

**Mr BETTS:** As the Minister says, there is a lot of information provided. I do not recall any discussions in which we sought ministerial direction or advice in relation to the details of VPAs, but the best thing is to take it on notice rather than misleading you.

**The Hon. DANIEL MOOKHEY:** I appreciate that, Mr Secretary. Is the department currently negotiating a VPA in Rhodes?

**Mr ROB STOKES:** I will refer you to my delegate.

**Mr WHITWORTH:** Yes, we are.

**The Hon. DANIEL MOOKHEY:** Is that with Billbergia?

**Mr WHITWORTH:** It is with a number of parties. Billbergia is one of those parties. There are other VPAs in Rhodes that are being discussed as well.

**The Hon. DANIEL MOOKHEY:** But you are negotiating one with Billbergia and Prolet. Is that correct?

**Mr WHITWORTH:** That is correct, but with those—they are legal agreements, so I would also like to make sure, so that we are not confusing the Committee, that we can take that on notice, if you like, as to the precise parties.

**The Hon. DANIEL MOOKHEY:** Could you?

**ANSWER**

I am advised:

No briefings were provided on the impediments to the Voluntary Planning Agreement (VPA) for Rhodes, nor was I asked to provide any direction for the VPA. Billbergia and Noosphere Pty Ltd (a Prolet entity) have sought to submit separate VPAs.

**QUESTION 10 (page 27 of transcript)**

**The Hon. DANIEL MOOKHEY:** Okay. We might pick that up this afternoon. Minister, have you had any direct contact with Billbergia about their VPA?

**Mr ROB STOKES:** No.

**The Hon. DANIEL MOOKHEY:** A Do you recall seeing any correspondence from Billbergia about their VPA?

**Mr ROB STOKES:** I am happy to take that on notice, to the extent that I am able to provide that correspondence to the Committee, if it exists.

**The Hon. DANIEL MOOKHEY:** I might be able to provide it to you now. I might be able to help you. B) Do you recall ever seeing that?

**Mr ROB STOKES:** It is dated 1 May last year. I do not recall its contents, so I will probably have to take these questions on notice, but I am happy to give it a go.

**The Hon. DANIEL MOOKHEY:** Of course, if you could. Do you mind taking that on notice? C) Are you aware whether or not after sending that letter Billbergia made contact with your office?

**ANSWER**

I am advised:

The document was tabled at the hearing.

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2637#tab-otherdocuments>

Staff in my office met with Billbergia and Prolet in May 2019 to discuss the issues raised in the letter. There were no actions arising from that meeting. Since that meeting, my staff have met with Billbergia on one other occasion in July 2020, regarding the St Leonards Crows Nest Plan.

**QUESTION 11 (page 28-29 of transcript)**

**The Hon. DANIEL MOOKHEY:** To the best of your recollection, A) did your chief of staff ever talk to you about a meeting request from Billbergia?

**Mr ROB STOKES:** It could well have. We get meeting requests, obviously all the time. I cannot possibly entertain all of them. And often it is appropriate, for a whole range of reasons, that they be delegated to an adviser, senior adviser or chief of staff, as the case may be. But I cannot recall a particular discussion. That is not suggesting it did not happen; I just cannot recall.

**The Hon. DANIEL MOOKHEY:** Do you mind checking, on notice?

**Mr ROB STOKES:** Again, there would probably be no way for me, it would have been a—

**The Hon. DANIEL MOOKHEY:** Could you not just ask your chief?

**Mr ROB STOKES:** We have a regular meeting in the office with my personal assistant and chief where we go through meeting requests. But certainly if there are any records I am happy to furnish them. I am just not sure that such records would exist.

**The Hon. DANIEL MOOKHEY:** Sure, Minister, I appreciate you checking. How many conversations have you had with Mr John Sidoti, the member for Drummoyne, about planning and Rhodes since he resumed the ministry?

**Mr ROB STOKES:** As I recall, there was one meeting with the local member, with the local council and with departmental officers to provide a briefing—as we would do in the ordinary course of events with any local member, which is quite appropriate in relation to progress on the Rhodes plan.

**The Hon. DANIEL MOOKHEY:** B) Did that meeting take place on 30 June 2020?

**Mr ROB STOKES:** I take that on notice.

**The Hon. DANIEL MOOKHEY:** It is in your ministerial diary. You can take it on notice but, to be clear, I think I am referring to the same meeting; it is not a separate meeting. There is only one meeting.

**ANSWER**

I am advised:

During Mr Sidoti's time as Minister for Sport, Veterans, Seniors and Multiculturalism, I met with him once, in June 2020, along with the Mayor of Canada Bay Council, Cllr Angelo Tsirekas and staff of the Department of Planning, Industry and Environment. The meeting was to discuss local character areas and the application of the Low Rise Housing Diversity Code in the Canada Bay Local Government Area.

**QUESTION 12 (page 30-31 of transcript)**

**Mr DAVID SHOEBRIDGE:** But one of your department's assessment criteria—and I think in the case of Bob Campbell Oval it was a Mr White, who is the Manager of Infrastructure Coordination—that needs to be satisfied is that appropriate consultation has occurred within the community. In neither case were the details about synthetic ovals communicated to the surrounding community before the council put their grants application schemes in. So how was your delegate satisfied about that?

**Mr ROB STOKES:** Well to kick off, it would be my expectation obviously that the terms in relation to assessing grant applications be followed. As Ms O'Mara has identified, the council is the democratically elected voice of the people. As to how that process occurred, I refer you to Ms O'Mara.

**Mr DAVID SHOEBRIDGE:** The reason I ask is, there is a separate, distinct requirement under your own guidelines that the delegate be satisfied about this.

**Mr ROB STOKES:** It would be my expectation that that is followed.

**Mr DAVID SHOEBRIDGE:** Will you take it on notice how on earth the delegate was satisfied in those two cases?

**Ms O'MARA:** I am happy to take it on notice. I do have some detail that some members of the community raised concerns and that the community has been advised that the department is unable to dictate the preferred use of turf. I will take on notice the specific details relating to that.

**Mr DAVID SHOEBRIDGE:** As the Minister for public spaces, can you advise how many of these synthetic ovals have now been approved, or are in the process of being constructed, across Greater Sydney?

**Mr ROB STOKES:** Sure, I can provide those details on notice.

**Mr DAVID SHOEBRIDGE:** Do you or your department have any advice about the numerous studies that show the impacts of these synthetic turf ovals on the environment, especially pollution from microplastics and from toxic run-off from these synthetic ovals, especially in cases where they are right next to waterways? Do you have any advice about that?

**Mr ROB STOKES:** Sure. I am aware, and I have actually read a couple of studies in relation to this matter. Obviously playing fields are subject to intensive use and one of the benefits of synthetic ovals is that they require a far lesser use of land for those active sporting needs than fertilising vast, and alienating vast, swathes of open space for that purpose. If you can actually focus that in a much more concentrated way—I mean, there are environmental externalities associated with sporting fields generally—on a surface that is capable of being used much more regularly that can actually have some positive environmental effects as well. But I am happy to take it on notice and get you some further information.

**ANSWER**

I am advised:

The two fields in question, Bob Campbell Oval, in Lane Cove Local Government Area, and Gardiner Park, Bayside Local Government Area, were funded through the Department's Precinct Support Scheme.

Under the Precinct Support Scheme, councils nominate projects to be funded and are required to state in their application the strategies they used to enable community and stakeholder feedback on their nominated projects. The Department assesses council's nomination on the basis that appropriate consultation has occurred. Based on the information provided by Bayside and Lane Cove Councils, in both cases, the Department was satisfied that the project nominations for the Scheme were consistent with the community's demand for improved public recreation spaces.

The Department has provided funding to 9 projects across three grant funding programs (Precinct Support Scheme, Metropolitan Greenspace Program and Accelerated Infrastructure Fund) where a component of the project intended for sporting use (e.g. football field, cricket pitch) includes the installation of synthetic turf by the council.

**QUESTION 13 (page 30-31 of transcript)**

**Mr DAVID SHOEBRIDGE:** On Sunday at the Mirvac development out at 55 Coonara Avenue, West Pennant Hills, the developer admitted that they had found 18 of the endangered Dural land snails on the site. They are a rare species listed as endangered under the Commonwealth Environment Protection and Biodiversity Conservation Act [EPBC Act]. Will you be requiring a referral under the Commonwealth EPBC Act before any development occurs on that site?

**Mr ROB STOKES:** I am happy to take that on notice and would obviously acquit my responsibilities under relevant legislation.

**ANSWER**

I am advised:

Any decision to refer development on the site to the Commonwealth Minister for the Environment as a controlled action under the *Environmental Protection and Biodiversity Conservation Act 1999*, would be determined based on whether the specific proposed development is likely to be a controlled action. I have no advice that this is the case.

**QUESTION 14 (page 33 of transcript)**

**Mr BETTS:** Pursuant to your question this morning whether I was aware of an application having been made by Water NSW for designation of projects as CSSI, I have had the opportunity during the break to check with my department. We have, it turns out, received an application but that has not been presented to the Minister yet. The departmental advice is yet to be finalised on that and I was unaware of that this morning.

**Mr ROB STOKES:** Can I note that the wording here is a little equivocal because the following line says, "The department is reviewing that request". I assume that would mean that it has come to the department to come to me. I can confirm it has not come to me.

**Mr JUSTIN FIELD:** I think the request gets made to the Minister—if I am correct in the process, it is made to the Minister; the department would review the request and provide advice as to whether or not you seek to accept that or make that change—

**Mr ROB STOKES:** It sounds like the reverse—

**Mr JUSTIN FIELD:** Either way, we have an answer. Was it back in 2019, Mr Betts, or was it more recent than that?

**Mr BETTS:** I am finding this out myself now because of the systems of delegation that you and I discussed in the hearings with Minister Pavey the other day. I will get you that information as soon as I can.

**ANSWER**

I am advised:

No subsequent request has been made by WaterNSW; however, the Department has requested WaterNSW provide further information addressing the recently published *Declaration of SSI and CSSI: State significant Infrastructure Guide*

**QUESTION 15 (page 37 of transcript)**

**The Hon. ADAM SEARLE:** Okay. You might have just answered this, but how many DAs have been lodged as a result of the fast-track approvals?

**Mr WHITWORTH:** Sorry, we would have to take that on notice because we have DAs approved and planning proposal is approved.

**The Hon. ADAM SEARLE:** Yes.

**Mr WHITWORTH:** So, the commitment was to commence construction if a DA had been determined within six months and to submit a development application within six months if it was a planning proposal.

**Mr BETTS:** We will see if we can take that on notice for you and answer the question.

**The Hon. ADAM SEARLE:** Thank you. I might come back to this in the afternoon session with the public servants. A number of job targets were attached to a number of these projects. How many jobs have been created from the tranches that have been approved to date? What mechanisms are you putting in place to track that the numbers of jobs committed are being delivered?

**Mr ROB STOKES:** Sure. I will take that on notice. In broad terms—from recollection—about 52,000 job opportunities were created through this process. But in relation to the deliverables on those, we will take that on notice and get back to you.

**ANSWER**

I am advised:

42 planning proposals were considered as part of the Planning System Acceleration Program. 40 of these proposals were approved of which 29 have lodged development applications (DAs) to date.

For those projects, the Department is expecting the potential to create 25,560 jobs when the precincts have been fully developed. As these DAs are ultimately reviewed and assessed by councils, the Department cannot confirm jobs created to date. The Department has engaged with proponents that have not lodged their DA and offered to help them through the lodgement process.

**QUESTION 16 (page 38 of transcript)**

**The Hon. ADAM SEARLE:** In relation to, I think, the Ivanhoe Estate, the local developer contributions I think were originally set at \$45 million. I think the developer made an application to you for a modification claiming that infrastructure provided internally within the development proposal should be counted towards the external infrastructure contributions. I think some \$30 million has already been sort of waived, if you like, from the developer or they have been allowed to offset and there is now a further modification, I think, on your desk to essentially waive the remaining developer contributions. Can you tell us where that is up to?

**Mr ROB STOKES:** I will take it on notice. I will say in relation to the projects and the project selection, they were selected not just in terms of jobs, homes and investment, they were also selected on their capacity to deliver wider public benefits, and the Ivanhoe Estate was one of these examples in terms of its contribution to a new school, to new public open space, to affordable and social housing. They were some of the co-benefits upon which this particular project was selected for acceleration.

**The Hon. ADAM SEARLE:** Sure, but not all of those benefits will be available to the community outside the development—

**Mr ROB STOKES:** I will take it on notice.

**ANSWER**

I am advised:

A condition of the concept approval (Condition A30) requires the Applicant to pay \$45.5m of section 7.11 developer contributions. This amount was calculated having regard to City of Ryde Council's *Development Contributions Plan 2007 – Interim Update (2014)* with a discount provided for the provision of social and affordable housing, consistent with the Department's Circular D6.

A note to Condition A6 contemplates that works in kind (WIK) may be accepted in lieu of monetary contributions, which is standard practice for the Department and Councils. The value of the WIK outlined in the note totals \$41.7m and the note requires the value of the WIK to be verified by an independent quantity surveyor for future stages of the development. Any shortfall between the developer contributions and the WIK would need to be paid to Council as a monetary contribution.

The Applicant recently lodged a modification application (SSD8707 Mod 1) seeking to modify Condition A30 by deleting the land value of the publicly accessible open space from the WIK valuation and reducing the contributions payable by the same amount, on the basis that Council does not want the land dedicated to it. This would reduce the developer contributions by \$9.3m (from \$45.5m to \$36.2 m).

If the modification was approved, the development would still deliver publicly accessible open space to the value of \$9.3m on site for residents of the Ivanhoe Estate and the wider community through a legal mechanism.

The Department is currently assessing the proposal and will carefully consider all issues raised in submissions before any decision is made.

**QUESTION 17 (page 38-39 of transcript)**

**Mr JUSTIN FIELD:** Minister, before I come back to Warragamba, I just wanted to ask questions on another matter. There was some media reporting, and I think the letters have now become public, that the Minister for Transport and Roads, Andrew Constance, had asked his department or directed his department secretary to establish a clearance zone of 40 metres either side of major roads. Obviously if something like that had happened, it would have had a pretty substantial impact on some land tenures that your cluster has responsibilities for, even potentially planning consents that are protected areas and the like. I just want you to give an indication. Are you aware of whether your department or your cluster was asked for advice about the impacts of such a request or policy?

**Mr ROB STOKES:** No, I am not aware. I will refer you to the Secretary in a moment for any additional information. But what I can say is that as far as I am aware there was no request for information, nor were there requests for owner's consent, which would be required if such clearing would take place. Obviously there would be significant matters that would need to be considered by this department. For example, it could also relate to matters that were subject to conservation agreements, so there would be real complications I would have thought in relation to that particular policy. But I will refer you to Mr Betts if he has any further information.

**Mr BETTS:** Sure. I had conversations with Mr Staples and there was an exchange of correspondence in which he provided me with a copy of the draft direction and asked me to provide some advice. I pointed out that there were quite significant potential legal and pragmatic considerations that would need to be resolved that clearance zones could be established under a Bush Fire Risk Management Plan, but New South Wales and Commonwealth statutory approvals would still be triggered and went on to suggest that the proposal was probably best considered in the light of the findings of the bushfire inquiry, which were imminent at that stage.

**Mr JUSTIN FIELD:** What was the nature of the advice that was written?

**Mr BETTS:** It is a letter from me to Rod Staples.

**Mr JUSTIN FIELD:** Are you able to table that letter?

**Mr BETTS:** I will take that on notice.

**ANSWER**

I am advised:

The document was tabled during the Transport and Roads Budget Estimates hearing, and is available here:

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2636#tab-otherdocuments>

**QUESTION 18 (page 39 of transcript)**

**Mr JUSTIN FIELD:** Mr Betts, maybe I am confused because we talked about this last week and I asked if it was ordinary for an application to be made—or for a change in that designation to be made—after work on the EIS was completed. I do not have the transcript in front of me, but from recollection, you thought that was unusual. Given that the designation of a project that is critical State significant infrastructure has some impacts on the assessment and also the ability for the proposal to have merits appeal, as I understand, is one of the key issues, can you give me an example of other projects where the designation has been made after the EIS has been completed?

**Mr RAY:** I can take that on notice, but I am sure I can. It is, in fact, our practice to provide that advice when we are quite clear about the EIS and that it is imminent. But I can provide that advice on notice.

**ANSWER**

I am advised:

Under the *Environmental Planning and Assessment Act 1979* the Minister for Planning and Public Spaces may declare a proposal to be critical State Significant Infrastructure (CSSI) at such time that he forms the opinion that the proposal is of a category that is essential to the State for economic, environmental or social reasons.

CSSI declarations take place at different stages during assessment when such an opinion is able to be formed. For instance, of the 13 CSSI proposals declared in the past year, ten were declared after the Department issued SEARs and before determination. SEARs for those proposals were not required to be revised, as the declaration of a proposal as CSSI does not change the level of assessment required.

**QUESTION 19 (page 40 of transcript)**

**The Hon. MARK PEARSON:** Thank you, Minister. Will these changes require any legislation process including regulations?

**Mr ROB STOKES:** I am sorry, what changes?

**The Hon. MARK PEARSON:** The proposed changes to the SEPP.

**Mr ROB STOKES:** Sorry, in relation to the koala SEPP, that is a piece of delegated legislation and I will undoubtedly, under the ordinary process, receive a brief from the department in relation to the making of the SEPP. I will have a decision to make in relation to, I anticipate, the exhibition of the SEPP. However, I note for the benefit of the Committee, that the SEPP is effectively a SEPP that has already been made and it has already been subject to significant consultation. I will take on notice if I am missing any elements in relation to the decision-making before me in relation to remaking the SEPP. But I think that is the process I will have to follow.

**The Hon. MARK PEARSON:** Are any other aspects of the changes that you have announced—apart from the SEPP—going to require any legislation, including regulation, to pass?

**Mr ROB STOKES:** That relates to matters in other portfolios. Again, as I said, I am not expert in relation to the operation of the Local Land Services Act. The planning Act, in terms of its capacity as an enabling Act to enable the creation of statutory instruments, is fairly broad. It gives me fairly broad enabling power. In relation to the LLS Act, I would have to take that on notice. Certainly, in relation to the remaking of a PNF code, I do not believe that would require any legislation. But, obviously, if any legislation would have to be made, that would be a matter that would have to go through a legislative process and that would involve your involvement.

**The Hon. MARK PEARSON:** Would it not be the case though that the new code, when it is finalised, has no legal binding unless it is incorporated into a regulation or legislation?

**Mr ROB STOKES:** Again, we are straying into the operation of the LLS Act and its interactions with its codes. I find that a very difficult piece of legislation to read in terms of the way it interacts with its codes, so I best take it on notice.

**ANSWER**

I am advised:

The Koala Habitat Protection SEPP 2021 was made on 17 March 2021. The Private Native Forestry Codes of Practice and the Land Management (Native Vegetation) Code can be updated without changes to any act or regulation. They are made by the Minister for Agriculture with the concurrence of the Minister for Energy and Environment. Further questions should be directed to the Minister for Agriculture.

**QUESTION 20 (page 41 of transcript)**

**The CHAIR:** Yes. It does say, "Hi Rob, the info I received from EES is completely obstructive and includes multiple references to the fact the environment Minister has not been consulted on this. Suggest we rely on the advice from planning yesterday to continue progressing with Tooley"—who I think is Paul Toole—"and then discuss with Matt and the Premier on Monday so the finalisation is not blocked." Firstly, why is your department suggesting to continue to progress with "Tooley" and not with the environment Minister on this?

**Mr ROB STOKES:** I would honestly have to take that on notice. But if you are trying to—certainly I can reflect that the lived experience was that we were getting advice from the department. I do not make a differential actually in terms of the department; it is one department. There are different sections and they all provide different sources of advice. Ultimately, Planning sits in the role of seeking to mediate the advice within different parts of the department.

**ANSWER**

I am advised:

The development of any government policy often involves extensive consultation with multiple Ministers and Members of Parliament.

The Planning and Assessment group of the Department has consulted extensively with Energy, Environment and Science (EES) on the development of the Koala SEPP framework since 2016. Formal consultation for the 2019, 2020 and 2021 Koala Habitat Protection SEPPs was also undertaken with the Coordinator General of EES, as required under section 3.25 of the *Environmental Planning and Assessment Act 1979*, in March 2021.

**QUESTION 21 (page 41 of transcript)**

**The CHAIR:** This is koala plans of management and guidelines. Who recommended that the concurrence of the Secretary of the Department of Regional NSW be given?

**Mr ROB STOKES:** I am happy to take that on notice, but I also make the observation that that is an entirely—I am happy to take that on notice, but I think it is an entirely appropriate—

**The CHAIR:** Minister, how much did you personally get involved in the detail?

**Mr ROB STOKES:** Can I just finish—an entirely appropriate process. In relation to detail, yes, I was heavily personally involved in seeking to resolve these matters because, as I have made very clear, I have always wanted to ensure that this State environmental planning policy was made.

**The CHAIR:** If you were heavily involved in the detail, we are talking what you said was a deal or a compromise or a peacemaking effort, whatever it was. There are eight points here that the media release is saying are a key part of the new SEPP 2021. The last point is:

*Koala Plans of Management and guidelines under Koala SEPP 2021 will require the approval of the Secretary of DPIE and the concurrence of the Secretary of DRNSW. Who made that decision or request for that to be included?*

**Mr ROB STOKES:** As I said, I will take it on notice. But what I will also—

**ANSWER**

I am advised:

Negotiations on the Koala Habitat Protection SEPP 2021 were held between the Office of the Deputy Premier and the Office of the Minister for Planning & Public Spaces, which included an agreement on the concurrence arrangements.

**QUESTION 22 (page 45 of transcript)**

**The CHAIR:** It is a significant change. It is clear that the National Party—the Deputy Premier has got a lot of his way, and you are saying you have to take it on notice when a question comes in budget estimates as to who requested that.

**Mr ROB STOKES:** No, no. Chair, I am saying, okay, when you go into a matter of detail, it is absolutely appropriate that I can take the option of furnishing you with an answer on notice. I do not see anything inappropriate with doing so. I will get you an answer. I will get you an accurate answer.

**ANSWER**

Refer to answer provided in QUESTION 21.

**QUESTION 23 (page 47 of transcript)**

**The Hon. PENNY SHARPE:** Are you able to provide the Committee with information about—obviously, given the making of the SEPP and these exemptions. I know people took it on notice this morning but quite often I find that you are able to provide it in the afternoon—how large the RU1, RU2 and RU3 zoning is across the State?

**Mr RAY:** No, I would have to take that on notice as to the actual number of hectares.

**ANSWER**

Refer to answer provided in QUESTION 1.

**QUESTION 24 (page 49 of transcript)**

**The Hon. PENNY SHARPE:** I want to ask you about parklands and, in particular, Western Sydney Parklands. As we are all aware, there are a lot of changes happening in relation to the management of parklands, particularly across Sydney. At a recent parklands forum at Parliament House, it was suggested that only 15 per cent of Western Sydney Parklands is available for recreational and open space use. Is that figure correct?

**Ms O'MARA:** I am happy to take that on notice. The information I have got is that the Western Sydney Parklands model has successfully created a sustainable revenue base for the parklands to develop and manage over 5,280 hectares of public land.

**The Hon. PENNY SHARPE:** How much of that is free, open, recreational space where people do not have to pay and there is no commercial activity attached to it?

**Ms O'MARA:** My understanding, Ms Sharpe, is that most of that is available. I am happy to check with the team while we are asking these questions. I know that there is 2 per cent of land that is set aside for business hubs, and they provide a sustainable revenue stream for the parklands. My understanding is that the rest of it is available, but I will check that for you.

**ANSWER**

I am advised:

67% is open space, available for public use.

**QUESTION 25 (page 50 of transcript)**

**The Hon. PENNY SHARPE:** But just to be clear, for Western Sydney—I will come to the other parks—2 per cent of the land is set aside for these business hubs but they basically fund 80 per cent of the park?

**Ms O'MARA:** Yes. The information I have is that sustainable revenue has allowed the parklands to create over 1,000 hectares of bushland corridor, with more than 60 kilometres of tracks and trails for cycling, running, walking et cetera. I do have some information from the team: 65 per cent of the parklands is for recreation, sport and bushland. Some of that will have zoos and other facilities on it.

**The Hon. PENNY SHARPE:** If you could provide a bit more information, that would be great. As I said, I am concerned about the 15 per cent figure, but I am happy to have a look at that afterwards. Obviously, there are other parks. Can you take me through the arrangements for each of the other parks in relation to self-funding?

**Ms O'MARA:** The arrangements for Western Sydney Parklands come from its legislation, so it is able to operate in this way because of the powers given to it under its legislation. Obviously, as you would be aware, each trust has its own legislation and the provisions differ. Some legislation is pretty explicit that there can be no revenue generation—Callan Park legislation would be an example of that. Then there are other pieces of legislation—for example, Centennial Park legislation—which allows for some activities to be undertaken. I am happy to provide detail on notice.

**The Hon. PENNY SHARPE:** Obviously, my interest is whether all parks are treated fairly and whether they are treated the same. There are obviously historical reasons why there might be differences, but I am very interested in understanding the level to which some parks have to raise their own money versus the support that they get from government. If you could provide a breakdown of that, it would be very useful.

**Ms O'MARA:** I am happy to do that. I would say, Ms Sharpe, that other than Western Sydney Parklands—there is funding provided to all of the parklands and most of them do not operate on the basis that Western Sydney Parklands does.

**The Hon. PENNY SHARPE:** When you talk about the 65 per cent of sport, does that include the motorsports component in Western City Parklands?

**Ms O'MARA:** I will have to check that for you.

**ANSWER**

In relation to the proportion of Western Sydney Parklands that is available for community use, I am advised that of the 5,280ha total area, 67% of the parkland is accessible to the public, including:

- 37% bushland
- 15% passive recreation (i.e. playgrounds, off-leash dog areas etc.)

- 10% active recreation and sports use (i.e. mountain bike track, Olympic Equestrian Centre, sports fields etc.)
- 5% tourism (i.e. zoo, water theme parks)

Of the remaining 33%:

- 26% long-term infrastructure (i.e. prospect reservoir, fire stations)
- 5% urban farming
- 2% business hubs.

In relation to funding, during the 2020-21 financial year, the capital and operational Government contribution was 27% for Centennial Park and Moore Park Trust, 66% for Western Sydney Parklands Trust and 27% to Parramatta Park Trust. Callan Park was fully funded by DPIE (for the 38ha it owns, noting that some of Callan Park is owned by NSW Health).

**QUESTION 26 (page 50 of transcript)**

**The CHAIR:** Back to the koala SEPP. I ask you, Mr Ray, because the Minister was unable to respond to this today, what is the exact role that the EES group played for developing this new koala protection framework?

**Mr RAY:** The Minister said he would talk about that and provide that on notice. I do not think I have really got anything to add on that.

**The CHAIR:** They did not really have any role to play?

**Mr RAY:** I am afraid that question will be taken on notice.

**ANSWER**

Refer to answer provided in QUESTION 20.

**QUESTION 27 (page 50 of transcript)**

**The Hon. MARK PEARSON:** The Minister was not really able to answer the question in relation to whether there will be any legislative or regulation changes, only referring to the code of practice. Can you elucidate as to whether there will be any—or it will be required for there to be any—legislative changes, including regulation?

**Mr RAY:** For the same reason that the Minister desired to take that question on notice, I will take that question on notice.

**ANSWER**

Refer to the answer provided to QUESTION 19.

**QUESTION 28 (page 56 of transcript)**

**Mr BROGDEN:** The question that has arisen is why we did not take the Bradcorp valuation. The first thing is that that was not an independent valuation, and it is incumbent upon us as an organisation to procure and receive our own independent valuation. Indeed, on this occasion we received two independent valuations which, for an abundance of caution, created a range for us within which to negotiate. The area, potentially, for confusion also is the difference between some of the numbers that have been quoted that are figures to be paid up-front in one go for the transaction versus Landcom's approach to pay over staged payments.

**The Hon. ADAM SEARLE:** Well, for the avoidance of confusion, now that the contract has been executed and there is no commercial-in-confidence, are you able to share those valuations with the Committee? I am happy for you to take that on notice.

**Mr BROGDEN:** Yes. Thank you. I will take it on notice.

**The Hon. ADAM SEARLE:** Thanks. Landcom is also committing around \$950 million in infrastructure spending for the North Wilton project.

**ANSWER**

I am advised:

Landcom will pay \$257.5 million for the site in staged payments over an eight-year period.

Landcom obtained two independent valuations for the land at North Wilton. In response to the COVID-19 pandemic, Landcom sought a re-evaluation before finalising the transaction, which reduced the valuation by eight percent. The purchase price is well within the revised valuation.

The transaction is a staged sale and Landcom will pay and take ownership over the life of the contract.

The Bradcorp valuation of \$155 million was used in unsuccessful court proceedings. Given the circumstances in which the valuation was used and the requirement to obtain independent valuations, the Bradcorp valuation is not a relevant nor useful benchmark.

**QUESTION 29 (page 57 of transcript)**

**The Hon. ADAM SEARLE:** Okay. Mr Brogden, can you take on notice the breakdown of the \$950 million?

**Mr BROGDEN:** Yes—happy to.

**ANSWER**

I am advised:

<b>Project type</b>	<b>Value</b>
Road infrastructure (major)	\$143,533,722
Public transport	\$4,740,000
Education	\$7,500,000
Utilities (Lead Ins)	\$42,869,645
Social Infrastructure (including open spaces, playing fields and community structures)	\$180,352,990
Servicing reticulation	\$114,000,000
Subdivision Works	\$320,100,000
Monetary Contributions to Council and State Government for offsite works	\$142,000,000

**QUESTION 30 (page 57 of transcript)**

**The Hon. ADAM SEARLE:** Okay. And did Mr Perich or any staff of Greenfield Development or consultants that work for them advise Landcom on any part of the North Wilton transaction?

**Mr BROGDEN:** So none, no staff of Greenfield's, to the best of my knowledge had any involvement in our transaction in buying North Wilton from Bradcorp. I am not aware whether any of the consultants we use are also used by Greenfield's, if for no other reason than I do not know who Greenfield uses.

**The Hon. ADAM SEARLE:** I understand. I am happy for you if you think, on reflection, think of other things and you want to give an answer on notice.

**Mr BROGDEN:** Sure.

**ANSWER**

I am advised:

No Greenfield Development Corporation staff took part in Landcom's purchase of the site, nor did Mr. Perich. Landcom is not aware of the consultants used by Greenfield Development Corporation.

**QUESTION 31 (page 58 of transcript)**

**The Hon. ADAM SEARLE:** Do you know whether that relationship with Mr Brennan was disclosed to the board before the board made the decision?

**Mr BROGDEN:** I am sure they were aware of our friendship.

The Hon. ADAM SEARLE: Could you just take that on notice just to give a full accounting of all of that?

**Mr BROGDEN:** Yes.

**ANSWER**

I am advised:

Landcom has complied with its internal integrity framework and all policies which guide the probity requirements for such matters.

**QUESTION 32 (page 59 of transcript)**

**The Hon. ADAM SEARLE:** Did the Minister have to sponsor the proposal to the Expenditure Review Committee?

**Mr BROGDEN:** He was not required to attend the Expenditure Review Committee.

**The Hon. ADAM SEARLE:** But he would have had to have put up the minute being the portfolio Minister.

**Mr BROGDEN:** I am not sure on that because as a State-owned corporation we went through our shareholders, the Treasurer and the finance Minister, and to the best of my knowledge it was—

**The Hon. ADAM SEARLE:** Could you take this on notice and maybe Mr Betts can assist with who sponsored the minute?

**Mr BETTS:** I was about to say, I do not think it is fair to induce Mr Brogden to start disclosing the content of Cabinet-in-confidence discussions.

**The Hon. ADAM SEARLE:** No, I was not going to do that. I was after who sponsored the minute. I assume it is the portfolio Minister.

**Mr BETTS:** I will see whether we are able to provide any information consistent with Cabinet-in-confidence protocols in light of your question.

**The Hon. ADAM SEARLE:** Thank you.

**ANSWER**

I am advised:

Expenditure Review Committee papers are Cabinet in Confidence.

**QUESTION 33 (page 60 of transcript)**

**Mr JUSTIN FIELD:** Thank you, Mr Ray, I might move on. Mr Betts, I might just go back to this question of the advice that was provided by you to the Secretary for Transport for NSW. I am not sure if you had considered whether you could table that advice today or whether you were going to take that on notice.

**Mr BETTS:** I am taking it on notice so I will let you know.

**ANSWER**

Refer to the answer provided in QUESTION 17.

**QUESTION 34 (page 60 of transcript)**

**Mr JUSTIN FIELD:** No, I understand that. I understand the process though is that the two relevant Ministers here sign a joint letter to your Minister and the NRC is then appointed to do this work. It has been flagged and touted in the media since I think November last year. It is not clear if that has ever been actioned. It has been said to me—and I think we asked these questions last week—that those letters have been sent, but there is nothing on the NRC website. I am just trying to get a sense if that work has actually been commissioned.

**Mr BETTS:** I would have to take that on notice I am afraid.

**Mr JUSTIN FIELD:** If you could take on notice whether or not the terms of reference for that review can be made public and if you could give an indication about the time line because as I understand it, again, it comes back to your Minister and it is ultimately up to your Minister to publish. I would be interested in a position as well, if there is one, on whether or not that review will be published.

**Mr BETTS:** I will give you all of the information I can on it.

**Mr JUSTIN FIELD:** That would be greatly appreciated. I might just go back then, if we can, to Warragamba quickly. Mr Ray, I want to finalise a line of questioning around the critical State significant infrastructure and just clarify that. The application that was made back in 2016, is it the only application that has been received or have subsequent applications been made? Has it been changed over time?

**Mr RAY:** The information I have at the moment before me is that that is the only application, but I will have to take that more detail in the question on notice for you. I do not know if it has been changed or added to, whether there is more material or not.

**Mr JUSTIN FIELD:** If you can.

**ANSWER**

I am advised:

In relation to the Natural Resource Commission's (NRC) report, the terms of reference are Cabinet in Confidence.

In relation to Warragamba Dam, no subsequent request has been made by Water NSW; however, the Department has requested Water NSW provide further information addressing the recently published *Declaration of SSI and CSSI: State Significant Infrastructure Guide*.

**QUESTION 35 (page 61 of transcript)**

**Mr JUSTIN FIELD:** Is that process a public process in any way? Is that letter made public at the end, once the Minister has made a decision? Are the Minister's reasons for the decision made public?

**Mr RAY:** I would have to check that. I am not sure that that is the case. I would have to check that.

**ANSWER**

I am advised:

Guidelines for declaration of CSSI have been published and are available on the Department's website.

For all future CSSI declarations, a Statement of Reasons will be uploaded to the NSW Planning Portal and made publicly available.

**QUESTION 36 (page 62 of transcript)**

**Mr JUSTIN FIELD:** How many decisions have been made—just as a ballpark; if you could take on notice—to list projects as critical State significant infrastructure since that law became valid.

**Mr RAY:** The critical infrastructure as a category was brought in in 2011, so I would have to go back and get you the statistics on that.

**ANSWER**

I am advised:

36 since the legislation commenced.

**QUESTION 37 (page 64 of transcript)**

**The Hon. PENNY SHARPE:** Do you have a figure on what the remediation costs of Callan Park are?

**Ms O'MARA:** You would be aware that Callan Park is half owned by the parkland trust and half owned by Health.

**The Hon. PENNY SHARPE:** Yes.

**Ms O'MARA:** So let me see what I have got.

**Mr BETTS:** Could I clarify: Does your question relate to the whole of that park or just to the section which is—

**The Hon. PENNY SHARPE:** Whatever you can give me.

**Mr BETTS:** Okay.

**The Hon. PENNY SHARPE:** Obviously I would prefer to have it broken down into both parts, but whatever you have got.

**Ms O'MARA:** I do not think I have that figure. I can get it for you, though.

**ANSWER**

I am advised:

Within the Department's \$14 million capital program, there is \$1.65 million in remediation costs. The Department does not have the total remediation costs across Callan Park.

**QUESTION 38 (page 65-66 of transcript)**

**The Hon. DANIEL MOOKHEY:** In December, did the department make a referral to ICAC about the concerns about the conduct of senior officials over the Rhodes development after small landowners made a complaint to a senior probity officer?

**Mr BETTS:** Yes. The department did make a referral to ICAC last year, and ICAC was happy to include that there was nothing further to see. I just want to caution you ahead of any further questions you might ask: I have legal advice that I am happy to share with you, appropriately redacted, that given that ICAC recently announced on 3 March that it will be holding further hearings in relation to issues related to Rhodes, I would not want to pre-empt those hearings or the considerations of the commission.

**The Hon. DANIEL MOOKHEY:** Have you made a separate referral to ICAC about improper involvement in strategic processes in the multibillion-dollar urban renewal project at Rhodes?

**Mr BETTS:** Which project, sorry?

**The Hon. DANIEL MOOKHEY:** A second ICAC referral regarding Rhodes.

**Mr BETTS:** So I am not—is this in relation to recent media coverage about Marobar Holdings?

**The Hon. DANIEL MOOKHEY:** Yes. The Sydney Morning Herald reported yesterday:  
*The Herald can reveal the Department of Planning asked ICAC to investigate after receiving allegations of improper involvement in strategic processes in the multibillion-dollar urban renewal project at Rhodes.*

**Mr BETTS:** Yes. I can table on notice a copy of the department's letter to the commission, advising of it having received a complaint from the people we have just described.

**The Hon. DANIEL MOOKHEY:** Thank you. I would appreciate if you could table that. That would be great. But that is separate to the matter that was referred in December?

**Mr BETTS:** I would have to check the date.

**ANSWER**

Refer to document enclosed in Appendix 1.

**QUESTION 39 (page 71 of transcript)**

**Mr JUSTIN FIELD:** Have you asked them to revise their submission or to at least check whether it is all still accurate and adequate? There has been quite a bit of water under the bridge on this one since then.

**Mr RAY:** Mr Field, I think I said in my previous answer I could not say if they had added to it or if they had amended it from the original application in 2016. But I am happy to go back and have a look at—

**Mr JUSTIN FIELD:** My question is more whether you have gone to them and said, "We're getting close to the end here. We're going to be putting something forward to the Minister soon—we assume, because the EIS is due relatively soon." Have you gone back to them and said, "Do you want to just check on your submission and revise or update it"?

**Mr RAY:** I would have to take that on notice. What we will have is we will have much more information than we had in 2016, because we have been made aware of and have been looking at various components of the environmental impact statement. So we have that additional information there. But as I have said, I will have to go back and check to see whether we have requested any additional information for them to update their statement.

**ANSWER**

Refer to answer provided in QUESTION 34.

**QUESTION 40 (page 73 of transcript)**

**The CHAIR:** Mr Ray, talk me through the consultation process. Do you have the number of organisations and groups that were consulted—the kind of consultation that happened on the 2019 SEPP, I think it was around 2016, and the quite extensive work that was done to develop that 2019 koala SEPP? Do you have that information?

**Mr RAY:** Yes, I am just looking for it. It was sent to me. In relation to the consultation on the guidelines in 2019, I think there were in excess of 2,000 comments in relation to that. I do not think I have the information about the consultation in 2016-2017 on the draft SEPP but I can get that for you.

**The CHAIR:** Thank you.

**ANSWER**

I am advised:

A summary report of the engagement can be found at:

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/koala-strategy-public-engagement-summary-report-170306.pdf>

**QUESTION 41 (page 77 of transcript)**

**The Hon. DANIEL MOOKHEY:** Did you ever ascertain why School Infrastructure NSW seemed to have such major concerns?

**Mr WHITWORTH:** That would require a bit of speculation on my part, which I am not prepared to do. There was a high degree of consultation with Schools Infrastructure NSW. I think the issue at hand was who was going to pay for the land. I think, from a Planning point of view, we were more focused on ensuring that the right sort of school was identified in the right location. That was what our planning focus was.

**The Hon. DANIEL MOOKHEY:** Did you end up calling Mr Manning at School Infrastructure?

**Mr WHITWORTH:** That is two-plus years ago, but I do believe I did.

**The Hon. DANIEL MOOKHEY:** Do you have any recollection of that conversation?

**Mr WHITWORTH:** It was two-plus years ago. Again, I am happy to take that one on notice.

**ANSWER**

I am advised:

The Department met regularly with Schools Infrastructure NSW during the preparation of the draft Rhodes Precinct Plan in 2018. Schools Infrastructure NSW was seeking a larger school site, provided at no cost.

As part of the broader precincts roll out, regular discussions occurred between the Senior Executive of both organisations. However, no specific file note of conversation can be found between Mr Whitworth and Mr Manning. The Department did meet with Schools Infrastructure NSW and the proponents for the VPA.

**QUESTION 42 (page 78 of transcript)**

**The Hon. ADAM SEARLE:** Mr Betts, what is the economic value of the construction work for those fast-track approvals that have commenced?

**Mr BETTS:** Those that have commenced?

**The Hon. ADAM SEARLE:** Yes.

**Mr BETTS:** The economic benefit is \$25 billion overall for all the projects that were determined as part of tranches one to six. I think I would have to take on notice the economic value of the ones that were determined.

**The Hon. ADAM SEARLE:** I am happy for you to do so.

**ANSWER**

I am advised:

The capital investment value for the projects which have commenced a DA as at 19 March is approximately \$12.84 billion.

**QUESTION 43 (page 78 of transcript)**

**The Hon. ADAM SEARLE:** I could go on and name various things, but perhaps you could provide a list of those that have commenced and those that have not—and with those that have not, any explanation you have got about why and what steps are being taken to make sure that those proponents who have had the benefit of the fast-track—

**Mr BETTS:** Yes.

**ANSWER**

I am advised:

As at 19 March 2021, the following fast-track projects have commenced construction or lodged a DA:

- Camden LEP 2010 (Amendment No 15) - Rezone land at Glenlee
- Campbelltown LEP 2015 – Rezone land at Glenlee
- Mt Druitt CBD (Amendment No.10)
- Bankstown LEP 2015 - 83-99 North Terrace and 62 The Mall, Bankstown
- North Sydney LEP 2013 – 23-35 Atchison Street, St Leonards
- Lane Cove LEP 2009 – 4-18 Northwood Rd, 274 & 274A Longueville Rd, Lane Cove
- 25 George St North Strathfield
- Fairfield LEP 2013 Amendment 31 - Villawood Town Centre
- Mamre Precinct Rezoning, Kemps Creek
- Parramatta LEP 2011 (14-20 Parkes St, Harris Park)
- Amendment to Alburn LEP 2010 (108 Silverwater Rd)
- Hills LEP 2012 - 55 Coonara St West Pennant Hills
- The Hills LEP 2012 Garthowen Crescent Castle Hill
- Amendment to Strathfield LEP - 2, 4 and 6 Pilgrim Avenue and 9, 11 and 13 Albert Road, Strathfield
- Amendment to Canterbury LEP - 5-9 Croydon Street, Lakemba
- Amendment to Growth Centres SEPP - DHA Landholdings in Schofields Precinct
- Amendment to The Hills LEP - Castle Hill North Precinct
- Western Gateway - Central Station
- Blacktown CBD PP
- Holroyd LEP 2013 - Wentworthville Town Centre
- Kensington and Kingsford Town Centres
- Crows Nest Metro Station
- Parramatta LEP 2011 - 189 Macquarie Street
- Oran Park Town Centre - boundary realignment and landmark building
- Macquariedale Road
- Barton St, Monterey

- St Anthony of Padua Catholic College
- Alex Avenue Public School
- New Warnervale Public School
- Young High School Library & Community Facility
- Meadowbank E&E Precinct Schools Project
- Ivanhoe Stage 1
- UON Honeysuckle Campus Stage 1A
- Doncaster Avenue Student Accommodation
- Visy Dry Recyclables Facility
- Horsley Park Brickworks Plant 2 Upgrade
- Bunnings Warehouse Leppington
- Snowy 2.0 - Main Works
- Powering Sydney's Future
- New Public School, Estella Road, Wagga Wagga
- Tweed Valley Hospital Stage 2
- Marsden Park Public School
- Catherine Field Primary School
- Sydney Fish Markets Stage 2 Works
- Borg Panels Timber Processing Facility Expansion MOD 3
- Spring Farm Advanced Resource Recovery Technology Facility MOD 6
- Fraser Drive (MOD 5)
- Eastlakes (MOD 4)
- Ettamogah Finalisation (Ettamogah Rise Estate –Springdale Heights)
- Amity College New School Campus
- Kyeemagh Public School
- Royal Randwick Racecourse - Leger Lawn Development
- Sydney Metro Victoria Cross OSD - Stage 2
- Roberts Road Data Centre
- Proposed Residential Flat Building - 56 Beane Street, Gosford
- Bulga Open Cut and Underground projects (Mod 3 - Bulga Optimisation Project (Open Cut) & Mod 7 - Bulga Underground)
- Mannering & Chain Valley Projects (Chain Valley Colliery (Mod 3) & Mannering Coal Mine Mod 5)
- Cockles Creek Land Finalisation (Pasminco Business Zones - 2A Main Road, Boolaroo)
- Parkwood Urban Release Finalisation (Parkwood)
- Cabramatta Loop
- Botany Rail Duplication
- Inland Rail Narrabri to NorthStar Phase 1
- Cricket NSW Centre of Excellence
- Horsley Drive Stage 2 - Building 1
- Badgerys Creek Quarry (Mod 4)
- Western Sydney Green Gas Trial
- East Leppington Primary School

- Sydney Gateway
- MOD 18 - Hand Sanitiser Alcohol Production
- TAFE Meadowbank Multi-Trades & Digital Tech Hub
- Richard Gill School
- ET Australia School
- Scientia Project - Monte Sant Angelo Mercy College
- 13-23 Gibbons Street - Student Accommodation

As at 19 March 2021, the following fast-track projects have not yet commenced construction (for Major Projects) or lodged a DA (Planning Proposals):

- West Nowra Landfill Expansion
- Penrith Resource Recovery Facility
- Horizon Lee 5
- Eastern Creek Retail Centre Lot 1
- Girraween Waste Recycling Transfer Facility
- Enirgi Battery Recycling Facility MOD 1
- UTS Blackfriars Precinct Research Building Stage 2
- Yanco Solar
- Brandy Hill Expansion Project
- Warakirri College
- Light Horse Interchange Business Hub Eastern Cr
- Port Macquarie Airport Business Park
- North Sydney LEP 2013 – 575-583 Pacific Highway, St Leonards
- North Sydney LEP 2013 – 100 Christie Street, St Leonards
- Fairfield LEP 2013 Amendment 32 - Fairfield Town Centre
- Mary St, Edith St and Roberts St St Peters. Precinct 75
- Amendment to The Hills LEP - 40 Solent Circuit Baulkham Hills
- Amendment to The Hills LEP - Cecil Avenue & Roger Avenue Castle Hill
- Parramatta LEP 2011 - 87 Church Street and 6 Great Western Highway
- 55 Aird Street, Parramatta
- ADI Site – St Marys SREP

The following proposals are not required to commence construction until 9 April 2021:

- Fort Street Public School
- Moonee Beach Residential Subdivision
- Eastern Gas Pipeline Mod 1 - Port Kembla Lateral Pipeline

The Department has engaged with proponents that have not commenced construction or lodged their DA within the required timeline and offered assistance to progress these projects.

**QUESTION 44 (page 78 of transcript)**

**Mr WHITWORTH:** I also provided some information this morning that has been updated. As of early March 2021, some 71 out of the 99 approved projects have met their obligation by either commencing construction or submitting a development application. Some 11 of the remaining projects are on track to meet their obligation. I think I flagged this morning that there are 17 that we have flagged as not meeting their obligation that we have on a watchlist, including writing to those proponents and identifying our expectations of what they need to do. I can give you a flavour of some of those issues?

**The Hon. ADAM SEARLE:** No, that is okay. If you can provide on notice who they are,

**Mr BETTS:** Yes.

**ANSWER**

Refer to answer provided in QUESTION 43.

**QUESTION 45 (page 78 of transcript)**

**The Hon. ADAM SEARLE:** Okay. Mr Betts, last year in estimates you and I were discussing how the net zero emissions objective of the State Government could be met through the assistance of the planning system. I think you said that there was a mapping exercise looking at various regulatory mechanisms and how the planning system could assist with that. Has that mapping exercise been completed or is it still ongoing?

**Mr BETTS:** No, I will take it on notice if you would like me to.

**The Hon. ADAM SEARLE:** Also there was a discussion of waste to energy and how that is dealt with in the planning system. We had a discussion, which Mr Ray was part of, about whether or not you might need to have, for example, a specific planning instrument to assist waste-to-energy proposals. I think, Mr Ray, you said that the chief scientist had carriage of providing some advice about that. I think you said last year that the chief scientist was going to report relatively soon. That was a year ago. I cannot see anything on the chief scientist's webpage. Where is that up to?

**Mr RAY:** I understand that the chief scientist may have recently reported. I have not seen the report, but I understand that that report has been submitted.

**The Hon. ADAM SEARLE:** On notice, can you inform us as to where that matter is up to and, if possible, whether we are allowed to see the chief scientist's report?

**Mr RAY:** Yes.

**ANSWER**

I am advised:

Significant consideration has been given to the role of the planning system in reducing emissions. In February 2021, the NSW Government launched the Explanation of Intended Effect (EIE) for the *Design and Place State Environmental Planning Policy* (Design and Place SEPP), which aims to contribute to the NSW Government's objective of zero emissions by 2050. The EIE for the Design and Place SEPP proposes:

- To set NABERS (National Australian Built Environment Rating System) targets for non-residential buildings by decade to 2050 to align with the ambition of the Net Zero Plan
- To request developments submit Net Zero Plans to identify how they will be ready for Net Zero from 2030
- BASIX (Building Sustainability Index) is considering staged and incremental increase in sustainability targets to enable industry to plan for future change and implementation in line with the Net Zero Plan

Questions relating to the Chief Scientists report into waste-to-energy should be referred to the Minister for Energy and Environment

**QUESTION 46 (page 82 of transcript)**

**The Hon. ADAM SEARLE:** Mr Brogden, while you are coming back to the table, I am looking at the 2020 annual report of Landcom and there is a reference on page 48 to a gender pay audit conducted by an external consultant. I think you there say that the findings in terms of pay equity are consistent with the sector. I assume you mean the property development sector rather than the public sector.

**Mr BROGDEN:** I will clarify that for you.

**The Hon. ADAM SEARLE:** Okay. If you are able to, could you provide the Committee with a copy of that report on notice?

**Mr BROGDEN:** Sure.

**The Hon. ADAM SEARLE:** It is page 58, I believe. You there list senior executive band level employees, or those who are designated as band employees. I see there has been a 25 per cent increase in the executive from last year to this year. Can you explain the increase from nine to 12 executive positions?

**Mr BROGDEN:** I think what that refers to—but I will come back

**ANSWER**

I am advised:

The report refers to Professional, Scientific and Technical Services benchmarks.

A redacted copy of the report titled *Gender Pay Audit – Final Report – REDACTED March 2021* is enclosed (Appendix 2). Redactions are in line with privacy requirements.

In regards to the question on executive positions, a response was provided during the Budget Estimates hearing.

**QUESTION 47 (page 83 of transcript)**

**The Hon. ADAM SEARLE:** Apart from those positions that are designated as senior executive band, can you also—and I am happy for you to take this on notice—give the Committee a list of those employees who are paid the same as ECB bands other than those you have designated as part of the executive, if there are any?

**Mr BROGDEN:** The answer should be none, but I will come back to you on that.

**The Hon. ADAM SEARLE:** Okay. I am just looking at one of the areas of revenue. I think this is at page 68 of the annual report. Revenue from contracts with customers is down from nearly \$268 million to less than \$168 million, down by \$100 million. That is a very big decline in one year. What do you have coming through the pipeline for this year and future years?

**Mr BROGDEN:** Okay, I will come back to you on it in detail.

**ANSWER**

I am advised:

No staff are paid at the ECB band.

Forward projections are commercial in confidence until publicly announced.

**QUESTION 48 (page 85 of transcript)**

**The Hon. ADAM SEARLE:** How many complaints has the department or the Government received about the operation of the portal?

**Mr RAY:** Look, I do not have numbers—

**The Hon. ADAM SEARLE:** I am happy for you to take it on notice.

**ANSWER**

I am advised:

The Digital Transformation Office (DTO) collects data on all feedback through multiple channels.

As example, for the week of 15-21 March 2021, the ePlanning Support inboxes received 452 emails. Of these, 412 were enquiries, 27 (6%) were complaints about the operation of the Portal, while the remaining 13 were absent other issues such as the requirement to use the portal for applications.

Since December 2018, the Portal has received in excess of 55,000 development applications. There have been more than 19,000 responses received from the thumbs-up/thumbs-down widget, with the current customer satisfaction thumbs-up score being 87.4%. This is the highest satisfaction score for any NSW Government digital service.