



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

## **BUDGET ESTIMATES 2023-2024**

### **Supplementary questions**

Portfolio Committee No. 7 – Planning and Environment

#### **Planning and Public Spaces**

Hearing: Tuesday 27 February 2024

**Answers due by:** Monday 25 March 2024

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**BUDGET ESTIMATES 2023-2024**  
**SUPPLEMENTARY QUESTIONS**

**Questions from Hon Scott Farlow MLC** *(on behalf of the Opposition)*

**Planning & Public Spaces**

**TOD – Tier 1 – Accelerated Precincts**

1. The Government have indicated that the 8 accelerated precincts will create capacity for 47,800 new homes over 15 years.
  - (a) Are these new homes in total, or new homes in addition to existing planned zoning capacity in the area?
  - (b) How many of these homes are anticipated to be delivered under the accord period?
  - (c) What is the anticipated number of additional homes in:
    - i. Bankstown
    - ii. Bays West
    - iii. Bella Vista
    - iv. Crows Nest
    - v. Homebush
    - vi. Hornsby
    - vii. Kellyville
    - viii. Macquarie Park
  - (d) What is the anticipated number of additional homes by year of delivery in:
    - i. Bankstown
    - ii. Bays West
    - iii. Bella Vista
    - iv. Crows Nest
    - v. Homebush
    - vi. Hornsby
    - vii. Kellyville

viii. Macquarie Park

2. The Government have indicated there is \$520 million to provide community infrastructure in these precincts:
  - (a) Will this be new funding?
  - (b) Is the funding coming from the Housing and Productivity Contribution?
    - i. If so, how much of the \$520 million is from the Housing and Productivity Contribution?
    - ii. If not, where will the funding be coming from?
  - (c) Will the money be shared equally between the 8 accelerated precincts?
    - i. If not, how will it be distributed?
  - (d) Will any remaining State Infrastructure Contribution funding be used as part of that \$520 million?
  - (e) Will any additional levy, apart from the Housing and Productivity Contribution, be applied to these 8 accelerated precincts?
  - (f) \$520 million divided by 47,800 homes is \$10,878 per home, it seems very curiously close to the Housing and Productivity Contribution amount? Is this how the calculation has been made, by using the value of the HPC?
  - (g) What is the process for nominating projects and the associated eligibility criteria?
  - (h) Councils' ability to collect contributions is critical to fund local infrastructure to support population growth. How does the government propose to sequence the outcome of the Accelerated TODs to enable affected Councils to update their local contributions plans, so that the opportunity to collect contributions is not missed?
3. How much input will Councils get in the working groups being formed for each of the TOD stations?
  - (a) Will these working groups include all impacted councils within the 1.2km area?
4. The Government have indicated that Councils will be encouraged to invest local contributions within the TOD, will the Government be making any changes to tie levies raised in the TOD precinct to be spent within the precinct?

5. Is the government committed to ensuring future development in the Accelerated TODs achieves the government's tree canopy target of 40% - a target which can only be achieved through a combination of private and public land?
6. How many staff will be assigned to the dedicated SSD assessment team within DPPI to deal with applications for projects over \$60 million CIV in the 8 TOD locations?
7. The Bella Vista and Kellyville Precincts have been through an extensive precinct planning and rezoning process led and finalised by DPPI. This process unlocked significant housing supply in a form that all levels of Government and the community accepted, which was then recently approved through State Significant Development Applications, with the necessary supporting framework around design outcomes and infrastructure also in place. We are now finally at the point where significant development and housing supply can occur within this Precinct. Has the Government considered that going back to the strategic planning phase may actually delay the delivery of the significant housing opportunities that already exist within these Precincts?
8. What was the basis or evaluation criteria which led to the identification of Bella Vista and Kellyville Precincts as Accelerated Precincts?
9. Did the analysis of all TOD Accelerated Precincts determine that the extent of growth already planned and approved by the State Government was insufficient?
10. Was Landcom (representing Sydney Metro) involved in the selection process for TOD locations?
11. Has Landcom commented on the selection of Bella Vista and Kellyville Precincts and whether or not there are any significant additional development yield opportunities beyond those which were recently approved as State significant Development?
12. Noting that Bella Vista Waters (Hills Council) and Newbury Estate (Blacktown Council) were already specifically considered and excluded from upzoning when Government recently completed the precinct planning for these areas. Has any further feasibility analysis been completed to indicated that redevelopment of these areas would now be feasible?
13. Will the Accelerated Precincts Program be recasting the controls applying to the existing Government Landholdings within the Precincts, or does it seek to rezone additional land, such as Bella Vista Waters (within The Hills) and Newbury Estate (within Blacktown), for higher density development?

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

### **TOD – Tier 2 – TOD SEPP**

15. This program will deliver 138,000 new dwellings, why haven't the Government put any infrastructure dollars on the table specifically for the Tier 2 – TOD SEPP precincts when they are delivering nearly triple the number of dwellings than the accelerated precincts?
16. When was a decision made that the TOD SEPP would apply in heritage conservation areas?
17. Will the NSW Government commit to linked funding programs to provide new and upgraded infrastructure in areas that will experience increased housing and population density as a result of the TOD SEPP?
18. Why has it been contended that this matter is cabinet-in-confidence rather than making it public or even providing it through briefings to local government to support their decision making? Aren't these technical assessments, how can they be cabinet-in-confidence?
  - (a) What reports were prepared to support the Governments decision making?
19. Why has DPHI failed to provide the planning, infrastructure and spatial data which formed the basis for the identification of Croydon and other stations to local councils?
20. Will the SEPP apply to MU1 zones or existing B4 zones?
21. Will the SEPP apply to E3 and E4 zones?
22. Will the SEPP apply to B2 and B6 zones if they have not transitioned to the new E1 and E3 or MU1 zoning?
23. Will the application of the SEPP on E1 and E2 zones be required to comply with Council's minimum non-residential FSR requirements in LEPs?
24. What will the minimum active street frontage controls in E1 and E2 zones be?
25. What will the maximum parking rates be under the TOD SEPP?
26. How will the government ensure that planning for public domain and community infrastructure (including, but not limited to schools, community facilities, public open space) is planned and delivered in parallel with any proposed increased density?
27. Did DPHI (or predecessor DPIE) undertake an analysis on the development constraints of each selected TOD site?

28. Did the analysis include consideration of:
- (a) Heritage items and conservations areas?
  - (b) Riparian lands?
  - (c) Slope?
  - (d) Bushfire constrained land?
  - (e) Strata title properties and their age (<25 years)?
  - (f) Core biodiversity land?
  - (g) Land use constrained land?
29. Given that 3.28 of the EPAA already provides a general presumption that the SEPP prevails over the LEP, will the Government rule out that the TOD SEPP will have a clause that it “always prevails over the LEP”?
30. In the 31 TOD locations the Government have outlined that they will institute a mandatory minimum 2% affordable housing contribution.
- (a) Which Department will this be paid to?
  - (b) Will this money be tied to the delivery of affordable housing in the TOD precinct?
  - (c) If a developer uses the in-fill affordable housing provision and delivers between 10-15% affordable housing, will this satisfy the 2% contribution?

### **TOD – Individual Sites**

31. The Government have indicated that the 31 accelerated precincts will create capacity for 138,000 new homes over 15 years.
- (a) Are these new homes in total, or new homes in addition to existing planned zoning capacity in the area?
  - (b) How many of these homes are anticipated to be delivered under the accord period, by TOD location:
    - i. Adamstown
    - ii. Ashfield
    - iii. Banksia
    - iv. Booragul

- v. Canterbury
- vi. Corrimal
- vii. Croydon
- viii. Dapto
- ix. Dulwich Hill
- x. Gordon
- xi. Gosford
- xii. Hamilton
- xiii. Killara
- xiv. Kogarah
- xv. Kotara
- xvi. Lidcombe
- xvii. Lindfield
- xviii. Marrickville
- xix. Morisset
- xx. Newcastle
- xxi. North Strathfield
- xxii. North Wollongong
- xxiii. Rockdale
- xxiv. Roseville
- xxv. St Marys
- xxvi. Teralba
- xxvii. Tuggerah
- xxviii. Turrella
- xxix. Wiley Park
- xxx. Wyong

32. What is the existing amount of dwellings within the precinct at all 39 locations included in the TOD program?
- (a) Adamstown
  - (b) Ashfield
  - (c) Banksia
  - (d) Bankstown
  - (e) Bella Vista
  - (f) Berala
  - (g) Booragul
  - (h) Canterbury
  - (i) Corrimal
  - (j) Crows Nest
  - (k) Croydon
  - (l) Dapto
  - (m) Dulwich Hill
  - (n) Gordon
  - (o) Gosford
  - (p) Hamilton
  - (q) Homebush
  - (r) Hornsby
  - (s) Kellyville
  - (t) Killara
  - (u) Kogarah
  - (v) Kotara
  - (w) Lidcombe
  - (x) Lindfield
  - (y) Macquarie Park

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

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

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

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

34. What is the new potential number of dwellings as a result of the TOD Program in?
- (a) Adamstown
  - (b) Ashfield
  - (c) Banksia
  - (d) Bankstown
  - (e) Bella Vista
  - (f) Berala
  - (g) Booragul
  - (h) Canterbury
  - (i) Corrimal
  - (j) Crows Nest
  - (k) Croydon
  - (l) Dapto
  - (m) Dulwich Hill
  - (n) Gordon
  - (o) Gosford
  - (p) Hamilton
  - (q) Homebush
  - (r) Hornsby
  - (s) Kellyville
  - (t) Killara
  - (u) Kogarah
  - (v) Kotara
  - (w) Lidcombe
  - (x) Lindfield
  - (y) Macquarie Park
  - (z) Marrickville

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

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

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

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

36. For each of the 8 locations in the Transport Oriented Development Program – Accelerated Precincts and their respective 1200m radius, how many lots are covered under each of the following land use zones (please provide a breakdown individually for each of the 8 locations):
- (a) R1 General Residential?
  - (b) R2 Low Density Residential?
  - (c) R3 Medium Density Residential?
  - (d) R4 High Density Residential?
  - (e) R5 Large Lot Residential?
  - (f) MU1 Mixed Use?
  - (g) SP1 Special Activities?
  - (h) SP2 Infrastructure?
  - (i) SP3 Tourist?
  - (j) SP4 Enterprise?
  - (k) SP5 Metropolitan Centre?
  - (l) E1 Local Centre?
  - (m) E2 Commercial Centre?
  - (n) E3 Productivity Support?
  - (o) E4 General Industrial?
  - (p) E5 Heavy Industrial?
  - (q) RU1 Primary Production?
  - (r) RU2 Rural Landscape?
  - (s) RU3 Forestry?
  - (t) RU4 Primary Production Small Lots?
  - (u) RU5 Village?
  - (v) RU6 Transition?
  - (w) RE1 Public Recreation?

- (x) RE2 Private Recreation?
  - (y) C1 National Parks and Nature Reserves?
  - (z) C2 Environmental Conservation?
  - (aa) C3 Environmental Management?
  - (bb) C4 Environmental Living?
  - (cc) W1 Natural Waterways?
  - (dd) W2 Recreational Waterways?
  - (ee) W3 Working Waterways?
  - (ff) W4 Working Waterfront?
37. For each of the 8 locations in the Transport Oriented Development Program – Accelerated Precincts and their respective 1200m radius, what is the total size of land under each of the following land use zones (please provide a breakdown individually for each of the 8 locations):
- (a) R1 General Residential?
  - (b) R2 Low Density Residential?
  - (c) R3 Medium Density Residential?
  - (d) R4 High Density Residential?
  - (e) R5 Large Lot Residential?
  - (f) MU1 Mixed Use?
  - (g) SP1 Special Activities?
  - (h) SP2 Infrastructure?
  - (i) SP3 Tourist?
  - (j) SP4 Enterprise?
  - (k) SP5 Metropolitan Centre?
  - (l) E1 Local Centre?
  - (m) E2 Commercial Centre?
  - (n) E3 Productivity Support?

- (o) E4 General Industrial?
- (p) E5 Heavy Industrial?
- (q) RU1 Primary Production?
- (r) RU2 Rural Landscape?
- (s) RU3 Forestry?
- (t) RU4 Primary Production Small Lots?
- (u) RU5 Village?
- (v) RU6 Transition?
- (w) RE1 Public Recreation?
- (x) RE2 Private Recreation?
- (y) C1 National Parks and Nature Reserves?
- (z) C2 Environmental Conservation?
- (aa) C3 Environmental Management?
- (bb) C4 Environmental Living?
- (cc) W1 Natural Waterways?
- (dd) W2 Recreational Waterways?
- (ee) W3 Working Waterways?
- (ff) W4 Working Waterfront?

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

- (a) R1 General Residential?
- (b) R2 Low Density Residential?
- (c) R3 Medium Density Residential?
- (d) R4 High Density Residential?
- (e) R5 Large Lot Residential?
- (f) MU1 Mixed Use?

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

39. For each of the 31 locations in the TOD SEPP Program and their respective 400m radius, how many lots are covered under each of the following land use zones (please provide a breakdown individually for each of the 31 locations):
- (a) R1 General Residential?
  - (b) R2 Low Density Residential?
  - (c) R3 Medium Density Residential?
  - (d) R4 High Density Residential?
  - (e) R5 Large Lot Residential?
  - (f) MU1 Mixed Use?
  - (g) SP1 Special Activities?
  - (h) SP2 Infrastructure?
  - (i) SP3 Tourist?
  - (j) SP4 Enterprise?
  - (k) SP5 Metropolitan Centre?
  - (l) E1 Local Centre?
  - (m) E2 Commercial Centre?
  - (n) E3 Productivity Support?
  - (o) E4 General Industrial?
  - (p) E5 Heavy Industrial?
  - (q) RU1 Primary Production?
  - (r) RU2 Rural Landscape?
  - (s) RU3 Forestry?
  - (t) RU4 Primary Production Small Lots?
  - (u) RU5 Village?
  - (v) RU6 Transition?
  - (w) RE1 Public Recreation?
  - (x) RE2 Private Recreation?

- (y) C1 National Parks and Nature Reserves?
- (z) C2 Environmental Conservation?
- (aa) C3 Environmental Management?
- (bb) C4 Environmental Living?
- (cc) W1 Natural Waterways?
- (dd) W2 Recreational Waterways?
- (ee) W3 Working Waterways?
- (ff) W4 Working Waterfront?

### **TOD – Sewerage and Water**

40. What is the age of the sewerage and water infrastructure in the following suburbs, included in the TOD program:
- (a) Adamstown
  - (b) Ashfield
  - (c) Banksia
  - (d) Bankstown
  - (e) Bella Vista
  - (f) Berala
  - (g) Booragul
  - (h) Canterbury
  - (i) Corrimal
  - (j) Crows Nest
  - (k) Croydon
  - (l) Dapto
  - (m) Dulwich Hill
  - (n) Gordon
  - (o) Hamilton
  - (p) Homebush

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

41. Given it was indicated that sites like Edgecliff weren't included because they were "currently limited in additional growth" because of "limited sewer and water infrastructure", were other sites eliminated on similar grounds?
42. What is the nature of the sewer and water infrastructure at Marrickville, Wiley Park and Roseville compared to Edgecliff?

43. Are the Government aware that there have been over 50 sewerage sites burst in the Kuring-gai LGA in the last twelve months?
44. Was this taken into consideration in determining TOD locations and the ability of infrastructure to cope?
45. The Mayor of Wollondilly has indicated that there are 14 trucks a day pumping out sewerage in that Shire, was that considered in the application of the changes to low and mid-rise housing?
46. Is DPFI aware of how many sewerage sites have burst in each TOD location over the last twelve months?
47. Is DPFI aware how many water sites have burst in each TOD location over the last twelve months?

#### **TOD – Engagement with Transport for NSW**

48. Has the Department of Planning, Housing and Infrastructure shared with Transport for NSW the projections for increased population around all of the stations included in the TOD Program?
  - (a) If not, isn't this important information to share with the agency responsible for managing and upgrading each station included in TOD?
  - (b) If not, when will this occur?
49. Have the Government shared with Transport for NSW projections for increased population around all stations impacted by the Governments low and mid-rise housing changes?
50. Was any consultation done with Transport for NSW with respect to the selection of the TOD precincts on the basis of road capacity?
  - (a) What about information across the State on population increases with respect to road capacity?
51. What processes does the Department of Planning, Housing and Infrastructure have in place to consult with Transport for NSW to ensure more services in both peak and non-peak periods along the lines which include TOD sites?
52. Has it been estimated how many additional services will be required, by year, on every line which has a station selected as part of the TOD program?

#### **TOD – Engagement with the Department of Education**

53. What discussions have DPHI had with the Department of Education in the selection of the 8 accelerated TOD precincts and 31 precincts that will be governed by the TOD SEPP?
54. Did Education provide information to DPHI for the selection of these sites and did this include current and projected enrolment figures, as well as information surrounding future capacity from planned works on behalf of school infrastructure?
55. What information did the Department of Planning obtain from the Department of Education with respect to school enrolments and capacity within the TOD precincts?
56. Have DPHI provided the Department of Education with any projections on future population patterns as a result of changes they are making to low and mid-rise housing, which comes in to place in April?
  - (a) If not, when will this occur?
  - (b) If so, what impact will this have on school populations and infrastructure demand throughout the State, have the Government worked with the Department of Education to do any modelling on this?
57. Is it the case that within each of the 8 accelerated TOD precincts (Kellyville, Bella Vista, Hornsby, Macquarie Park, Homebush, Bankstown, Crows Nest, Bays West) there are both primary and secondary schools that are over their enrolment cap?
  - (a) Was this considered?
58. Did DPHI seek advice from the Department of Education if there is additional capacity at schools that fall under the 1.2 km radius catchment around Kellyville Station?
  - (a) Are the Government aware that all primary schools in the Kellyville catchment were over their enrolment cap in 2023 including Kellyville Ridge, which is more than double their enrolment cap?
  - (b) Has DPHI provided any projections concerning additional enrolments in the schools within the catchment of the Kellyville TOD to the Department of Education?
59. Did DPHI ask Education if there is additional capacity at schools that fall under the 1.2 km radius catchment around Bella Vista station?
  - (a) Are the Government aware that all primary schools in the Bella Vista catchment were over their enrolment cap in 2023 including Caddies Creek Public School, which is nearly 400 students over their enrolment cap?

- (b) Has DPFI provided any projections concerning additional enrolments in the schools within the catchment of the Bella Vista TOD to Education?
60. Did DPFI ask the Department of Education if there is additional capacity at schools that fall under the 1.2 km radius catchment around Hornsby station?
- (a) Are the Government aware that all primary schools Hornsby North Public School, which is more than 400 students over their enrolment cap?
  - (b) Has DPFI provided any projections concerning additional enrolments in the schools within the catchment of the Hornsby TOD to the Department of Education?
61. Are the Government aware that of the 31 station precincts selected under the TOD SEPP only Banksia, Booragul, Morriset and Teralba have no schools that are over their enrolment capacity?

#### **TOD – Health**

62. What discussions have DPFI had with NSW Health in the selection of the 8 accelerated TOD precincts and 31 precincts that will be governed by the TOD SEPP?
63. Did NSW Health provide information to DPFI for the selection of these sites and did this include current and projected demand for hospitals and other health facilities, as well as information surrounding future capacity from planned works for health infrastructure?
64. Was any consultation done with the Department of Health with respect to health facility capacity within the TOD precincts?
65. Have DPFI provided NSW Health with any projections on future population patterns as a result of changes they are making to low and mid-rise housing, which comes in to place in April?
- (a) If not, when will this occur?
  - (b) If so, what impact will this have on demand for health care and the health infrastructure demand throughout the State, have the Government worked with NSW Health to do any modelling on this?

#### **Low and Mid Rise Reforms – General Questions**

66. The National Housing Accord committed to by the NSW Government committed to “working with local governments to deliver planning and land-use reforms that will make

housing supply more responsive to demand over time”, why didn’t you work with local government in proposing this reform?

67. How many new homes does the Government estimate will be delivered as a result of the changes to allow for terraces, townhouses and two storey apartment blocks near transport hubs and town centres in R2 low density residential zones in each LGA in NSW?
68. How many new homes does the Government estimate will be delivered as a result of the changes to allow for mid-rise apartment blocks near transport hubs and town centres in R3 medium density zones and appropriate employment zones in each LGA in NSW?
69. How many new homes does the Government estimate will be delivered as a result of the changes to allow for dual occupancies (two separate homes on a single lot), such as duplexes, in all R2 low density residential zones in each LGA in NSW?
70. What urban design testing or modelling has DPHI undertaken to inform the proposed controls as exhibited or to demonstrate how this combination of FSR and height controls will result in the intended ‘mid-rise’ outcomes?
71. In preparing these reforms, what consideration was given to each Council’s local centre hierarchies? Would it not be simpler to clearly map these areas based on known station precincts and town centre locations, rather than simply reference to a land use zone that could be used in many contexts throughout a geographical area?
72. Has the Government considered that allowing the subdivision of dual occupancies on small lots in area identified for high density development will be counterproductive to the intent of the reforms, leading to increased fragmentation of land and thereby reducing future opportunities and feasibility of apartment development in the areas where this is the desired outcome?
73. Has the Government assessed the cumulative growth that would be unlocked within each local area or region, in addition to existing housing opportunities, and how this growth would impact local or regional infrastructure?
74. Has the Government considered how extent of unplanned growth spread out across a local area or region might hinder Government’s ability to focus and prioritise limited infrastructure spending to unlock and service growth in areas already identified for development?
75. Government investment in regional infrastructure such as schools, roads, hospitals, recreational facilities is already lagging well behind the housing that is being provided and

local communities are rightly frustrated with the congestion and development. How will the Government respond to increased demand for regional infrastructure such as schools, especially where these reforms allow for unquantified uplift in areas where existing schools are already at or beyond capacity?

76. What supporting technical investigations such as flood investigations, bushfire studies, traffic and transport studies has the DPHI carried out to determine the capacity for the reforms to be appropriately delivered in the areas where they would become permitted?
77. Given the changes to Low and Mid-Rise housing will apply in heritage conservation areas and individually listed heritage properties:
  - (a) Will complying development certificates be allowed in these areas?
  - (b) Or will the new building types be permitted but subject to council applications?

### **Changes to Low and Mid-Rise Housing – R2 and R3 Zoning**

78. Does any Council currently allow a height higher than 9.5m for Dual occupancies?
  - (a) Which councils allow a height of 9.5m or higher for dual occupancies?
79. Does any Council currently allow an FSR higher than 0:65: 1 for Dual occupancies?
  - (a) Which councils allow an FSR of 0.65:1 or higher for dual occupancies?
80. Does any Council currently allow a minimum site area of 450m<sup>2</sup> for Dual occupancies?
  - (a) Which councils allow a minimum site area of less than 450m<sup>2</sup> for Dual occupancies?
81. If you have a block of 1000 m<sup>2</sup>, can you subdivide it in to two blocks of 500m<sup>2</sup> and then build a dual occupancy on the resultant block, thereby allowing for four residences on that property?
  - (a) Does any Council currently allow a minimum site width of 12m for Dual occupancies?
82. Does any Council currently allow a height higher than 9.5 m for Terraces and multi-dwelling housing?
  - (a) Which councils allow a height of 9.5m or higher for Terraces and multi-dwelling housing?
83. Does any Council currently allow a height higher than 9.5 m for Manor Houses?

- (a) Which councils allow a height of 9.5m or higher for Terraces and multi-dwelling housing?
- 84. Does any Council currently allow an FSR higher than 0.7: 1 for Terraces and multi-dwelling housing?
  - (a) Which councils allow an FSR of 0.7:1 or higher for terraces and multi-dwelling housing?
- 85. Does any Council currently allow an FSR higher than 0.8: 1 for Manor Houses?
  - (a) Which councils allow an FSR of 0.8:1 or higher for manor houses?
- 86. Does any Council currently allow a minimum site area of 500m<sup>2</sup> for terraces and manor houses?
  - (a) Which councils allow a minimum site area of less than 500m<sup>2</sup> for terraces and manor houses Dual occupancies?
- 87. If somebody has a block of 1000 m<sup>2</sup>, can it be subdivided into two blocks of 500m<sup>2</sup> and then build terraces or Manor Houses on each resulting block?
  - (a) Is there any minimum size for each resulting terrace on the block?
- 88. Does any Council currently allow a minimum site width of 12m for Dual occupancies?
  - (a) Which councils allow a minimum site area of less than 12m for multi dwelling housing and manor houses?
- 89. Which councils allow a minimum site area of less than 18m for terraces?
  - (a) How many councils allow a minimum car park requirement of 0.5 space per dwelling for terraces and manor houses?
- 90. Does any Council currently allow a height higher than 21m in R3 zones?
  - (a) Which councils allow a height higher than 21m in R3 zones?
- 91. While the Government state that the changes in R3 zones will result in “six storey” buildings, the assessment will be conducted using the height, won’t they?
  - (a) If a building is seven storeys, but within 21m, would that be permissible?

### **Changes to Low and Mid-Rise Housing – Building Design**

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

- (a) Why are the Government reducing communal open space from a minimum of 25% to a maximum of 25%
  - (b) Will these changes apply to buildings which are zoned for six storeys, but become eight storeys using the in-fill affordable housing SEPP?
  - (c) Will manor houses in R2 zones be eligible to use the in-fill affordable housing SEPP and be eligible for a 12.35 meters height and a FSR of 1.04?
    - i. What will the maximum car parking rates be?
93. Won't reducing the minimum building separation requirements for five and six storey buildings to match the requirements for four storeys result in a building form that is bulky with less set back from neighbouring properties?
94. With increasing densities, why are the Government reducing communal open space requirements from a minimum of 25% area to a maximum of 25% area?
- (a) George's River Council have commented that this will: "Reduce the "breathing spaces" between apartment buildings and reduce the appeal of apartment buildings and the well-being of residents. Apartment residents will need to rely on public space to compensate for the lack of communal open space." What is the Government's response to these legitimate concerns?
95. Do the Government intend to increase grants for public open spaces to compensate for the additional pressures on local communal infrastructure?
96. The Government have outlined that it proposes to permit the Torrens subdivision of multi-dwelling houses provided they meet the appropriate "size, width and access requirements", what are these requirements?
97. The Government have said that in areas of "particularly high risk" of flooding you will work with councils to exclude the relevant areas from the application of the proposed reforms. Will the Government extend such provisions to other areas of risk, like bushfire prone land or properties within the flame zone?

### **Albanese Federal Labor Government Cuts to Infrastructure**

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

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

### **Affordable Housing SEPP**

100. Will the in-fill affordable housing SEPP apply to manor houses under the changes to low and mid-rise housing, thereby permitting a height of 12.35 meters and an FSR of 1.04?
101. Under the State Environmental Planning Policy (Housing) 2021 – 16 (3) outlines that “the development includes residential flat buildings or shop top housing”, isn’t that correct?

### **Aerotropolis**

102. If the Western Sydney Parkland Authority is to no longer continue its current role as chief coordinator and delivery authority for the Aerotropolis Precinct, who is the chief delivery authority or agency working to deliver the vision for the Bradfield City and surrounding Aerotropolis?
103. Industry wants to better work with this authority or authorities in order to deliver essential transport projects in the lead up to 2026 but is currently unable to identify the relevant agency or authority other than Transport for NSW (TfNSW) and Sydney Water who are not coordinating the entire precinct. What will the Government do to ensure better coordination with industry?
104. What efforts have been made by the NSW Government to engage with landowners within the Aerotropolis to assist and partner with government to deliver the necessary roads, water and service delivery infrastructure ahead of the Airports opening via policies such as Works in Kind (WiK)?
105. What interim water, road, sewer, stormwater and public transport measures have been undertaken by the Government to date in the Aerotropolis?
106. Who is coordinating the delivery of the Aerotropolis within both the Government and Department? How effective have they been? Can they provide a score or evidence on their performance to date?
- (a) What mechanisms are in place to ensure the performance of these people in the Department?
107. How much infrastructure investment is needed to be injected into the Aerotropolis? Does the Government know what exactly what funding is needed in order to deliver the necessary roads, water and sewer connections by 2026 (Airport opening)?

108. TfNSW has disclosed that they are unable to give any timing as to when the required Aerotropolis roads will be upgraded or constructed. Industry have been informed that there has been no NSW Government decision to invest in these roads and have refused to give even an indicative timeframe for delivery. This is contrary to the \$1 billion of funding announced by the NSW Government in June 2021, which committed more than \$900 million to fund enabling works on lands near Bringelly, including remediation and road infrastructure.
109. TfNSW has also indicated that they do not believe that there is any prospect of the necessary connector roads being constructed by the time the airport opens for cargo operations in late 2025.
- (a) What action is the Government taking to ensure the necessary connector roads are constructed in a timely manner?
  - (b) When does the Government project these connector roads will be constructed?
110. Enabling road transport infrastructure is described as the Aerotropolis Roads Package, which identified 6 key road and transport projects in the Aerotropolis Precinct: Upgrade Elizabeth Drive, Upgrade Badgerys Creek Road, Upgrade Luddenham Road, Extending 15th Avenue to Badgerys Creek Road, Construction of the new Bradfield Metro Link Road and, Construction of the new Eastern Ring Road.
- (a) What is the status of each of these roads?
  - (b) When does the Government estimate each of these roads will be built?
  - (c) How much money is being provided by the:
    - i. NSW Government for each of these projects?
    - ii. Federal Government for each of these projects?
111. Who is the lead Minister for the Aerotropolis project?

**TOD – Other criteria**

112. Was 30 minutes on rail to a major centre a selection criteria for TOD sites?
- (a) If not, was there a time period on rail to a major centre a selection criteria for TOD sites?
    - i. If so (for (a)) – what is the time period that was made a selection criteria?
113. What definition of “major centre” was applied?

114. What were the parameters that were established “so that there was a distribution of the TOD locations”?
115. Was this applied to both the accelerated precincts and the 31 sites selected under the TOD SEPP?
116. What were the final parameters that were put in place for the selection of TOD sites?
117. When were parameters put in place for the selection of TOD sites?

### **Luddenham re-zoning**

118. Residents in Luddenham are concerned that “their community is dying” because of a lack of action from DPHI to rezone Luddenham
- (a) The Luddenham Village Discussion Paper was on exhibition from 8 October to 5 November 2021 for public comment – why has it taken so long to take action?
  - (b) The Government made the Luddenham re-zoning an election promise.
    - i. Has the Minister ever directed DPHI to make the Luddenham re-zoning a priority?
    - ii. If so, on what date?
119. What directions has Minister Scully given DPHI on the Luddenham re-zoning?
- (a) Has DPHI briefed the Minister on the Luddenham re-zoning?
    - i. If so, on what date?
    - ii. If not, why?
120. What engagement has DPHI had with the Federal Government around the finalisation of flight paths for the Western Sydney Airport?
- (a) Does DPHI have plans ready to go for the Luddenham rezoning, very soon after the flight paths are finalised?
    - i. How long will it take to release the Luddenham rezoning after the flight paths are finalised?
121. When will the rezoning of Luddenham be completed by?
- (a) When will the rezoning of Luddenham it be implemented by?
122. Will the people of Luddenham have certainty about what is happening in their community in regards of the re-zoning by the end of 2024?

123. What engagement has DPHI had with the local council over the Luddenham re-zoning?
124. Which section of DPHI is responsible for the Luddenham rezoning?
- (a) Why are they so slow?
125. What will DPHI do to ensure the full potential of Luddenham is realised?
126. Note: “The Department of Education confirmed Luddenham Public School would go from three to two classes in 2024, citing declining enrolments, with just 45 students last year.”  
What is DPHI’s response to this?

### **Orchard Hills re-zoning**

127. What is the progress with the rezoning of Orchard Hills?
- (a) When the DHPI website says “early 2024” can you specify a month in 2024?
- (b) When will the ‘zoning intent’ structure plan be released?
- (c) Can you give a commitment the exhibition will occur in this quarter?
128. When will the rezoning of Orchard Hills be completed?
129. When will the rezoning of Orchard Hills be implemented?
130. Will the people of Orchard Hills have certainty about what is happening in their community in regards of the re-zoning by the end of 2024?
131. The DPHI website says: “We are also adopting a staged approach to re-zoning land in Orchard Hills to better align with the planned delivery of new and upgraded infrastructure to service the precinct.”
- (a) Can you please outline this staged approach, and how it will occur?
- (b) What is the proposed timeline for the staged approach?
132. What upgraded and new infrastructure, apart from the Metro, will there be in Orchard Hills?
- (a) How much is it projected to cost?
- (b) Is there the funding available for this?
- (c) How much more funding is required?
- (d) Will there be a master planning process for Orchard Hills?
- i. If so, when will it begin?
- ii. If so, when it is estimated to be complete?

- iii. If not, why?
133. What coordination is happening with other Departments to ensure proper infrastructure provision in Orchard Hills?
- (a) With the Department of Education?
    - i. Please outline the progress which has been made?
  - (b) With the Department of Health?
    - i. Please outline the progress which has been made?
  - (c) With Transport for NSW?
    - i. Please outline the progress which has been made?
    - ii. With respect to road infrastructure?
    - iii. With respect to public transport, particularly rail and buses?
134. What is the status with the Per- and polyfluoroalkyl substances (PFAS) Contamination Investigation by the Department of Defence, to the best knowledge of the NSW Government?
135. The Orchard Hills community will have a consultation period after the rezoning is released – how long will this consultation be for?

### **St Marys revitalisation**

136. Given the Sydney Metro St Marys site, alongside the St Marys heavy rail line, what is the government's plan to assist in revitalising Queen Street and providing economic uplift to the St Marys CBD?
137. When will DPFI outline further the Government's plans to the St Marys community?
138. Will there be a rezoning in St Marys?
- (a) If so, when will there be an opportunity for community consultation?
    - i. When?
  - (b) When does DPFI anticipate any rezoning will be ready for implementation?
139. Will the Government provide funding for the revitalisation around the St Marys Station?
- (a) Will there be a master planning process for St Marys?
    - i. If so, when will it begin?

- ii. If so, when is it estimated to be complete?
- iii. If not, why?

### **Western Parkland City Authority**

- 140. It has been reported that the WPCA has only started construction on a visitor centre – is this true?
- 141. The WPCA has received \$500 million in grants, yet a visitor centre is all there is to show - with the airport opening in two years? What is the Government’s response to this poor progress?
- 142. Staff numbers in the WPCA have doubled over the last three years – what programs are these staff developing?

### **Pattern Book Designs**

- 143. The Coalition is supporting the idea proposed by Housing Now! to establish a pattern book of housing designs:
  - (a) How much funding has been provided within DPFI specifically for the pattern book design competition?
  - (b) When did the pattern book design process begin within DPFI?
  - (c) It has been reported in the press that a design competition to find the terrace and unit block designs have been “delayed amid budget constraints in DPFI” –
    - i. Has the process been delayed?
    - ii. When will the terrace designs be released for public feedback?
    - iii. When was the initial goal when pattern book designs were announced in November?
    - iv. When will the proposed “Interactive Map” be launched?
- 144. What stage are we presently at in the process of developing these pattern book designs?
  - (a) What is the next stage of the pattern book design development process?
    - i. What are all stages of the process from announcement to the first pattern book design homes being built? Is there a blueprint on how to progress – what is it?
  - (b) Has the Government established a timeline for the pattern book design program?

- i. If so, what is it?
  - (c) When does the Government intend on releasing designs for consultation?
  - (d) Has the Government set a goal for when the first pattern book design will be built by?
145. What consultation has the Government architect engaged in with private developers to put together pattern book designs?
146. Does the Government have a projection on how many pattern book designed homes could be constructed?
- (a) How has the Government sought to gauge interest amongst developers to build pattern book homes?
  - (b) What has been the results of interest amongst developers to build pattern book homes?
147. Industry has been saying that DPHI has shown a reluctance to a codes approach, with further reluctance to explore any solution that required legislation.
- (a) Can you outline why there is a reluctance towards a codes approach?
  - (b) Why would the Government not bring legislation to the Parliament about Pattern Book Designs?
148. How many designs does the Government intend on releasing?
- (a) What types of housing will pattern book designs include?
    - i. Will pattern book designs include duplexes, terraces, townhouses, manor houses?
    - ii. How many stories would be included in these designs?
149. Apart from faster approvals, has the Government considered any further incentives for homebuilders to use pattern book designs?
150. Has the Government given any consideration into what zoning pattern book designs would best be used in?
- (a) If so, what are the results?
151. What measures will be put into place to ensure that there is a variety in the design of housing in a street or suburb?

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

### **SEER Team**

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

- (a) What positions are members within the PLUSH teams within DPHI?
- (b) Who constituted or constitutes the SEER team?
- (c) What does SEER stand for?
- (d) Is the SEER team still active?

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### **Zoning of Land from the Land Use Audit**

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

- (a) What will the process be to re-zone the land into residential or mixed use zonings?
  - i. Can you please outline every stage in this process. It should be ready to go the moment the land is made available.
- (b) When does DPHI anticipate to start the re-zoning process for land identified in the land audit?
  - i. How long will it take?
  - ii. Does DPHI have the required resource to do this work?
- (c) What involvement will local councils have in the re-zoning of the land found for housing in the land use audit?
- (d) What opportunities have councils had, and will have, to provide feedback to the land use audit and eventual re-zonings?

## **Change to Department of Planning, Housing and Infrastructure (DPHI)**

155. What is the current number of staff within DPHI, by agency?
156. How many planners are employed by DPHI, as of today?
157. How many planners were employed by the Department of Planning and Environment on its final day of existence?
158. How many redundancies were made as a result of the following:
- (a) The restructure to DPHI?
    - i. If yes, how many redundancies, what were the cost of those redundancies and what were the bands of the staff who were made redundant?
  - (b) The abolition of the Greater Cities Commission?
    - i. If yes, how many redundancies, what were the cost of those redundancies and what were the bands of the staff who were made redundant?
159. How many Deputy Secretaries and Senior Executives responsible for Planning matters have left the Department, and received a pay out in the following months:
- (a) October 2023
  - (b) November 2023
  - (c) December 2023
  - (d) January 2024
  - (e) February 2024
160. Can you please provide an updated organisational chart for the Department of Planning, Housing and Infrastructure?
161. Were new staff hired with the establishment of the new Department for Planning?
- (a) If so, how many?
  - (b) Which agencies are recruiting and for how many positions?

## **Planning Portal Data**

162. Minister, you would be aware of media reporting about the inability of the NSW Planning Portal DA wait times to split approval times for various types of development. Average wait

times for DA's include everything from complex subdivisions to decisions on residential storm water drains.

163. Does this process single out councils which are in fact handling more complex housing DA's?
164. Liverpool Mayor Ned Mannoun has criticised this method of reporting, stating, "We should be measuring councils based upon the type of development – there's no point mixing in a pergola or a pool with as subdivision for 200 lots which is actually going to provide housing. Ultimately the numbers are flawed."
- (a) Does the Government agree with Ned Mannoun?
  - (b) If so, what is the Government doing in response to his valid concerns?
  - (c) If not, why not?
  - (d) Will you use this oversimplified mechanism to strip planning powers from Councils?
165. Liverpool builder and engineer Ammar Mendo told The Daily Telegraph, "the current planning portal was constantly down and slow to react,"
- (a) what is your response to Mr Mendo?
166. How many outages have there been on the Planning Portal over the last 9 months?
- (a) For every outage, name the reason, date and the length of time the outage occurred.
  - (b) Has the Department taken any action on complaints the Portal is "slow to react"?
167. How many development applications are in the Planning Portal, approved, but have not commenced construction?
- (a) If the Department does not keep this data, why?
168. What is the average time taken from approval to construction commencing? What is the Minister doing to get this timeframe down?

### **NSW Planning Performance Dashboard**

169. What is the timeframe in which the Department anticipates to upload new monthly information onto the NSW Planning Performance Dashboard?
- (a) How long has it taken to upload data for the following months:
    - i. July 2023
    - ii. August 2023

- iii. September 2023
  - iv. October 2023
  - v. November 2023
- (b) Why has data for December 2023 not been uploaded yet?
  - (c) Why has data for January 2024 not been uploaded yet?
  - (d) Will you resolve to have data uploaded to the dashboard within 15 working days of the month ending?
    - i. If not, why not?
    - ii. If not, can you commit to a time frame, in days, to load data to the dashboard?
170. Can you confirm why the following data is not publicly available for each Council:
- (a) The number of Full Time Equivalent planners assessing DAs
  - (b) Breaking down DAs on the Portal by size/value and for residential DAs, on the number of dwellings.
  - (c) Reporting on assessment times and submitted-to-lodged times according to the breakdown by size/value and number of dwellings.
  - (d) Number of DA withdrawals by each Local Council.
  - (e) Capturing and including the time that assessment is paused for while RFIs are outstanding
  - (f) Number of RFIs issued
  - (g) Number of Land and Environment Court cases in each LGA
  - (h) For all of the above, will they be included in the Premier's new "League Tables" Program announced at the Bradfield Oration in November 2023?
171. Concerning the announcement by the Premier, the Hon Chris Minns MP, at the Bradfield Oration in November 2023 to introduce new League Tables for Planning:
- (a) What will the league tables include?
  - (b) When will the league tables be up and available to view?
  - (c) How much will this initiative cost?
  - (d) What are the requirements for data within DPHI, other Departments and Councils?

- (e) When will data be available for housing approval times and delays for state-significant developments?
  - i. Please provide housing approval times for all state-significant developments, as of this date?
  - ii. Please provide the length of delay, for all state-significant developments, as of this date?
- (f) When will data be available for the average number of days it takes for all councils to turn around a development application?
  - i. How many days does it take every LGA in NSW to turn around a new housing development application (excluding modifications of existing homes)?

### **Planning Portal – General**

172. In the last twelve months, how many complaints has the Department of Planning, Housing and Infrastructure received about the NSW Planning Portal?
- (a) Please provide a breakdown of the different types and sources of complaints be provided, with the number of each?
173. Does DPPI track response times for Planning Portal enquiries from Councils and Certifiers, including time to respond to enquiries and the percentage of enquiries resolved, and can this information be made available?
174. Is DPPI aware of calls for the reliability of the Planning Portal to be improved, ensure correct legislation is included, for it made more user friendly and increased training provided for Portal Help Centre staff?
- (a) What action has been taken to respond to these concerns?
175. Does DPPI formally and regularly consult with building industry stakeholders, including Certifiers, before implementing enhancements, changes and amendments to the NSW Planning Portal?
- (a) What consultation has occurred since 1 July 2023?
176. Is it correct that enhancements made to the NSW Planning Portal on or about 1 September 2023 failed to distinguish between Exempt Development and Complying Development?
- (a) How did DPPI become aware of the issue?
  - (b) Why did it take a month to fix?

- (c) How did DPHI assist applicants and others to obtain their necessary building approvals in the meantime?
  - (d) What action has been taken to ensure similar issues do not happen again?
177. Did further enhancements and upgrades on 1 October 2023 regarding BASIX and the Home Building Contribution Fund cause further issues for applicants seeking to access the NSW Planning Portal?
- (a) On this occasion, how long did resolving the issues take and how did the Department assist applicants and others to obtain their necessary building approvals in the meantime?
178. Bathurst Regional Council has called the NSW Planning Portal “a key blockage to faster and easier approvals” and “a system that is clumsy, far from customer friendly, hardly intuitive, is often off-line, requires frequent work arounds and which has consumed considerable staff resources to manage.”
- (a) What is the Government’s response to this?
179. Bathurst Regional Council “used to be able to guarantee a 24 hour turnaround time on CDCs for new dwellings, the best performance in NSW.” Now it is unable to do so as a result of the Planning Portal.
- (a) What is the Government’s response to this?
180. Does the Department have a forward plan for the ongoing improvement of the NSW Planning Portal, and does that forward program include - more work on the detailed technical user interface and streamlining the usability of the portal for Certifiers receiving CDC, Subdivision and Post consent certification applications; further development of the detailed technical user interface and streamlining the usability of the portal for Councils assessing and receiving DA lodgement.; and establishing a dedicated helpdesk for Certifiers and Councils to resolve issues and enquiries promptly, with helpdesk and technical resources to resolve errors and issues with the Portal, as requested by stakeholders?
- (a) If not, why not?

## **Certifiers**

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

182. Has DPHI done any modelling of how many Certifiers will be required each year to meet the housing targets?
183. Is DPHI aware of, and if so, concerned about statements by Certifiers that their critical sector of the construction and housing sectors is ageing, declining in numbers and not attracting sufficient new Certifiers to meet demand?
- (a) What steps is the Government taking to ensure sufficient Certifiers to meet its stretch housing targets?

### **Wakefield Park Motor Racing Circuit**

184. Minister, you promised to provide \$1 million for noise mitigation to reopen Wakefield Park, has \$1 million been provided towards any of the noise mitigation works that have been undertaken?
- (a) If \$1 million has not been provided, how much money has been?
185. Minister Scully said in April 2023: “We will have the Department of Planning, Goulburn Mulwaree Council, and the Office of Sport work on a plan to get Wakefield Park reopened.”
- (a) What plan has DPHI provided towards the facility’s reopening?
186. With respect to the planning aspects of the NSW Motorsport Strategy, what work has been undertaken to date?
187. Does the Government have an understanding of the total cost that has been undertaken towards reopening the facility?
- (a) If yes, what is total cost to date?
- (b) If no, does the government plan to support this expenditure?
- (c) When?
188. Who is the owner of Wakefield Park Motor Racing Circuit?
- (a) Is the Government looking for a new owner?
- i. If so, is there a tender process ongoing?
189. Who is the operator of Wakefield Park Motor Racing Circuit?
- (a) Is the Government looking for a new operator?
- i. If so, is there a tender process ongoing?

## **Feasibility Modelling**

190. When will the NSW Government release the forecasts and modelling that underpin the assumptions being made for housing yields under the Transport Oriented Development Program and the Low-and Mid-Rise Housing Reforms.
191. Has DPHI conducted any feasibility modelling into the following:
- (a) TOD – Accelerated Precincts
  - (b) TOD SEPP Precincts
  - (c) Low Rise Housing Reforms
  - (d) Medium Rise Housing Reforms
192. What were the results of this feasibility modelling?
193. Will this feasibility modelling be released publicly at any time?
- (a) If so, when?
  - (b) If not, why not?
  - (c) If not, because it is cabinet-in-confidence, for what reasoning was this information made cabinet-in-confidence?
194. What is the average cost of construction assumed in the TOD and Low-and Mid-Rise Housing Reforms for the various different property types included:
- (a) Dual occupancy
  - (b) Terrace homes
  - (c) Manor house
  - (d) Town house
  - (e) Free standing house
  - (f) If this data does not exist, how is any feasibility modelling conducted without knowing this key information?

## **Biodiversity**

195. Without government investment, the biodiversity offsets credit market seems unable to mature on its own. Recognising this, the previous Government made an initial investment of \$106.7m to create the Biodiversity Credits Supply Fund and Taskforce to improve

biodiversity outcomes by working with private landholders to conserve their land and generate biodiversity credits.

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

- (a) Given the success to date, will that investment be increased?
- (b) If yes, how much will it be increased by?
- (c) If not, why not?

### **Urban Development Program (UDP)**

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

- (a) Is the UDP approach still a priority?
  - i. If not, why not?
  - ii. If so, what resourcing will be provided so we can accurately measure our efforts and identify where we need to work harder to meet the Housing Accord commitment?

### **Public Open Space**

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

- (a) So what are the various “different methods of data collections” across every LGA?
- (b) Does DPHI not consider this data important when making planning decisions?
  - i. Then why is this data it not available?

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

- (a) Bayside?
- (b) Burwood?
- (c) Canada Bay?
- (d) Hornsby?
- (e) Hunter's Hill?
- (f) Inner West?
- (g) Ku-ring-gai?
- (h) Lane Cove?
- (i) Mosman?
- (j) North Sydney?
- (k) Northern Beaches?
- (l) City of Randwick?
- (m) City of Ryde?
- (n) Strathfield?
- (o) City of Sydney?
- (p) Waverley?
- (q) City of Willoughby?
- (r) Woollahra?
- (s) City of Blacktown?
- (t) Canterbury-Bankstown?
- (u) Cumberland?
- (v) Georges River?
- (w) City of Parramatta?
- (x) Sutherland Shire?

- (y) The Hills Shire?
- (z) City of Cessnock?
- (aa) City of Lake Macquarie?
- (bb) City of Maitland?
- (cc) City of Newcastle?
- (dd) Port Stephens?
- (ee) City of Blue Mountains?
- (ff) Camden?
- (gg) City of Campbelltown?
- (hh) City of Fairfield?
- (ii) City of Hawkesbury?
- (jj) City of Liverpool?
- (kk) City of Penrith?
- (ll) Wollondilly?
- (mm) Central Coast?
- (nn) Kiama?
- (oo) City of Shellharbour?
- (pp) City of Shoalhaven?
- (qq) City of Wollongong?
- (rr) Bellingen Shire?
- (ss) Clarence Valley?
- (tt) City of Coffs Harbour?
- (uu) Kempsey Shire?
- (vv) Mid-Coast?
- (ww) Nambucca Valley?
- (xx) Port Macquarie-Hastings?
- (yy) City of Albury?

(zz) Balranaid Shire?  
(aaa) Berrigan Shire?  
(bbb) Edward River?  
(ccc) Federation?  
(ddd) Greater Hume Shire?  
(eee) Murray River?  
(fff) Wentworth Shire?  
(ggg) Bland Shire?  
(hhh) Carrathool Shire?  
(iii) Coolamon Shire?  
(jjj) Cootamundra-Gundagai Regional?  
(kkk) City of Griffith?  
(lll) Hay Shire?  
(mmm) Junee Shire?  
(nnn) Leeton Shire?  
(ooo) Lockhart Shire?  
(ppp) Murrumbidgee?  
(qqq) Narrandera Shire?  
(rrr) Snowy Valleys?  
(sss) Temora Shire?  
(ttt) City of Wagga Wagga?  
(uuu) Wingecarribee?  
(vvv) Dungog Shire?  
(www) Muswellbrook Shire?  
(xxx) Singleton?  
(yyy) Upper Hunter Shire?  
(zzz) Ballina Shire?

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

(bbbb) Cabonne Shire?  
(cccc) Cowra Shire?  
(dddd) Forbes Shire?  
(eeee) Lachlan Shire?  
(ffff) City of Lithgow?  
(gggg) Mid-Western Regional?  
(hhhh) Oberon Shire?  
(iiii) City of Orange?  
(jjjj) Parkes Shire?  
(kkkk) Weddin Shire?  
(llll) Bogan Shire?  
(mmmm) Bourke Shire?  
(nnnn) Brewarrina Shire?  
(oooo) Cobar Shire?  
(pppp) Coonamble Shire?  
(qqqq) Dubbo Regional?  
(rrrr) Gilgandra Shire?  
(ssss) Narromine Shire?  
(tttt) Walgett Shire?  
(uuuu) Warren Shire?  
(vvvv) Warrumbungle Shire?  
(wwww) City of Broken Hill?  
(xxxx) Central Darling Shire?

### **Appin Development**

199. What is the status of negotiations between DPHI and Walker Corporation over infrastructure funding to support the Appin Development?
200. When is it anticipated that these negotiations will be finalised?

201. What infrastructure will be included to ensure that Appin has more than sufficient infrastructure to support the
202. Will the single-lane bridge at Broughton Pass be upgraded?
203. How will the bushfire risk be managed in Appin?
204. Council voted unanimously to demand a written assurance from the state government that there would be infrastructure in place to allow for safe evacuation – what is the progress on this?

### **LEP Updates**

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

### **Short-Term Rental Accommodation (STRA)**

206. I understand Minister Jackson is leading the Review of Short-Term Rental Accommodation, but DPHI was not at her Budget Estimates hearing, hence the below questions:
  - (a) Have you canvassed what rate to set a potential STRA tax at?
  - (b) Will the Government rule out a STRA tax impacting the entire state?
  - (c) Would the Government consider a STRA tax, but only in certain postcodes or LGAs?
  - (d) Has the Government considered a Tourist Tax in Sydney and other holiday areas, similar to measures adopted in other cities such as Paris?

- (e) Can you clarify the timeframes involved in the development and release of the recent STRA Review Discussion Paper? Given the complexity of the issues addressed in the paper, why was the industry provided less than one month to respond?
- (f) Has the Government considered expanding the caps on STRA which were announced in the Byron Shire last year, more widely throughout the state?
- (g) What is the progress on the 60-day rental cap in the Byron Shire?
  - i. In the Byron Shire, has there been any progress in freeing up long-term rental housing?
- (h) What proof is there to show that limiting STRA will have any benefit on the long-term rental market by freeing up supply?
- (i) Has the government conducted any economic analysis regarding the impact of STRA on the NSW economy?
- (j) Has the government conducted any comparative analysis of STRA regulations in other jurisdictions, both nationally and internationally? What insights or best practices have been identified from and how are they being incorporated into the development of STRA policy in NSW?
- (k) Has the government reviewed the findings of the recent Urbis regarding the economic impact of STRA in NSW?
  - i. What is the response of the Government?
- (l) Can the government provide an update on the status of discussions with industry stakeholders and community representatives regarding the proposed reforms outlined in the STRA Review Discussion Paper?
- (m) What measures are being taken to ensure that diverse perspectives and interests from a range of stakeholders in the STRA industry are adequately represented in the policymaking process?
- (n) Has the Government conducted any modelling on how a STRA tax would increase hotel room prices?
  - i. What were the results of this modelling?
  - ii. Will the modelling be released publicly?

- (o) What modelling has been conducted by Government about the potential negative impact on tourism and local economies if overly restrictive regulations are imposed on the STRA sector?
  - i. What were the results of this modelling?
  - ii. Will the modelling be released publicly?
- (p) Has it been estimated or modelled how much more money STRA landlords are making from renting out their property for STRA, rather than long-term rentals?
  - i. What were the results of this modelling?
  - ii. Will the modelling be released publicly?
- (q) Can you please provide a list of STRA registrations in NSW broken down by postcode and LGA?
- (r) How many people stayed in STRA accommodation in NSW in 2023?
  - i. Are these figures available by LGA? Please make available if so.
- (s) Is it known how many of these people were visiting NSW from interstate and overseas?
- (t) How many people stayed in hotels in the Sydney Metro in 2023?
- (u) How many people stayed in hotels in NSW in 2023?
- (v) What was the economic benefit of STRA accommodation on the NSW economy in 2023?
- (w) How much would caps on STRA accommodation cost the NSW economy every year?
  - i. Has this modelling been conducted?
  - ii. What were the results of this modelling?
  - iii. Will the modelling be released publicly?
- (x) Can you clarify the timeframes involved in the development and release of the recent STRA Review Discussion Paper? Given the complexity of the issues addressed in the paper, why was the industry provided less than one month to respond?

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

- (a) Given there is a substantial amount of readily available data, has there been any qualitative and quantitative analysis undertaken to evaluate the effectiveness the current framework?
- (b) Can the government provide insights into the number of complaints received and enforcement actions taken by local councils?

### **Independent Productivity, Probity & Policy Advisory Committee (IPPPAC)**

- 208. What was the membership of the Independent Productivity, Probity & Policy Advisory Committee (IPPPAC)?
- 209. When did the IPPPAC last meet?
- 210. How regularly did the IPPPAC meet?
- 211. What notice was given to members of the IPPPAC regarding the abolition of the committee?

### **Cherrybrook Precinct**

- 212. The Place Strategy controls are very new, only adopted in December 2022. Can the Government guarantee for the local community that the adopted height and densities will not be exceeded?
- 213. Can the Government guarantee that a new School will be located within the Cherrybrook precinct?
- 214. Can the Government assure the community that a site for additional sports fields will be located within the Cherrybrook precinct?

### **Moore Park Golf Course Repurposing**

- 215. Did the Premier consult you as the Minister for Planning and Public Spaces before making the decision to repurpose part of Moore Park Golf Course into a public park?
- 216. Was DPHI consulted directly before making the decision?
- 217. Did the Government undertake a business case, social impact or economic impact study before making the decision to repurpose part of Moore Park Golf Course?
- 218. The Moore Park Golf Course currently generates around \$15 million in revenue per year, more than half of that revenue goes to maintaining Centennial Parklands spaces and facilities... how will the government fund the blackhole in revenue created when the course is repurposed to nine holes?

219. How much will the repurposing of Moore Park Golf Course into a public park cost the taxpayer?
220. Your own consultation report says the site for repurposing the course is “unattractive, noisy, has inadequate public access and is not appropriately serviced by public transport.” Is the repurposing:
- (a) Uncosted?
  - (b) Unplanned?
221. Why will the Government not be open minded to a redesign that would keep all 18 holes and give the public greater access to the course and save the taxpayers money?

<b>Questions from Ms Sue Higginson MLC</b>
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### **Planning and Public Spaces**

Referral powers under the Environment Protection and Biodiversity Conservation (EPBC) Act

222. Is there a process or policy that outlines when a Minister considers a development for referral under section 69A of the EPBC?
- (a) What is the process or policy?
  - (b) Can the Secretary of the Department provide advice to the Minister on a referral matter without a direct request?
  - (c) What are the criteria assessed by the Secretary when providing advice to the Minister about a development that might be referred to the Federal Minister?
    - i. Further multi-level list
223. How many developments in the current financial year, to date, have been referred by the NSW Minister for Planning to the Federal Minister of the Environment using section 69A of the EPBC?
- (a) How many occurred in the 22-23 financial year?
    - i. List the projects, proponents and how the decision was taken to make the referral?
  - (b) How many occurred in the 21-22 financial year?
    - i. List the projects, proponents and how the decision was taken to make the referral?

- (c) How many occurred in the 20-21 financial year?
    - i. List the projects, proponents and how the decision was taken to make the referral?
  - (d) How many occurred in the 19-20 financial year?
    - i. List the projects, proponents and how the decision was taken to make the referral?
  - (e) How many occurred in the 18-19 financial year?
    - i. List the projects, proponents and how the decision was taken to make the referral?
224. What are the lawful consequences of a person taking an action that will have an impact on Matters of National Environmental Significance (MNES) without first referring the action under the EPBC?
- (a) Is the NSW Government concerned that people will be exposed to risk of legal consequences by not referring actions to the Federal Government that will impact MNES?
  - (b) Is the NSW Government concerned that MNES will be exposed to impacts due to non-compliance with requirements to refer actions under the EPBC?
225. List the developments that are currently subject to consideration for referral by the Minister under the EPBC?
226. List the developments that are currently subject to the preparation of advice for the Minister for referral under the EPBC?

### **NSW Reconstruction Authority**

227. How many houses have now been approved for buyback in the Northern Rivers?
- (a) How many houses in the Lismore Local Government Area?
    - i. How many have been settled?
    - ii. How many still contain residents under transitional arrangements?
  - (b) How many houses in the Byron Local Government Area?
    - i. How many have been settled?
    - ii. How many still contain residents under transitional arrangements?

- (c) How many in the Ballina Local Government Area?
    - i. How many have been settled?
    - ii. How many still contain residents under transitional arrangements?
  - (d) How many in the Tweed Local Government Area?
    - i. How many have been settled?
    - ii. How many still contain residents under transitional arrangements?
  - (e) How many have not been approved
228. How many houses have now been approved for raising in the Northern Rivers?
- (a) How many houses in the Lismore Local Government Area?
    - i. How many have been raised?
  - (b) How many houses in the Byron Local Government Area?
    - i. How many have been raised?
  - (c) How many in the Ballina Local Government Area?
    - i. How many have been raised?
  - (d) How many in the Tweed Local Government Area?
    - i. How many have been raised?
229. How many houses have now been approved for retrofits in the Northern Rivers?
- (a) How many houses in the Lismore Local Government Area?
    - i. How many have been retrofitted?
  - (b) How many houses in the Byron Local Government Area?
    - i. How many have been retrofitted?
  - (c) How many in the Ballina Local Government Area?
    - i. How many have been retrofitted?
  - (d) How many in the Tweed Local Government Area?
    - i. How many have been retrofitted?
230. How many houses for each Local Government Area have been demolished in the Northern Rivers?

231. How many houses for each Local Government Area have been relocated in the Northern Rivers?
- (a) How many of these houses have been ‘gifted’?
  - (b) How many have been relocated within each Local Government Area?
  - (c) How many have been relocated to other Local Government Areas in the Northern Rivers?
    - i. For each Local Government Area, how many houses have been relocated into those areas from other Local Government Areas in the Northern Rivers?
  - (d) How many have been relocated outside of the Northern Rivers?
232. How many entities have been the subject of contracts to maintain properties that are managed by the Reconstruction Authority?
- (a) List the entities?
  - (b) What is the total cost of contracts to maintain vacant properties?
  - (c) What is the scope of work that is being undertaken to maintain properties managed by the Reconstruction Authority?
  - (d) What is the average cost per property that is being maintained?
233. What is the total cost of temporary accommodation for people impacted by floods since February 2022?
- (a) How many people in the Northern Rivers are still in temporary housing in each Local Government Area?
  - (b) How much of this has been spent on AirBnB accommodation?
    - i. How much in the 2021-22 Financial Year?
    - ii. How much in the 2022-23 Financial Year?
    - iii. How much, to date, in the 2023-24 Financial Year?
  - (c) How much of this has been spent on motel accommodation?
    - i. How much in the 2021-22 Financial Year?
    - ii. How much in the 2022-23 Financial Year?
    - iii. How much, to date, in the 2023-24 Financial Year?

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

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

### **Coal Project Modifications**

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

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

i. List the modification numbers?

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

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

i. List the modification numbers?

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

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

i. List the modification numbers?

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

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

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

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

237. How many modifications for coal projects have been determined to require a new assessment process in the financial year:

(a) 23-24?

(b) 22-23?

(c) 21-22?

(d) 20-21?

(e) 19-20?

(f) 18-19?

### **Planning Reforms**

238. What is the total area of land that will be subject to the Transport Oriented Development State Environment Planning Policy (TOD SEPP)?

(a) What is the total area that is currently zoned for residential purposes?

(b) What is the total area that is currently zoned for amenity, environment and recreation purposes?

(c) What is the current number of residential developments in the total area?

(d) What is the current estimated population of the total area?

(e) What is the estimated increase in the number of residential dwellings in the total area if the TOD SEPP was fully implemented to its full capacity?

(f) What is the estimated increase in the number of residents in the total area if the TOD SEPP was fully implemented to its full capacity?

(g) What is the total increase in area that would be zoned for amenity, environment and recreation purposes if the TOD SEPP was fully implemented to its full capacity?

239. What is the total area of land that is zoned R2 or R3 in NSW?

(a) What is the projected average increase in dwellings if the diverse and well located homes program was implemented in accordance with the version taken for public consultation?

i. What is the estimated increase for each Local Government Area?

(b) What is the projected maximum increase in dwellings if the diverse and well located homes program was implemented in accordance with the version taken for public consultation?

i. What is the estimated increase for each Local Government Area?

240. How many Councils have, in writing, responded favourably to the TOD SEPP?

(a) How many have responded critically?

241. How many Councils made submissions to the consultation on the diverse and well located homes program?

- (a) How many were supportive?
  - (b) How many were neutral?
  - (c) How many were critical?
242. How many submissions were received to the expression of intended effects for the diverse and well located homes program?
- (a) Are these submissions publicly available?
    - i. If yes, where?
  - (b) How many were supportive?
  - (c) How many were neutral?
  - (d) How many were critical?

### **Coffs Harbour Jetty**

243. What was the value of the land on the Coffs Harbour Foreshore that was transferred from Crown Lands to the Department of Planning for the purposes of development?
- (a) What was the value of the offer made by the City of Coffs Harbour for the same land?
    - i. What was the offered price for the land?
    - ii. What was the estimated value of the 2 blocks offered by the Council as part of the proposal?
  - (b) What return value on land sales is considered appropriate compensation?
244. How many representations have been received from members of the community about the proposed development on the Coffs Harbour Foreshore?
- (a) How many representations have been received by entities other than members of the community?
    - i. How many of these are business interests?
  - (b) Under what circumstances would the Department consider a volume of correspondence from a particular source to be unreasonable?
    - i. Does the Department refuse to respond to correspondence after it is deemed to be an unreasonable volume?

- ii. Is there any process within the Department to place certain senders of correspondence on contact restrictions or any similar system?
245. What definition or assessment is applied by the Department when considering whether two different plans are materially the same or different?
- (a) Was this assessment used to inform the statement by the Secretary on page 95 of the transcript that “nor was the uses materially different from what the state was intending to do anyway”.

**Assessment and determination of major projects**

246. Since the NSW IPC was established in 2018, how many times has the Minister directed or requested the IPC to hold a public hearing with respect to a State Significant Development Application?
- (a) How many of these applications were proposed mining activities?
247. How many applications for development consent for coal or gas mining activities have been determined under the Environmental Planning and Assessment Act since 2018 for which the Minister has not directed or requested a public hearing be held by the IPC?
- (a) Has a decision been made to request or direct the IPC to hold a public hearing with respect to the following projects:
    - i. Hunter Valley Operations Continuation North?
    - ii. Hunter Valley Operations Continuation South?
  - (b) Are there any plans to review the practice - under the former government - of instructing the NSW IPC to hold ‘Public Hearings’ only for mining projects?
248. Other than the power to compel witnesses, is the only difference between the NSW IPC’s ‘Public Hearing’ and a ‘Public Meeting’, that the former extinguishes merits appeal rights, whereas the latter does not?
249. The NSW IPC’s Public Meeting Guidelines state that a “public hearing is only held if a formal request is made by the Minister for Planning”. What is the decision-making process and the criteria used to judge whether the IPC should be instructed to conduct a ‘Public Hearing’ for a project that has been referred to it?
250. Do you agree that communities objecting to at least 5 renewable energy projects in NSW assessed since April 2023 (where 50 or more unique objections have been made to NSW

DPE during the EIS phase of the development) have retained merits appeal rights whilst also benefiting from an IPC assessment process that includes a Public Meeting?

251. NSW DPE received 50 or more unique objections to both the HVO Continuation Project and Moolarben OC3 Extension Project. As Minister, do you agree that should you choose not to instruct the IPC to hold a 'Public Hearing' for these projects, that an IPC panel convened to determine these applications would likely choose to hold a Public Meeting (noting NSW IPC correspondence to Lock the Gate Alliance dated 29 February 2024 that states: "it is reasonable to say that a Panel is more likely than not to exercise its discretion to conduct a public meeting in relation to an application that has attracted 50 or more objections during public exhibition")?
252. Given the ICAC's historical concerns about actual or perceived corruption in regard to coal mining in NSW, and the conclusion that by ICAC that merits appeal rights were a 'disincentive to corrupt conduct' is the NSW Government concerned that a clear pattern emerged under the former Coalition government where the only class of development routinely denied merits appeal rights was for mining projects (predominantly coal mine projects)?