

## Budget Estimates 2024-25 – Questions on Notice – Planning and Public Spaces

The uncorrected transcript can be found [here](#)

Q#	Pg.	Question (Transcript)	Answer
1	4	<p>The Hon. SCOTT FARLOW: How many potentially suitable town centres were provided to Northern Beaches Council in the Pittwater electorate as part of the initial list prior to the council's workshop with the department?</p> <p>Mr PAUL SCULLY: I wasn't directly involved in those. That was a discussion between officers of the department and officers of the council. Ms Gibson may be able to shed some more light on that, but she may also not have that information in front of her.</p> <p>MONICA GIBSON: How about I get that, and we can provide that?</p>	<p>The Department engaged with the Northern Beaches Council to discuss around 13 proposed town centres within the Northern Beaches LGA, and there are nine locations identified in the final policy. The vast majority of these centres were endorsed by council officers.</p>
2	6	<p>The Hon. SCOTT FARLOW: Well, to the point in terms of Parramatta, how many sites did the department exhibit or go to a workshop with Parramatta Council on?</p> <p>Mr PAUL SCULLY: Much like the Northern Beaches, I think we'd have to take that on notice.</p> <p>KIERSTEN FISHBURN: We'll take that on notice and come back in the afternoon</p>	<p>The Department met with the City of Parramatta Council for a workshop and Department staff have had a follow up meeting with council staff.</p> <p>The Department engaged with City of Parramatta Council to discuss around 20 stations and centres, some of which were combined, and there are five locations identified in the final policy.</p> <p>Some locations were not considered as they did not meet the goods and services requirements outlined in the policy. Others were not considered due to other planning matters, including the proposed rezoning of Parramatta North and master planning activities Council already has underway in the local government area.</p>
3	8	<p>The Hon. JOHN RUDDICK: But am I correct in thinking that, as of today, physical construction hasn't begun anywhere with the TODs? We're still going through a lot of paperwork.</p> <p>Mr PAUL SCULLY: I couldn't tell you if physical constructions have started on those that are approved and have the planning approval. I would have to take that detail on notice. But, as with all planning</p>	<p>The Department is not aware of any construction having commenced at the approved TOD SSD site (Telstra Exchange Site, St Leonards).</p> <p>The Department is also not aware of construction having commenced at Five Ways (IFA) or Nicholson Street (BtR), both within the Crows Nest/St Leonards TOD.</p>

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		change— planning changes, unlike a cash stimulus or something like that, don't necessarily produce a result overnight. You don't announce a change to a SEPP, introduce it and then the next day you get an apartment building. It's often the case that you go through a process where people have to buy the land. They have to do their planning. They have to get it into the relevant consent authority. They have to get their approval. They need to get their construction certificate to get underway. At the same time, they've got to organise finance. Often they've got to do pre-sales and the like. So there is a time consideration in some of these sorts of things, but we're starting to see those coming out of the ground. I think you'd be excited to see our results for our affordable housing SEPP bonus changes, which I'm sure we might come to in time	
4	14-15	<p>The Hon. JACQUI MUNRO: So we've got a different list of major centres, and one of the other requirements in an early explanation of intended effect document was that fewer than 20 per cent of new dwellings were built within 10 kilometres of the CBD. What is the number of dwellings that you expect to be built within 10 kilometres of the CBD under the LMR?</p> <p>Mr PAUL SCULLY: Over what timeline?</p> <p>The Hon. JACQUI MUNRO: You're using five years at the moment.</p> <p>Mr PAUL SCULLY: I think we've been using five and we've been using 15, but the exact numbers we can take on notice.</p> <p>MONICA GIBSON: We definitely have to take that on notice and calculate by council area, not by as the crow flies</p>	The Department's modelling of expected uptake of the Low and Mid-Rise reforms is Cabinet-in-Confidence. However, this modelling has informed the local government area (LGA) targets as part of the projected dwelling components of individual LGA targets. The housing targets are publicly available on the Department's website.
5	15	<p>The Hon. SCOTT FARLOW: With respect to that, is that an assessment which is done on that development, or is it done on the entirety of the contributory density in that area?</p> <p>DAVID GAINSFORD: Mr Farlow, I don't have the details at hand specifically about the planning controls related to that site. I would need to take some advice, but there are some projects that have been declared as State significant developments that are proposing rezonings and looking at changes to existing controls.</p>	The HDA does not undertake a merit assessment. It assesses proposals against the published expression of interest (EOI) criteria that aims to identify individual development proposals which are ready to be built and will deliver high numbers of homes in well-located areas. Matters such as building height and flight noise contours will be considered as part of the Department's merit assessment of the state significant development (SSD).

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		One of the things that we've said about the Housing Delivery Authority is that local environment plans apply. So, in the absence of a rezoning, we would be applying those requirements within the LEP. If there are requirements that have been put forward by the applicant to change those controls, it would also go through a concurrent rezoning process.	The proposed development is permissible in the existing R1 General Residential Zoning but would require a concurrent rezoning to amend the floor space ratio (FSR) control.
6	20	<p>The CHAIR: Minister, I just want to take you to the Court of Appeal decision that found that the Bowdens silver mine approval was null and void.</p> <p>How many times has your office or the department met with the mining proponent, their lawyers or their lobbyists?</p> <p>Mr PAUL SCULLY: I'd have to take that on notice.</p>	<p>The Department has met with the proponent seven times since the Court of Appeal decision. Legal representation was present for two of these meetings.</p> <p>The Minister's Office has held two meetings.</p>
7	20	<p>The CHAIR: You can take it on notice. The current Bowdens modelling for lead exposure is very confusing. It's quite opaque and it's quite unclear. That is an issue pointed out by Australia's leading lead poisoning specialist, Professor Mark Taylor. But, as we know, the mine plans to exploit 95,000 tonnes of lead within two kays from a primary school. Will you insist or will you require your department insist that the proponent release</p> <p>their full modelling, given the community's concern around the clear risk of lead poisoning and its proximity to a primary school?</p> <p>Mr PAUL SCULLY: It might be worthwhile just getting an update from Mr Gainsford or Mr Preshaw as to what's happened and what's there.</p> <p>The CHAIR: I can happily take it up. I'll take that up with them afterwards.</p> <p>Mr PAUL SCULLY: I don't know whether it's commercial in confidence, so I'd have to take that on notice. There might be elements that can't be published</p>	<p>The Air Quality Assessment assessed the concentration of lead in suspended particulates by applying different metal contents for each dust emissions source from the mine (for example, soils, remobilisation of concentrated lead ore, waste rock etc) based on extensive sample analysis.</p> <p>The Human Health Risk Assessment then assessed accumulation of dust in soil and produce using dust deposition rates from the air dispersion model to estimate levels of metals that might be added to the soil over time (including metals in dust emissions from the project and existing lead in soil and dust). Very conservative figures (for example, assessment assumed dust deposits for 70 years and the concentration at the end of the 70 years) were used to calculate exposures. Modelling assumed deposition of lead was 0.7667 mg/m2/year. Background dust deposition rates were 1g/m2/month.</p> <p>The Department engaged an independent lead expert, Dr Roger Drew, to undertake a technical review of the human health risk assessments.</p> <p>The Department also consulted with relevant agencies (the EPA and NSW Health).</p>

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			<p>The project was also assessed by the IPC, which considered submissions from independent experts such as Professor Mark Taylor before making its decision and approving subject to strict conditions.</p> <p>All the information is publicly available as part of the EIS process.</p>
8	20	<p>The CHAIR: Since that case, how many times has your office or the department met with the residents of Mudgee, particularly those people who are opposed to the mine and concerned?</p> <p>Mr PAUL SCULLY: Sorry, is that office and department?</p> <p>The CHAIR: Yes.</p> <p>Mr PAUL SCULLY: Again, I'd have to take that on notice.</p> <p>The CHAIR: You can take it on notice.</p>	<p>The Department undertook extensive engagement with the local community during the assessment of the project.</p> <p>This included engagement with the Lue Action Group (LAG) since 2013, site visits with LAG and eight landowners and attendance at six Community Consultative Committee (CCC) meetings. The Department has also offered to meet with the Mudgee District Environment Group to provide an update on the status of the project.</p>
9	20	<p>The CHAIR: Are you aware that there are serious concerns about its [Independent Expert Advisory Panel for Mining] independence? For example, several members of that panel are from EMM Consulting, which works very closely with coal companies and is a member of the Minerals Council.</p> <p>Mr PAUL SCULLY: Prior to your question/statement, no-one has raised any questions of the independence directly with me. I'm unaware whether that's been raised with any of the departmental officers or not.</p> <p>The CHAIR: Minister, how can the public trust the independence of a mining advisory panel where members are actively working for coal consultancies like EMM?</p> <p>Mr PAUL SCULLY: You're presenting this information. I'm hearing it for the first time right now, so I think I—</p> <p>The CHAIR: Would you mind taking it on notice, then, please, Minister?</p> <p>Mr PAUL SCULLY: I'll have a look at it in fuller detail.</p>	<p>The Independent Expert Advisory Panel for Mining has a publicly available conflict of interest policy that acknowledges panellists are likely to be recognised experts in the field as a result of having worked within the area.</p> <p>There is a requirement to disclose all of those potential conflicts and, therefore, be excluded if those conflicts are present.</p> <p>There are 18 permanent members of the Panel. Of those, there are currently two members that have affiliations with EMM. There is one other person on the Panel that was previously employed by EMM.</p> <p>Of the 18 members on the Panel, there are also three experts in greenhouse gas emissions. That is something that has recently been brought on as part of the Panel. None of those members work for EMM.</p>
10	20-21	<p>The CHAIR: Why doesn't the Independent Expert Advisory Panel for Mining website disclose the industry affiliations of its members, particularly those working for EMM? How many members of the mining</p>	<p>I refer you to the response provided to Question on Notice 9.</p> <p>The website for the Independent Expert Advisory Panel for Mining explains the purpose and nature of the work of the Panel. To support</p>

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	<p>advisory panel currently or previously worked for mining companies or their consultants? And, finally, given that</p> <p>EMM's recent work for coal companies ignored emissions reduction trajectories, do you still consider their advice reliable on environmental matters?</p> <p>Mr PAUL SCULLY: I haven't had any reason to doubt the advice I've been getting from the independent expert panel—</p> <p>The CHAIR: Does what I've told you give you reason to be concerned?</p> <p>Mr PAUL SCULLY: If I could just finish, Chair. As I said, I haven't had any reason. I haven't had anyone draw to my attention any concerns about that. I'm happy to have a look at the claims that you've just put in front of the Committee.</p> <p>The CHAIR: Thank you.</p> <p>KIERSTEN FISHBURN: Chair, it hasn't been raised with the department either, but I should stress we do have conflict-of-interest declarations for those panel members, as we do for all our other panel members, so we can have a look at that.</p> <p>Mr PAUL SCULLY: It would also be unsurprising—and I say this not related to this particular Committee or anyone on it—that anyone appointed to an expert panel didn't have extensive experience in a range of parts of a particular industry. That is, arguably, why they're part of an expert panel as opposed to an amateur</p> <p>panel.</p> <p>The CHAIR: I think the issue is—</p> <p>Mr PAUL SCULLY: But you've made some claims, and I will happily have a look at them in more</p> <p>detail.</p> <p>The CHAIR: Thank you, Minister. I absolutely understand that that's the nature of, particularly, these technical industries, but the concern right now is that EMM is actually generating environmental assessments for coal companies right now that have approvals before you right now,</p>	<p>the public understanding of the independence of that work, the website contains the Terms of Reference of the Panel, the Conflict of Interest Policy and brief biographies for all appointed members.</p> <p>The secretariat for the Panel is currently developing a sub-page that will also provide easier public access to Panel advice, linking to existing locations in the Major Projects website.</p>
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		<p>and they have downplayed the emissions reduction capacities and the trajectories for those projects.</p> <p>Mr PAUL SCULLY: As I said to you, this is the first time this matter has been raised with me.</p> <p>The CHAIR: Thank you. You'll take it on notice.</p> <p>Mr PAUL SCULLY: I'm happy to have a look at the claims that have been put before the Committee.</p>	
11	22	<p>The CHAIR: Can you address the primary contention—and it's not just my assertion—that the documents so far are grossly misleading, in the fact that they don't disclose that 50 per cent of the land is zoned RE1 for public recreation?</p> <p>What can happen in the process now, rather than go out to public exhibition where you will have thousands or hundreds of those members of the community that voted no in the last council election to any of this kind of development? What burden is now on them to try to rectify this gross error, and what do you suggest? What can they do? Minister, I'm raising it with you because there is a way of avoiding this burden, rectifying the error early and not putting it on the poor community that, let's face it, has made its case very clearly over years and years about what it does want on the jetty foreshore—and it's not this privatised development that won't generate great public benefit.</p> <p>KIERSTEN FISHBURN: I can commit to make sure, before anything goes on public exhibition, the underlying zoning is accurate. I need to take it on notice, because I'm not entirely sure that some of the characterisation is also accurate. But we will make sure that what the current underlying zoning is, and what the proposed zoning is, is quite apparent to the public.</p>	<p>Most of the land proposed to be rezoned is currently zoned SP2 Infrastructure, with a small portion currently zoned RE1 Public Recreation.</p> <p>When released for public exhibition, the Explanation of Intended Effects will clearly outline the extent of land subject to planning changes. W</p>
12	24	<p>The Hon. SCOTT FARLOW: Minister, with respect to the current proceeds from the golf course at Moore Park, how much does that bring in on an annual basis to Greater Sydney Parklands?</p> <p>Mr PAUL SCULLY: In terms of the lease?</p>	<p>The net revenue to Centennial Park and Moore Park Trust from the Moore Park Golf operating agreement is approximately \$7.5 million per annum.</p>

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		<p>The Hon. SCOTT FARLOW: In terms of the lease of Moore Park Golf Course, so across the golf course and the driving range.</p> <p>Mr PAUL SCULLY: I haven't got that number in front of me. I can take it on notice</p>	
13		<p>The Hon. SCOTT FARLOW: In terms of the business case, I take it that Hassell Limited might be doing the design works for the golf course but probably don't have the scope for the business case. Is that being contracted out to a consultancy or is that being undertaken in house?</p> <p>KIERSTEN FISHBURN: I'll have to take that one on notice. I suspect some of the work would be contracted out, just because Greater Sydney Parklands' expertise is in managing parks and delivering parks, not in developing business cases, but I'll take that on notice. I'll ask my COO if we can get some information.</p>	Atlas Economics has assisted Greater Sydney Parklands to prepare a business case.
14	26	<p>The Hon. JACQUI MUNRO: Minister, has the \$6 million that the Housing and Productivity Contribution raised from its inception in October 2023 to June 2024 been in accordance with the Government's projections?</p> <p>Mr PAUL SCULLY: As you might expect, the amount that has been raised was always going to be a maturity in a scale as development happened. You might recall when it was introduced, it was introduced at a discounted rate, and that discount continued for a couple of years. And development has been slower. I don't think anyone's made any secret of that. However, as more development comes through, as more people pay that contribution, there will be a greater pool of funds with which we can invest.</p> <p>However, I would also note that's not the only pool of funds that's available for investment in infrastructure to support housing and jobs.</p> <p>The Hon. JACQUI MUNRO: Was it in accordance with the Government's expectations or not?</p> <p>Mr PAUL SCULLY: I can't remember what the exact forecast was at the date you're referring to. I'd have to double-check that. But, as I said, it</p>	This is a matter for the Treasurer.

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		<p>was always going to take some time to mature and come through the system with transition measures and the like.</p> <p>KIERSTEN FISHBURN: Treasury undertook the forecasting so we'd need to—</p> <p>Mr PAUL SCULLY: Yes, we'd have to confirm with Treasury.</p> <p>The Hon. JACQUI MUNRO: That would be helpful</p> <p>Mr PAUL SCULLY: That might be one for the Treasurer when he gets here.</p> <p>The Hon. JACQUI MUNRO: Will you take that on notice to provide to the Committee?</p> <p>Mr PAUL SCULLY: I can take on notice as to whether or not it was within the bounds forecast.</p> <p>The Hon. JACQUI MUNRO: What was the projection that Treasury gave the department about the contribution for the 2024-25 budget?</p> <p>Mr PAUL SCULLY: I don't know off the top of my head.</p> <p>KIERSTEN FISHBURN: I'd have to take it on notice.</p> <p>Mr PAUL SCULLY: We would have take that on notice and talk to Treasury.</p>	
15	28	<p>The Hon. JACQUI MUNRO: Could I just clarify that? How much have you collected from the contribution so far?</p> <p>Mr PAUL SCULLY: I would have to take that on notice. I don't have that number in front of me.</p>	<p>As of 18 February 2025, the Housing and Productivity Contribution Fund has collected \$13.4 million.</p> <p>The Fund was always going to take time to mature as new development is assessed, determined and ready to commence. NSW Treasury is responsible for revenue forecasts.</p> <p>The slow start to revenue collection reflects the fact that the contribution has been introduced with phased-in discounts to support market adjustment, and that it is collected at the point of construction certificate being issued.</p> <p>Funds from the Housing and Productivity Contribution Fund are only a contribution towards the delivery of infrastructure, and the Government</p>

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			is meeting its commitment of delivering infrastructure alongside more homes.
16	28	<p>The Hon. JACQUI MUNRO: Is there a list?</p> <p>Mr PAUL SCULLY: I'll take that on notice as to whether there's a list. But I would point out that since March 2023—you have to understand that you're concentrating on one part of that Act</p>	<p>The Housing and Productivity Contributions leverage the Urban Development Program, which has been expanded to coordinate housing and infrastructure delivery across the four HPC regions.</p> <p>The first Infrastructure Opportunity Plans will be available in 2025 and include infrastructure projects identified in previous Special Infrastructure Contributions determinations, strategic planning documents, rezoning proposals and agency programs.</p>
17	30	<p>The CHAIR: Minister, I understand that Santos, in relation to its gas project out there—the white elephant sitting out there—is now pursuing a modification to its projects to include possibly carbon capture and storage technology, aligning with its own corporate net zero by 2040 target.</p> <p>Are you aware or is the department aware of any modification applications, or have you had any discussions with Santos about this carbon capture and storage proposal?</p> <p>Mr PAUL SCULLY: I'm not aware of any modification. I'm looking at Mr Preshaw, who's shaking his head. He would be aware of it if there was one. There doesn't appear to be one that has been received by the department.</p> <p>The CHAIR: Nothing?</p> <p>CLAY PRESHAW: Not at this stage. We can come back this afternoon, if you want, with more details.</p>	No, the Department is not aware of any proposed modification and has not had any discussions with Santos about carbon capture and storage.
18	34	<p>The Hon. JACQUI MUNRO: Minister, earlier you said that \$520 million will be spent on TOD infrastructure. What percentage of that is from the Housing and Productivity Contribution?</p> <p>Mr PAUL SCULLY: I'd have to take on notice what the percentage is. I don't know exact number off the top of my head.</p>	\$520 million has been reserved from the forecast revenue paid into the Housing and Productivity Fund from housing and productivity contributions.
19	38	The Hon. SCOTT FARLOW: Before, we had a discussion about East Hills and the exclusion that existed because of the gas pipeline there.	The Low and Mid-Rise Policy site selection methodology is publicly available on the Department's Low and Mid Rise housing webpage.

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		<p>As I understand it, that gas pipeline also extends to at least Beverly Hills station, which is included as an LMR zone.</p> <p>How do you account for the discrepancy between one area needing a blanket exclusion from that pipeline but then Beverly Hills station, which is also subject to that pipeline, being included as an LMR zone?</p> <p>Mr PAUL SCULLY: As I didn't do the assessment of individual projects, I might pass to Ms Gibson to shed some more light on that assessment process.</p> <p>MONICA GIBSON: We worked through a range of different factors in coming up with each of these sites. That included information that we had to hand and information that council had to hand. We looked at the specific detail using council's advice, information that we have about location of gas pipelines and where development would be feasible for a range of reasons, including lot size, existing planning controls and the like.</p> <p>The inclusion of Beverly Hills station came through that process. I don't have the map of the gas pipeline in front of me and I'd like to check that, just in relation to the specifics of your question on that pipeline, and how that fit with some of the other factors that we were considering for that location and other locations near the gas pipeline.</p>	<p>Further information is provided in the Low and Mid-Rise submissions report, which is also publicly available.</p> <p>Considerations included but were not limited to:</p> <ul style="list-style-type: none"> <li>• goods and services</li> <li>• frequency of public transport</li> <li>• travel time of public transport to the nearest major centres</li> <li>• infrastructure constraints</li> <li>• hazards.</li> </ul>
20	41	<p>Ms CATE FAEHRMANN: I'll come to you in the afternoon, Mr Gainsford, if we get there. Is it possible to know via the applications, I assume under BASIX, or the information entered into, the number of dwellings or buildings that are using dark roofs, or the number of dwellings that are choosing not to do dark roofs? If I put a question to you—</p> <p>Mr PAUL SCULLY: I don't know that we can distinguish that. I would have to take advice.</p> <p>Ms CATE FAEHRMANN: So how are you monitoring it? You said you would monitor it.</p> <p>KIERSTEN FISHBURN: We'll take that on notice and get you some information back.</p>	<p>The Department's data shows that in 2024, 40% of BASIX certificates for single dwellings were generated through the DIY pathway, which does not permit a dark roof selection in warmer climate zones.</p> <p>For the remainder, available CSIRO data indicates that 30% of NatHERS assessments (a requirement for non-DIY pathways) completed over the year chose a dark coloured roof, noting that not all NatHERS certificates generated have resulted in a related BASIX certificate.</p> <p>The Department will continue to monitor dark roof selection using available datasets.</p>

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21	42	<p>Ms CATE FAEHRMANN: Could you take on notice and try to get me, up until the latest data you have as of today, through the various mechanisms—policies, BASIX, other things—the percentage of new installations of roofs—</p> <p>Mr PAUL SCULLY: We'll endeavour to get you the most accurate information.</p> <p>Ms CATE FAEHRMANN: —that are dark roofs versus not.</p> <p>Mr PAUL SCULLY: It's not always—I've got to work out what we can extract from the system.</p> <p>KIERSTEN FISHBURN: Exactly. I'm a little concerned that the accuracy of our information might be a little flawed, because there's not a tick-a-box, to my understanding, in the Planning Portal.</p> <p>Mr PAUL SCULLY: Yes, you don't tick a box "Hey, I'm using a dark roof", for instance.</p> <p>Ms CATE FAEHRMANN: The next question to take on notice would be, if the data is not straightforward for you, Minister, and anybody within the department monitoring this policy measure, how do you intend to monitor the uptake? You did say that you would monitor it, and that would be good to know</p>	I refer you to the response provided to question on notice 20.
22	45	<p>The Hon. JACQUI MUNRO: Minister, have you met with the Tech Central alliance at all in relation to that [Central Station]?</p> <p>Mr PAUL SCULLY: Not to the best of my memory, but I can take that on notice and confirm. I don't believe I have.</p>	No.
23	56	<p>[Central rezoning] The Hon. JACQUI MUNRO: So perhaps the better question, then, is: When did the department present its work to Government after the public consultation?</p> <p>MONICA GIBSON: After the public consultation. I don't have a specific date in front of me, about when that happened, but shortly—</p>	The Department completed its assessment of the Central Precinct rezoning proposal in mid-2024. Confirmation was then sought from Transport for NSW as to whether they were proceeding with the proposal, including the Over Station Development component.

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		<p>The Hon. JACQUI MUNRO: Could you take that on notice, please?</p> <p>MONICA GIBSON: Yes. The work that we do after exhibition is to review the submissions and to prepare a finalisation package. That was the work that we did.</p> <p>The Hon. JACQUI MUNRO: So I guess the question is: When was that finalisation package given to the Government?</p> <p>MONICA GIBSON: I don't think that it went beyond the department.</p> <p>KIERSTEN FISHBURN: No, I don't think I saw it, so it won't have left the department.</p> <p>The Hon. JACQUI MUNRO: So the finalisation package was done, and then it was never given to the Minister.</p> <p>MONICA GIBSON: That's my recollection. It goes back some time, so I'm happy to take on notice the detail of when that happened.</p> <p>KIERSTEN FISHBURN: We'll take it on notice for you.</p>	As per publicly available information, the Over Station Development component is not proceeding, and the proposal is yet to be finalised.
24	56	<p>The Hon. JACQUI MUNRO: Do you have—it doesn't have to be the exact date—the month of the year that happened [Central Station cont]? That would be helpful.</p> <p>MONICA GIBSON: Yes.</p>	I refer you to the response provided to Question on Notice 23.
25	62	<p>The CHAIR: Yes. I'm curious as to what work is being done in relation to that. We got a really good picture through the planning inquiry this Committee undertook, but I know that you people spend your lives working on this stuff—all the time, each moment of every day—and I'm wondering if there's any further information, any further thought.</p> <p>KIERSTEN FISHBURN: I would be delighted to talk about the Housing Taskforce, because it is one of the things I'm most proud that we have introduced. You get to have a few legacy things when you're a secretary or a Minister; as a secretary, that's one of mine. A number of things that the Housing Taskforce are doing—and there's two particular streams of work that I think are germane to the question you're asking.</p> <p>The first is they are looking at where matters have got blocked in the system, whether that's because there has been a State agency failure</p>	<p>The Housing Taskforce is undertaking research to better understand the reasons for non-commencement of approved large residential developments.</p> <p>Developers were selected in line with the following selection criteria:</p> <ul style="list-style-type: none"> <li>• they hold a valid development consent for a project</li> <li>• they have not yet commenced construction on the project</li> <li>• the project has the potential to create more than 100 dwellings</li> <li>• public-sector projects which include provision of social and/or affordable housing products</li> <li>• projects where an agency has requested Taskforce support.</li> </ul>

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	<p>to respond or it's a particularly complicated matter and people in other agencies whose planning is not there seven days a week—although I do give my staff at least a day a week off—so they may not have been able to address it and bring the focus to it. That's not a criticism. It's because it's not their primary role.</p> <p>The taskforce has people from across the whole of government embedded in it. Think about it as a kind of emergency response team. They are able to look at these matters where a concurrence might need to be given.</p> <p>I'll just give an example, say, from the Heritage agency, because Heritage has been great to work with on this. It's fallen overdue or it's a bit complicated because it also needs advice from, say, Transport. So you've got two agencies trying to deal with the same thing. The taskforce will take that particular matter and resolve it, because they are laser focused just on getting that resolution done and they have the expertise, both in a planning sense but also with the other agencies as well. That means a council who might have been waiting for something for 100 days will finally get that answer, and then they can resolve to determine the DA. So it's really critical work.</p> <p>It's basically creating—and I'm going to say this because I'm trying to make it trendy—like the one Waratah of planning.</p> <p>MONICA GIBSON: You are trying to make it trendy.</p> <p>KIERSTEN FISHBURN: I'm trying to make it trendy. Clay is smiling.</p> <p>The Hon. SCOTT FARLOW: Because nothing is trendier than the one Waratah of anything.</p> <p>KIERSTEN FISHBURN: Thank you, Mr Farlow. I'm looking forward to hearing you say that.</p> <p>Tuesday 4 March 2025 Legislative Council Page 62</p> <p>The CHAIR: There's nothing trendier than planning. Come on!</p> <p>KIERSTEN FISHBURN: So it's really creating that whole of systems improvement. The other piece of work that they're doing, which speaks to the horrendous zombie DA issue, is to look at post-conditions of consent, and that's what the Minister started talking about. The way the</p>	
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	<p>system works now—and we've always been structured to work this way, so I'm saying it's a failure that exists but it's one that we are working to resolve— is you might get back your conditions of consent, which a council will put on a DA from, say, six different agencies. Council, generally, will just put those six different things on and hand it over to the developer without necessarily—probably because they're time strapped, and it can be difficult to get advice back—sense checking whether all of those conditions of consent are necessary, whether they can actually exist together or are they contradictory, and what delays as a consequence might occur because of that.</p> <p>The taskforce is looking at making sure that conditions of consent are operable and that they don't contradict each other. Again, instead of getting six different agencies' opinion, you'll get the one Waratah of planning opinion, and you'll be able to go ahead and commence construction. You can tell I'm excited about this, right? They're also undertaking a piece of work which is research into developments where consent has been given but construction hasn't commenced yet.</p> <p>They're looking at developments. I think it's over 100 apartments—I'll have to take that one on notice; I'm pretty sure I'm getting confused with our CIB—or 100 lots where someone's got their DA but they haven't started on construction yet, and really trying to dig down into what the reasons are in relation to that, because</p> <p>that's where you get the things that are stuck. We are getting some very common themes that are coming up in relation to that. Unsurprisingly, we all know what the economics of construction are at the moment.</p> <p>Feasibility is absolutely top of the list. But things like those post conditions for consent have been brought up by developer after developer. We can resolve that; we can fix that. There are also issues around sequencing of things like construction certificates.</p> <p>This comes up regularly. You might need five or six construction certificates over the life of a development application. If your council is asking you to come up with your final plans for your final construction certificate on the day you would</p> <p>be putting in to get your construction certificate for your basement, you probably don't know what that's going to look like three or four years in</p>	
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		<p>the future when you're building it. If you actually sequence those CCs in a way that is more logical, it's faster for a developer to get in there and commence their development and it has a positive impact on their feasibility, because they're not trying to design for something in the future that they would probably then have to re-prosecute at a later date.</p> <p>They're some of the pieces of intel that are coming out of the work the taskforce is doing. Not only does that help us make immediate changes, so we can look at conditions of consent immediately, but it also gives us insight for the broader planning reform piece. I'm sure Mr Farlow will be excited to hear about some of those things as well. It helps the development community have an avenue to be able to discuss these things with a group who is in the department but not undertaking the assessment, so they can have that comfortable—</p>	
26	62	<p>The CHAIR: Are there any councils in particular where you're seeing a concentration of that work? Are there more than one, two or three—that sort of thing?</p> <p>KIERSTEN FISHBURN: Not to my knowledge. I'll take that on notice and see if we're seeing any clusters. But if I'm thinking around the developers that we have interviewed, we've tried to select them from around the State.</p> <p>Generally, when we're seeing DAs that haven't commenced, they are both metropolitan and rural as well. Again, feasibility tends to be the lead issue that comes up, rather than local government—whether it's a council that's poorly performing or an issue of a particular council. I will take on notice, though, if we're seeing any particular clusters of issues</p>	<p>To date, the research undertaken by the Housing Taskforce in relation to developers' experience in the post consent process, has drawn from a range of residential developers across NSW, including metropolitan and regional areas.</p> <p>As of 14 March 2025, a total of 28 interviews have been conducted, of which 24 firms operate across the greater metropolitan region, two operate in regional areas, and two operate in both metropolitan and regional locations.</p> <p>The sample size is not adequate to draw conclusions about the performance of particular consent authorities.</p>
27	64	<p>The Hon. SCOTT FARLOW: So a manor home two-storey apartment building could not be captured by the infill affordable housing provision in the R2 zones?</p> <p>MONICA GIBSON: I would need to double-check.</p>	<p>I refer you to the response provided by Ms Monica Gibson on page 64 of the transcript.</p> <p>The requirements for the application of the In-fill Affordable Housing Bonus are publicly available on the Department's website.</p>

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		<p>The Hon. SCOTT FARLOW: Could you take it on notice?</p> <p>MONICA GIBSON: Yes, I can take that on notice. My sense is that a manor home is not a residential flat building; it's multi-dwelling housing. We have small residential flat buildings that are three storeys.</p>	
30	65	<p>The Hon. SCOTT FARLOW: Thank you, Ms Gibson. Mr Preshaw, how many wind turbines are there in New South Wales? I'm not looking for how many projects but how many actual turbines.</p> <p>CLAY PRESRAW: I don't think I could answer that one off the top of my head. I'll take that on notice.</p>	There are approximately 850 wind turbines operational in NSW.
31	65	<p>The Hon. SCOTT FARLOW: But if there are decommissioning requirements and rehabilitation requirements attached to that consent, which is attached to the land, the landholder would inherit those requirements. Is that correct?</p> <p>CLAY PRESRAW: I'd probably have to take that on notice, but I don't think that's an accurate reflection. Again, there's a difference between being a landowner and being a development consent holder. Sometimes they're not one and the same thing. In the case of wind farms, that's often the case.</p>	<p>There may be circumstances in which the landowner becomes responsible for decommissioning, including if a developer becomes insolvent. This is because the consent, including the conditions to decommission and rehabilitate projects, applies to the land and not an individual or company.</p> <p>For these reasons, it is important that landowners are aware of the risks of hosting infrastructure on their land and factor these into the commercial agreements they enter with developers.</p> <p>Landowners may request financial assurances, such as a bond, as part of these agreements to mitigate the risk and to ensure funding is available in the unlikely scenario that the developer cannot comply with decommissioning obligations. These agreements should also specify that the developer is responsible for decommissioning and rehabilitation of the site.</p> <p>The Department has released guidance to assist landowners in navigating this process. This includes model clauses that can be used as a basis for private agreements and a decommissioning calculator to allow landowners to understand the likely costs of decommissioning.</p>
32	67	<p>The Hon. SCOTT FARLOW: As you're probably aware, on Monday 3 February this year, Queensland introduced revisions to their State code 23: Wind farm development, which provided new performance outcomes, including performance outcome 30, which states:</p>	In developing the new renewable energy planning framework, the NSW Government carefully considered whether decommissioning bonds should be required. The Government concluded that the cost and responsibility of decommissioning are matters for the developer and the landowner in their commercial negotiations. Tools have been prepared

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		<p>Decommissioning plans are secured by bonds or financial guarantees or other mechanism/s to safeguard timely compliance.</p> <p>Which requires a decommissioning security report. Has the department undertaken any analysis of this policy at all?</p> <p>CLAY PRESHAW: I would have to take that one on notice. I am familiar, broadly, with the changes that occurred at the Queensland level. For a long time, the industry was complaining that we should have a system more like Queensland because it was easier to get things approved according to the industry, and now I see that they have started to tighten up things, probably to reflect some of the issues that have arisen in the communities where wind farms were proposed in Queensland. But I'd have to take on notice the details around that policy.</p>	<p>to assist landowners with this process including a decommissioning calculator and guidance on private agreements. Further information is available in the Energy Transition Update.</p> <p>The Department has reviewed Queensland's new policy on decommissioning and is of the view that this would not warrant a change to the NSW Government's policy position on this matter.</p>
33	70	<p>The CHAIR: But I think now the rising cost of—you can forecast, even now, on the very cheap price of carbon offset credit tonne per, you know—the very cheap cost of credits. We can start looking at the actual burden across the analysis. I'm just wondering, would I see that in a modern application?</p> <p>CLAY PRESHAW: Yes, you would. I'll have to confirm this perhaps later, but you'd probably find that, for example, with HVO, even with the costs of offsetting greenhouse gas emissions, the company would be finding, through their cost-benefit analysis, a significant overall net present value that's worthy of them proceeding with the project.</p>	<p>Applicants for coal mining projects are required to undertake a cost benefit analysis of the development including pricing carbon as an external cost of the development. This includes applying sensitivity analysis of carbon pricing into the future to determine the impact of increasing price of carbon on the net benefits of a development.</p>
33	71	<p>The CHAIR: I understand my question was absolutely confusing; I understand now why. I wasn't referring to the rehabilitation, or the end of the consent. I was referring to the actual ending of pulling coal out of the ground. Are any mines coming to you saying, "Hey, we're going to shut down our actual coal extraction earlier than what was forecasted"?</p> <p>CLAY PRESHAW: I'd probably have to take that on notice, but David's right in terms of we are having conversations all the time with companies about their future plans. If the question is in relation to are mining companies looking to stop extracting coal on the basis of emissions, for example, I'm not sure that we've seen that.</p>	<p><b>Name/number of mines that have informed the Department that actual coal extraction will end earlier than a consent currently allows</b></p> <p>NSW Resources, within the Department of Primary Industries and Regional Development, monitors coal production forecasts and is best placed to provide a response to this question.</p> <p><b>Name of two mines yet to commence development:</b></p> <ul style="list-style-type: none"> <li>• Wallarah 2 Coal Project</li> <li>• Tasman Extension Project.</li> </ul>

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		<p>We do have a few mines that I could think of where there's a possibility that the mining will stop earlier than expected, but that's usually due to some operational reason or some difficulties, for example, in extracting the resource from an underground seam, or the like. So there are certainly circumstances where mines would seek to stop mining early, but that's usually not the subject of a modification application. Usually they can just do that—</p> <p>The CHAIR: They can just stop.</p> <p>CLAY PRESHAW: —under their existing approvals, unless there's something different that they wanted to do at the site.</p> <p>DAVID GAINSFORD: If it assists you, Chair, my notes tell me that, in terms of those mines that we regulate, there are 38 operating coalmines at this point in time. There are a further 10 mines that are in care and maintenance. There are 13 that are at the closure stage and there are two that are yet to commence development.</p> <p>There is obviously quite a spectrum.</p> <p>The CHAIR: Which are the two that are still yet to commence development?</p> <p>DAVID GAINSFORD: I would probably need to take that on notice.</p>	
34	73	<p>The Hon. JACQUI MUNRO: When will you come to a decision about whether the tools have been successful? Also what's the measurement for determining their success? Reduction in approval times, I imagine, is one of those.</p> <p>DAVID GAINSFORD: Yes, I'm sure that is. I might need to take on notice the exact KPIs that we're asking for for that feedback. We are anticipating within the coming months to have some good information around how successful those applications have been.</p> <p>The Hon. JACQUI MUNRO: Then the intention would be, if there are successful examples and use cases, that all councils would be given access in some way to these tools or to embed them in their own websites and planning processes.</p> <p>DAVID GAINSFORD: I think, again, we're very open to the potential extension of these types of technologies. One thing I would mention is</p>	<p>The Department is monitoring councils' progress and experience with the AI tools as they deliver their grant projects via the Early Adopter Grant Program. Key success factors under consideration include:</p> <ul style="list-style-type: none"> <li>• accuracy of results</li> <li>• data handling and privacy</li> <li>• user engagement and satisfaction</li> <li>• technical feasibility.</li> </ul> <p>The Department is also monitoring for any tangible benefits to reducing the duration of the end-to-end DA workflow such as improved quality of documentation and reduction of requests for information.</p> <p>The Department expects councils to have completed their grant projects by June 2025. The insights and learnings from the grant</p>

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	<p>that products are coming onto the market quite rapidly. There's lots of innovation that's occurring, obviously, in this space. One of the things we are quite conscious of is not limiting the potential linkages, particularly with the Planning Portal.</p> <p>That extension that I was talking about before just to specific products—we are sort of looking at the ability to have a range of products that can be used. But I'm happy to come back with some further information around those KPIs.</p> <p>The Hon. JACQUI MUNRO: That would be good. One of the things that has come up recently—it's clearly an issue—is that the use of individual products may mean that people's data is going into third party ethers where it's not secure or it's not appropriately regulated. Is the department doing any work to ensure that councils are equipped to actually manage that relationship with third-party providers? For example, would you have a list of approved providers or providers that have met a certain level of regulatory requirements for privacy or compliance?</p> <p>DAVID GAINSFORD: Part of the selection of these products was looking very much at the protection of people's personal records and those sorts of privacy matters. That was a very key selection criteria as part of</p> <p>this process. The department obviously will continue to look at new products that come on or are suggested with those same types of requirements around privacy. We're not doing this alone. There are other government agencies that have assisted us in looking at these aspects. It fits within a broader New South Wales policy around those privacy aspects.</p> <p>The Hon. JACQUI MUNRO: I think it would be pretty terrible if individual councils were going off and accessing third-party provider tools and not having the right protections for individuals who are using those tools.</p> <p>DAVID GAINSFORD: Agreed.</p> <p>KIERSTEN FISHBURN: To my knowledge, councils are only operating within the trial parameters</p>	<p>program will inform the Department's strategic roadmap for AI in the planning system.</p>
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		<p>that we put into place. I've not heard of any council who've gone down their own road at this point in time. But it's a good point that you've raised, actually. We might do a quick check around councils to make sure I'm reflecting the situation accurately.</p> <p>The Hon. JACQUI MUNRO: It would be great to hear what the results of that check around are.</p>																																																																	
35	74-75	<p>The Hon. SCOTT FARLOW: We will await those guidelines. Now, really going for the scattergun—the speedway. I note we don't have Greater Sydney Parklands here. The Minister outlined his thought that it was going from strength to strength. Do you have any data in terms of participator numbers at the speedway at all?</p> <p>KIERSTEN FISHBURN: No, I don't. I'll take that on notice for you because I'm sure that is collected somewhere.</p> <p>The Hon. SCOTT FARLOW: We will take that on notice then</p>	<table> <tr> <th>Date</th><th>Attendance</th><th>No of cars participating</th><th>Comments</th></tr> <tr> <td>24-Feb-24</td><td>150</td><td>20</td><td>Practice event</td></tr> <tr> <td>23-Mar-24</td><td>3,288</td><td>80</td><td>Race event</td></tr> <tr> <td>6-Apr-24</td><td>120</td><td>20</td><td>Practice event</td></tr> <tr> <td>20-Apr-24</td><td>2,000</td><td>84</td><td>Race event</td></tr> <tr> <td>25-May-24</td><td>1,500</td><td>92</td><td>Race event</td></tr> <tr> <td>26-May-24</td><td>500</td><td>88</td><td>Race event</td></tr> <tr> <td>14-Jul-24</td><td>500</td><td>80</td><td>Race event (Weekday)</td></tr> <tr> <td>7-Sep-24</td><td>130</td><td>20</td><td>Practice event</td></tr> <tr> <td>14-Sep-24</td><td>450</td><td>58</td><td>Race event</td></tr> <tr> <td>3-Oct-24</td><td>130</td><td>15</td><td>Practice event</td></tr> <tr> <td>5-Oct-24</td><td>750</td><td>60</td><td>Race event</td></tr> <tr> <td>26-Oct-24</td><td>2,000</td><td>60</td><td>Race event</td></tr> <tr> <td>9-Nov-24</td><td>2,500</td><td>80</td><td>Race event</td></tr> <tr> <td>14-Dec-24</td><td>1,500</td><td>107</td><td>Race event</td></tr> <tr> <td>26-Dec-24</td><td>1,700</td><td>61</td><td>Race event</td></tr> </table>	Date	Attendance	No of cars participating	Comments	24-Feb-24	150	20	Practice event	23-Mar-24	3,288	80	Race event	6-Apr-24	120	20	Practice event	20-Apr-24	2,000	84	Race event	25-May-24	1,500	92	Race event	26-May-24	500	88	Race event	14-Jul-24	500	80	Race event (Weekday)	7-Sep-24	130	20	Practice event	14-Sep-24	450	58	Race event	3-Oct-24	130	15	Practice event	5-Oct-24	750	60	Race event	26-Oct-24	2,000	60	Race event	9-Nov-24	2,500	80	Race event	14-Dec-24	1,500	107	Race event	26-Dec-24	1,700	61	Race event
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36	75	<p>[Announcement in Bradfield Oration about a tracking of the figures in New South Wales compared to other States. Is that something that's been done?]</p> <p>KIERSTEN FISHBURN: That's the ABS data which compares to other States. It's publicly accessible.</p> <p>The Hon. SCOTT FARLOW: Are you publishing it yourselves at all?</p> <p>KIERSTEN FISHBURN: We just link to the ABS data.</p> <p>The Hon. SCOTT FARLOW: But is that linked on your website and shown?</p> <p>KIERSTEN FISHBURN: I'd have to double-check. If it's not, I see no reason why we can't put a link to it on our website.</p>	<p>A link to the relevant ABS data is available on the Department's website: <a href="http://www.planning.nsw.gov.au/policy-and-legislation/housing/housing-targets/frequently-asked-questions-housing-targets">www.planning.nsw.gov.au/policy-and-legislation/housing/housing-targets/frequently-asked-questions-housing-targets</a></p>																																
37	76	<p>The CHAIR: I have one more question. I want to go back quickly to the Coffs Harbour Jetty Foreshore project. I'm very happy for you to take this on notice, if necessary. My understanding, as I raised with the</p>	<p>The numbers and mix of housing to be delivered, including the portion of affordable housing, will be considered during the Department's assessment of the proposal.</p>																																

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	<p>Minister, is that 30 per cent social housing is the requirement for renewal of surface government land. I'm not sure where this project sits within any of that. Do you have any awareness of the Coffs jetty proposal and whether there is a social housing figure on it? If so, what is that figure?</p> <p>KIERSTEN FISHBURN: I'll take that on notice with the caveat that at the moment we're looking at the zoning; we're not getting down into the development application stage. There's obviously time for the department and the Minister to have consideration of affordable housing.</p>	
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