



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

BUDGET ESTIMATES 2025-2026 Supplementary questions

Portfolio Committee No. 7 – Planning and Environment

Planning and Public Spaces (Scully)

Hearing: Thursday 26 February 2026

Answers due by: Responses due by 5.00 pm Wednesday 25 March
2026

Budget Estimates secretariat

Phone (02) 9230 2581

BudgetEstimates@parliament.nsw.gov.au

BUDGET ESTIMATES 2025-2026

SUPPLEMENTARY QUESTIONS

Questions from Hon Mark Latham MLC

Questions to Secretary Kiersten Fishburn

(1) "No Corrupt Activity Identified" – But What Were the Terms of Reference?

Your letter of 19 January 2026 regarding HDA /Billbergia states that "no corrupt activity has been identified connected with the Billbergia Expression of Interest 229650 State Significant Development determination." Secretary, what were the precise Terms of Reference for this probity review? Specifically, did the review examine: (a) the 2020 density transfer from Leeds Street to Blaxland Road; (b) Paul Dewar's 14 July 2020 email directing the working group to relocate floor-space to Billbergia "so the developers get a return"; (c) the exhaustion of the dwelling cap by Billbergia's projects; (d) the financial conflicts of interest involving Council selling its own land at higher density than it imposed on neighbours; or (e) the NSW Crime Commission caveat over part of the 9 Blaxland Road site; or (f) the 730 public submissions pulled offline in March 2019 after allegations many were fake or ghost-written, some traced to Billbergia's display suite?

(2) My May 2025 Legislative Council Order for Papers demanded all documents identifying who proposed and approved the Leeds Street FSR and height changes, and any rationale for the density transfer to Blaxland Road. Your department's response to sections (h) and (i) was: "There are no documents for this part of the order." Secretary, a decision that transferred roughly 30,000 square metres of floor space – representing an 85 per cent reduction in independent owners' development capacity – was made with no written impact study, no urban design rationale, and no risk assessment. The only documented instruction is Paul Dewar's email of 14 July 2020 directing density be moved "so the developers get a return on their speculative investment." Is it the department's position that this constitutes adequate justification for a major planning control change?

(3) Section 46 Competition & Consumer Act: Misuse of Market Power

Secretary, Billbergia owns or controls approximately 75 per cent of the developable land in Rhodes East – a fact its own director Rick Graf stated in lobbying correspondence. Section 46 of the Competition and Consumer Act 2010 prohibits a corporation with a substantial degree of market power from engaging in conduct that has the purpose or effect of substantially lessening competition. In May 2025, Billbergia offered to purchase 15 Leeds Street at \$4 million – a price based on the FSR of 1.1:1 that Billbergia itself lobbied to impose – while simultaneously paying \$20 million for a 493-square-metre sliver at 424 Concord Road and \$30 million for purchase of three of the four floors that were not under a New South Wales Crime Commission Caveat on a 1,038m² block at 9 Blaxland Road. The effect is to price independent owners out of the market using planning controls that Billbergia influenced. Has your department considered referring Billbergia's conduct to the ACCC? And is the department aware that the affected landowners may have standing to lodge a complaint under section 46?

- (4) On 3 November 2025, Knight Frank marketed Council-owned 4 Leeds Street as a high-density site with FSR 1.7:1 and 31-metre height limit. The independently owned lots immediately next door at 15–21 Leeds Street were capped at FSR 1.1:1 and 12–15 metres by the same Council, using "wall effect" and heritage arguments. Secretary, has your department examined why the planning authority that suppressed private land values and drove the map edits that the DPIE made is now monetising its own adjacent lot at 50 per cent higher density? Does your department consider this a financial conflict of interest?
- (5) Is the department also aware that Council has marketed the former Rhodes Public School and Community Centre site for high-density redevelopment at full R4 zoning, while the private lots on Leeds Street remain capped at a fraction of that density?

Questions from Dr Amanda Cohn MLC
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Synthetic Turf

- (6) Given evidence of increasing pollution of waterways with synthetic turf fragments, will you require monitoring of run-off from synthetic turf fields?

- (a) If not, why not?
- (7) In the Budget Estimates hearing on Thursday 26 February, the Minister indicated that ‘much older fields’ are the cause of synthetic grass pollution in NSW waterways. What evidence supports this assertion?
- (8) Given the evidence of increasing pollution of waterways with synthetic turf fragments, will you request that the Minister for the Environment or the Environment Protection Authority investigate its source?

Questions from Hon Tania Mihailuk MLC
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Bankstown Transport Orientated Development program

- (9) Given the Department reduced the height limit at 2-10 Restwell Street, Bankstown, from 83 metres to 65 metres when finalising the Bankstown TOD, what was the reason for this change?
- (10) Please list the address where there is a difference in permissible height between the 2021 Bankstown City Master Plan developed by Canterbury Bankstown Council, and the Government’s Bankstown Transport Orientated Development program.
- (a) For each address where there is a difference, further advise whether the difference was at the request of:
- i. a respondent to the public submission process (and their name),
 - ii. Canterbury-Bankstown Council,
 - iii. the Department,
 - iv. or any other party?
- (11) Given that the exhibited document '[Urban Design Framework](#)' at page 21 identified on a map the private ownership of multiple lots, did either you or the Department conduct an assessment on the identities of these multiple private landowners who would benefit from increased zoning under the instrument?
- (a) Who made the identification of the private ownership of multiple lots as referred to in these exhibited documents?

- (12) Did you, your office or Department at any time measure the value of future financial gain from the increased zoning under the instrument?
- (13) Can you outline precisely what role Council played in shaping the final TOD outcomes, particularly on height limits and land use outcomes?
- (14) Did the Department rely on Canterbury-Bankstown Council's 2021 Bankstown City Centre Master Plan as the primary basis for the decision to compulsorily acquire the West Terrace Carpark for it to be converted to open space?
- (15) At any point in time in your consultation with Council, did Council advise the Department that a company called "Redpoc Pty Ltd" had approached Council to acquire the West Terrace Carpark?
- (16) What is the value of compensation offered to Council for the acquisition of the West Terrace Carpark and rejected in the Principals of Acquisition of Agreement as per Council minutes dated 16 September 2025?
- (17) Has Council offered any other carparks in the Bankstown CBD as an alternate option for consideration to be converted for open space? If yes, which?
- (18) How many carparking spots will be the NSW Government be replacing in the Bankstown CBD should the acquisition of the West Terrace Carpark proceed?
- (19) How many items of correspondence have been received by you or your Office regarding the West Terrace Car Park?
- (20) How many meetings have you had in 2025 to discuss the West Terrace Car Park?
 - (a) Of those meetings, how many included the attendance of:
 - i. The Member for Bankstown?
 - ii. The Mayor of Canterbury-Bankstown?
 - (b) Are there minutes of these minutes?
- (21) How many meetings have you had in 2026 to date to discuss the West Terrace Car Park?
 - (a) Of those meetings, how many included the attendance of:
 - i. The Member for Bankstown?

- ii. The Mayor of Canterbury-Bankstown?
- (b) Are there minutes of these meetings?

ICAC Meetings

(22) Minister, you provided the following evidence according to page 30 of the transcript dated 26/2/26: “Mr PAUL SCULLY: This is back in 2021 when it was referred to ICAC, which found nothing to investigate? The Hon. TANIA MIHAILUK: No, hang on. Mr PAUL SCULLY: Was it more recently? I'm just trying to clarify, sorry. The Hon. TANIA MIHAILUK: You don't know what was referred to ICAC, unless you've been privy to something that I'm not privy to. Have you got something additional there that you're relying on?”

- (a) What was referred to the ICAC in 2021 as per your evidence?
 - i. On what date did you become privy to this referral?
- (b) Has the Department referred the 2021 Bankstown City Centre Master Plan to the ICAC?
 - i. If yes, on which date?
- (c) Since you became Minister, have you sought a briefing from the ICAC on the 2021 Bankstown City Centre Master Plan?
- (d) Since you became Minister, have you sought a briefing from ICAC on the Bankstown TOD?

ICAC Referrals

(23) Since you became Minister, how many meetings have you had with the ICAC or Commissioner of the ICAC?

- (a) Please advise for each meeting, whether this was at the request of the ICAC, you/your office, or the Department?

(24) Since you became Minister, how many referrals to the ICAC have been made by you or your office?

(25) Since you became Minister, how many referrals to the ICAC have been made by the Department?

Questions from Hon Chris Rath MLC *(on behalf of the Opposition)*

CFMEU meetings

(26) Since 28 March 2023, have you met with the Construction, Forestry and Maritime Employees Union (CFMEU) that was not disclosed in accordance with the Premier's Memorandum M2015-05 Publication of Ministerial Diaries and Release of Overseas Travel Information?

ETU meetings

(27) Since 28 March 2023, have you met with the Electrical Trades Union (ETU) that was not disclosed in accordance with the Premier's Memorandum M2015-05 Publication of Ministerial Diaries and Release of Overseas Travel Information?

Ministerial disclosures to The Cabinet Office

(28) On what date did you last update/make a ministerial disclosure to the Premier and the Secretary of The Cabinet Office?

Workforce Mobility Placement (WMP) Program

(29) Is your respective portfolio department(s)/agency(s) taking part in the WMP program?

(a) If yes, what department(s)/agency(s)?

Department(s)/Agency(s) Annual Reports

(30) Do you have plans to print the 2025-26 annual report(s) for each department / agency in your portfolio?

(a) If yes, what is the budgeted expenditure for printing for each department / agency?

Information Access Self-Assessment Tool and the Privacy Self-Assessment Tool

(31) As Minister, do you ensure that all your respective Department(s)/Agency(s) use the Information Access Self-Assessment Tool and the Privacy Self-Assessment Tool by the NSW Information and Privacy Commission?

Parliamentary Budget Office

(32) In relation to 2023 ALP election policy costings made to the Parliamentary Budget Office, what costings have been successfully fulfilled and/or implemented in your Department(s)/Agency(s) since 28 March 2023?

State Records Act

(33) Have you and your ministerial office had training and/or a briefing about the State Records Act from State Records NSW and/or The Cabinet Office and/or Premier's Department?

(a) If yes, when?

Department(s)/Agency(s) Gifts and Hospitality Register

(34) Does your portfolio department(s)/agency(s) have a gifts and/or hospitality register?

(a) If yes, is it available online?

(b) If yes, what is the website URL?

Ministerial staff disclosure of gifts and/or hospitality

(35) Does your ministerial office keep a register of gifts and/or hospitality for staff to make disclosures?

(a) If yes, what is the website URL?

(36) Have any staff members in your office been the recipient of any free hospitality?

(a) What was the total value of the hospitality received?

(b) Are these gifts of hospitality declared?

Ministerial Code of Conduct

(37) Since 28 March 2023, have you breached the Ministerial Code of Conduct?

(a) If yes, what was the breach?

Senior Executive Drivers

(38) As at 1 February 2026, how many senior executives in your portfolio department(s) / agency(s) have a driver?

GIPA Act - Disclosure Log & Ministerial Offices

(39) Does your Ministerial Office have a disclosure log in accordance with the Government Information (Public Access Act) 2009?

(a) If yes, what is the URL?

GIPA Act - Disclosure Log & Departments/Agencies

(40) What is the website URL for the Government Information (Public Access Act) 2009 disclosure log each of your portfolio department(s)/agency(s)?

TikTok

(41) Are you on TikTok?

(42) If yes, do you access TikTok from a NSW Government device?

Signal

(43) Are you on Signal?

(a) If yes, do you access Signal from a NSW Government device?

(b) If yes, does Signal comply with the State Records Act?

Mobile phone

(44) Do you have a mobile phone paid for by your ministerial budget?

(a) If yes, how many phones?

Communications and/or Media Training

(45) Since 28 March 2023, have you had communications and/or media training from an external stakeholder that included an invoice and payment paid for using your ministerial budget?

(a) If yes, what is the description of training?

(b) If yes, how much?

Parliamentary Secretary & Ministerial Vehicle

(46) Has your Parliamentary Secretary ever used a Ministerial driver from the pool?

(a) If yes, why?

Media releases and statements

(47) Are all the ministerial media releases and statements issued by you publicly available at <https://www.nsw.gov.au/media-releases>?

(a) If no, why?

Overseas Travel

(48) As Minister, do you approve overseas travel for public servants from your portfolio department(s)/agency(s)?

Data Breaches

(49) Does your portfolio department(s)/agency(s) keep a register of data breaches in accordance with the Privacy and Personal Information Protection (PPIP) Act?

(a) If yes, what is the website?

Discretionary Fund

(50) As Minister, do you have a discretionary fund?

(a) If yes, what department(s) / agency(s) administer it?

(b) If yes, what is the website URL detailing expenditure?

Airline Lounges

(51) Are you a member of the Qantas Chairmans Lounge?

(52) Are you a member of the Virgin Beyond Lounge?

Ministerial Overseas Travel

(53) Since 28 March 2023, have you formally applied to the Premier to travel overseas?

(a) If yes, was this application accepted?

Private Jet Charter

(54) Have you travelled on a private jet charter in your ministerial capacity?

(a) If yes, was this value for money for taxpayers?

Ministerial Office renovations

(55) Since 28 March 2023, has your Ministerial Office at 52 Martin Place been renovated?

(a) If yes, how much was the expenditure?

Conflict of Interest

(56) Since 28 March 2023, have you formally written to the Premier with a conflict of interest?

(a) If yes, why?

Senior Executives

(57) In your respective portfolio department(s)/agency(s), to date, what has been the percentage reduction of senior public service executive numbers since 1 July 2023?

Sponsorship

(58) Does your respective portfolio department(s)/agency(s) provide sponsorship (incoming and outgoing) to organisations?

(a) If yes, where are the details of this sponsorship reported/registered?

Political fundraising

(59) Have you hosted a political fundraiser in your Ministerial Office at 52 Martin Place?

PLANNING & PUBLIC SPACES

TOD and LMR Programs

(60) How many development applications have been received under the TOD program?

- (a) How many applications have been approved?
 - (b) How many applications have been commenced?
 - (c) How many applications have completed?
- (61) How many development applications have been received under the LMR program?
- (a) How many applications have been approved?
 - (b) How many applications have been commenced?
 - (c) How many applications have been completed?

Missed Housing Targets

- (62) What is the current timeframe from DA to construction certificate?
- (63) The Housing Accord target requires 75,000 completions per year. In the 12 months to September 2025, NSW completed approximately 44,000, which is 59% of the target. Is NSW on track to deliver 377,000 homes by June 2029?
- (64) The Property Council says feasibility remains make-or-break, particularly for apartments. The Government has introduced the HPC, increased Sydney Water charges, and maintained local levies. Has Treasury modelled the cumulative impact of these government-imposed costs on the feasibility of apartment projects?

'No net dwelling loss' Provisions

- (65) In December last year the Government approved the demolition of 80 small flats in Potts Point to be demolished and replaced with 34 luxury apartments. How does the government expect that it will achieve its housing targets if it is approving projects that will deliver fewer homes?
- (a) Is the Government prioritising developers over the people needing affordable housing solutions and, if it is, how does the Government plan to gain the confidence of the people of NSW?
- (66) Does the Government support 'no net dwelling loss' provisions?

Pattern Book

- (67) Has the Government modelled the impact of the Pattern Book on overall housing supply numbers?
- (68) Why has the Pattern Book's uptake been minimal, despite the fact that it has been available for over a year?
- (69) When will the Government release a formal performance evaluation of the Pattern Book's impact on housing delivery and affordability?

Feasibility Issues

- (70) Why is it still extremely difficult for developers to make development projects feasible, if the Government's housing programs and policies have been as effective as the Government has claimed?
- (71) What is the benefit of extensive rezoning of land, if it is still difficult for developers to build due to feasibility issues?
- (72) What analysis has the Government done on whether current planning reforms actually improve project feasibility, rather than just speeding up approvals for projects that won't be built?
- (73) Is the Government aware that other states offer significantly more generous incentives, and lower development charges, and as a result many developers are moving interstate rather than delivering housing supply in NSW?
- (74) What is the Government's plan to stop investment and construction activity leaving NSW?
- (75) What feasibility assumptions underpinned the dwelling delivery forecasts for the TOD and LMR housing reforms?
- (76) What targeted feasibility measures has the Government implemented to ensure housing delivery occurs in Western Sydney and greenfield growth areas, not only in higher value infill markets?
- (77) How is the Government going to build more homes and achieve its housing targets, when nearly 1,500 construction companies went into liquidation in 12 months?

(78) How many housing projects have been stalled because builders or subcontractors went bankrupt?

(79) When did the Government last cut costs for builders, specifically small business builders?

Pre-Sale Finance Guarantees

(80) What is the maximum cost to the NSW budget if projects fail to sell and the Government is required to purchase unsold dwellings under the Pre-Sale Finance Guarantee?

(81) Is the Pre-Sale Finance Guarantee program significantly limited in its effectiveness if post-consent issues, like Sydney Water application difficulties, aren't systematically resolved?

Woollahra and Edgecliff Water Connections

(82) Edgecliff was originally excluded from the government's plans for rezoning because Sydney Water said that water infrastructure would not be able to support it, however when the government announced Woollahra train station the Premier stated that water infrastructure could, in fact, support increased housing, and that Sydney Water may have initially gotten it wrong. How will the Government gain the trust of the people of NSW, when the information being provided is unreliable at best, if not intentionally misleading?

(83) The Government has previously stated that it would not be needed to acquire properties around the new Woollahra train station to ensure its construction. Is this still the position of the Government?

(84) The Government previously signalled that it would not go ahead with an over-station development at Woollahra, however in January this year investigations began into whether this could go ahead. Why has the government reversed its position on the over-station development, and what is the official position of the government now?

Council Heritage Laws

- (85) The Government has warned councils not to use heritage laws as an excuse to block housing, however North Sydney Council has done this. Why hasn't the Government intervened to override the council?
- (86) How many proposed homes are currently delayed in the Land and Environment Court due to heritage protection actions by councils?
- (87) Is the Government prepared to override councils that use last-minute heritage orders to stop compliant housing projects?
- (88) NSW has committed to 377,000 homes by 2029. How many homes do interim heritage orders put at risk of missing that target?
- (89) Why is it that high-value suburbs like Mosman can halt development on heritage grounds, while Western Sydney communities are told they must accept density?
- (90) Developers in Neutral Bay say delays will add \$250,000 and nine months. How many housing projects become financially unviable due to these delays?

Laggard Councils

- (91) Some councils are approving fewer than 25% of their pro-rata National Housing Accord targets- North Sydney Council, only approved 23.8% of their target, and has consistently been the worst-performing council; why is the Government allowing this to happen, and will it take action to ensure councils meet their targets?
- (92) What consequences exist today for councils that consistently fail to meet housing targets?
- (93) At what point is the government going to step in and override NIMBY councils?
- (94) Without decisive action on laggard councils, is it possible for the Government to meet its Housing Accord targets?
- (95) Will the government be taking any action to ensure that North Sydney Council, which has repeatedly been the worst-performing council, starts working toward meeting its housing targets?

(96) Has the government failed in attempting to get councils to cooperate on housing?

North Ryde Data Centre

(97) Does the Government continue to back the decision to put a data-centre on a site in Macquarie Park, creating 50 jobs, when the site could have been used to build hundreds of homes?

(98) Does the Government have any plans to remove the data centre, as well as existing data centres, in North Ryde, all of which are walking distance to the metro station, to build the over 500 homes that could be located on those sites?

(99) Could the data centres have been more appropriately located further from the metro station, rather than in prime housing location?

(100) When asked about the decision to put the data centre on the site, the Minister for Planning and Public Spaces stated that there was “no ban” on data centres in Macquarie Park. Does the Government recognise that something can be a bad idea, without it being explicitly banned?

Builder Insolvency

(101) With costs continuing to rise, and builders still going bankrupt on unprecedented scales, how is the Government going to take action to stop the housing crisis getting worse?

(102) Does the Government owe a duty to construction businesses across NSW to help prevent them from going bankrupt?

Housing and Productivity Contribution

(103) Does the Government accept that for many marginal development projects, particularly in Western Sydney and the regions, the HPC is the difference between a project proceeding or being shelved indefinitely? How does the Government justify this while claiming to be boosting housing supply?

(104) Does the Government recognise that the HPC disproportionately harms smaller developers with tighter margins and higher borrowing costs?

- (a) How does the government justify this when small and mid-tier builders are those that are delivering much of NSW's infill housing?
- (105) Why hasn't the Government made the HPC payable at the end of a development?
- (a) Does the Government accept that making the charge payable at the start of development adds barriers to development for many developers?
- (106) Does the Government accept that many developers do not 'absorb' costs, but rather pass them on through higher prices?
- (a) Specifically, does the Government consider that introducing a HPC is, in effect, adding further costs that will be passed on to purchasers?
- (107) Will the Government consider pausing or deferring new charges until the construction sector stabilises?
- (108) The HPC Fund has raised \$39 million and spent \$0, despite operating since October 2023. At the current collection rate, when will the fund reach its \$1.5 billion target?
- (a) How many homes will be delayed because infrastructure that the fund was supposed to build does not exist?

Foreign Ownership

- (109) The federal government has banned foreign persons from purchasing established homes for a two-year period starting 1 April 2025. Does the NSW Government support this policy and its intent to improve housing affordability?
- (110) The foreign buyer ban applies only to established dwellings, while foreign persons can still buy newly built homes and vacant land to build homes. Why has this distinction been made if the aim is to free up housing stock?
- (111) Does the Government have modelling showing how many additional homes or how much lower prices will result from this foreign buyer ban?
- (112) Some peak industry groups argue that state and federal restrictions on foreign ownership discourage foreign capital that builds new homes, which could

reduce the supply of new housing. Is the NSW Government concerned that these policies might be counter-productive?

Non-Government School Planning Amendments

(113) When and on what basis did the Government decide to remove the ability for registered non-government schools to act as a 'determining authority' for Division 5.1 environmental assessments for works within existing school sites rights first enabled in 2017 and what risk, probity or performance evidence supported that reversal?

(a) What impact analysis was undertaken on planning timeframes and costs for non-government schools before those rights were removed?

(114) Your 22 November 2024 media release states the T&I SEPP changes are "expected to cut between six to eight months" from a 12-18 month planning process for new public schools; what modelling underpins that claim, and why weren't equivalent Division 5.1 or 'development without consent' pathways preserved for non-government schools to secure the same time savings?

(115) Did the Department assess whether these changes create unequal planning treatment between the government and non-government sectors?

(116) What modelling has been undertaken on how these changes will affect the delivery of new school infrastructure in growth areas?

(117) Why were the planning amendments made without meaningful consultation with the non-government sector?

(118) Under the November 2024 T&I SEPP amendments, public school buildings up to four storeys and in prescribed zones such as the Western Parkland City precinct may proceed without development consent; what objective planning reasons justify granting this density and speed advantage to government schools while restricting non-government schools to slower exempt/complying pathways, and will you publish any equity impact assessment undertaken?

Sydney Olympic Park Master Plan 2050

(119) Can you confirm when the Sydney Olympic Park Master Plan is going to be released to the public?

(120) Why has the release of the Sydney Olympic Park Master plan been delayed?

(121) Can the Government provide any further information surrounding what can be expected from the Master Plan, and for the future of Sydney Olympic Park?

Local Environment Plans

(122) What mechanisms does the NSW Government have to compel a council to respond in a timely manner to Departmental requests relating to an LEP?

(123) At what point does prolonged inaction or delay in progressing an LEP trigger State intervention or performance review?

(124) What assessment has the Department made of the risks to housing supply, employment land delivery, flood resilience planning and infrastructure coordination caused by Hawkesbury City Council operating under a planning framework that was last comprehensively updated in 2012?

(125) If delays persist, will the Minister consider appointing additional oversight to ensure delivery in a timely manner?

Questions from Ms Cate Faehrmann MLC

Bowdens Silver Mines

(126) Have any staff from the Office of the Minister for Planning and Public Spaces met with or corresponded, including by phone, email, virtual meeting or in person, with Bowdens Silver Mines or any of their representatives since August 2024?

(a) If so, please provide dates of the meetings, who attended (including any legal representatives) and the topic(s) of discussion.

(127) Have you had discussions with the Minister for Health regarding the Human Health Risk Assessment prepared for Bowdens Silver Mines?

(a) If so, please provide details of when these discussions occurred and any outcome of those discussions.

Fit and proper person test

(128) When assessing whether a proponent is a fit and proper person for the purposes of approving a development application or modification for a mining project, how does NSW Planning take into account the compliance history of that proponent?

(129) In relation to Newmont's Cadia Valley Operations (MP06_0295), please list all lines of evidence that NSW Planning used to determine that Newmont passed the fit and proper person test for each of the following development approvals:

- (a) MOD 11 - Cadia Hill Tailings
- (b) MOD 12 - Cadia Hill Tailings Increase
- (c) MOD 13 - Cadia Hill Tailing Completion
- (d) MOD 14 - Increased Processing Rate
- (e) MOD 15 - Various including tailings dam embankment upgrade
- (f) MOD 17 - Confirmation of Approved Disturbance Footprint

(130) In relation to Broken Hill Operations' Rasp Lead/Zinc/Silver Project (MP07_0018), please list all lines of evidence that NSW Planning used to determine that Broken Hill Operations passed the fit and proper person test for each of the following development approvals:

- (a) MOD 9 - Extension of Underground Exploration
- (b) MOD 10 - Temporary tailings placement in TSF2
- (c) MOD 11 - Ventilation Intake and Underground Exploration
- (d) MOD 12 - Underground Mining Extension

Hydrocycloned sand tailings

(131) Has NSW Planning undertaken any assessment of, or commissioned any independent research into, the efficacy of and risks associated with the use of hydrocycloned sand tailings in buttressing tailings storages?

- (a) If so, what were the qualifications of the person or persons undertaking this assessment or research?

- (b) What were the outcomes of the research?

Blueberries

(132) Since May 2023, how many individuals, community groups or councillors have written to or called you or your office to raise concerns about the blueberry or intensive horticulture industry in NSW?

- (a) Where known, please list what local government area this correspondence related to.

Leard Forest habitat clearing

(133) List all monitoring and compliance activities undertaken by NSW Planning between 2015-2025 in relation to any clearing of habitat or vegetation in Leard Forest undertaken by Whitehaven Coal (or any of their subcontractors) and:

- (a) differentiate between on-site versus desktop monitoring and compliance
- (b) specify whether clearing was undertaken in accordance with the conditions of approval for Whitehaven Coal's Maules Creek Coal Mine
- (c) specify whether clearing was undertaken in accordance with any restrictions or commitments in any environmental plan (or other named management plan) in operation at the time
- (d) For each monitoring or compliance activity, provide details of any identified breaches of development conditions or restrictions or commitments in a management plan and the response taken by NSW Planning for each breach

(134) List all clearing events undertaken in Leard Forest by Whitehaven Coal (or any other party they may have subcontracted) in relation to their Maules Creek Coal Mine that have taken place between 2015 and 2025. For each clearing event please detail whether:

- (a) clearing was restricted to between the 15 February and 30 April

- (b) clearing was undertaken in a staged manner so that only the minimum number of trees needed to allow mining planned for the next year to occur are cleared
- (c) a licensed wildlife carer and ecologist was on site
 - i. If so, please provide details of any wildlife rehabilitation groups the licence wildlife carer was associated with.
- (d) temperatures remained below 35°C throughout the clearing event
- (e) detailed inspections of trees were carried out before they were removed
- (f) any animals were relocated
 - i. If so, which species and how many individuals were involved?
 - ii. If so, were relocated animals fitted with radio tracking and, if so, what was done with any data collected?

(135) Detail all monitoring and compliance activities undertaken by the NSW Planning between 2015-2025 in relation to any clearing of habitat or vegetation in Leard Forest undertaken by Idemitsu (or any of their subcontractors), and

- (a) differentiate between on-site versus desktop monitoring and compliance
- (b) specify whether clearing was undertaken in accordance with the conditions of approval for Idemitsu's Boggabri Coal Mine
- (c) specify whether clearing was undertaken in accordance with any restrictions or commitments in any environmental plan (or other named management plan) in operation at the time
- (d) For each monitoring or compliance activity, provide details of any identified breaches of development conditions or restrictions or commitments in a management plan and the response taken by NSW Planning for each breach?

(136) Detail all clearing events undertaken in Leard Forest by Idemitsu (or any other party they may have subcontracted) in relation to their Boggabri Coal Mine

that have taken place between 2015 and 2025. For each clearing event confirm whether:

- (a) clearing was restricted to between the 15 February and 30 April
- (b) clearing was undertaken in a staged manner so that only the minimum number of trees needed to allow mining planned for the next year to occur are cleared
- (c) a licensed wildlife carer and ecologist was on site
 - i. If so, please provide details of any wildlife rehabilitation groups the licence wildlife carer was associated with.
- (d) temperatures remained below 35°C throughout the clearing event
- (e) detailed inspections of trees were carried out before they were removed
- (f) any animals were relocated
 - i. If so, which species and how many individuals were involved?
 - ii. If so, were relocated animals fitted with radio tracking and, if so, what was done with any data collected?

(137) For the vegetated corridor between Boggabri and Maules Creek Coal Projects (condition 51 of the Boggabri conditions of approval):

- (a) describe what if any compliance activities have been undertaken by NSW Planning
 - i. include details of any site visits to the corridor conducted by NSW Planning since the illegal blasting at the Maules Creek Coal Mine in 2020
- (b) provide details of any identified breaches of the condition and the response taken by NSW Planning for each breach
- (c) outline any endeavours undertaken by Whitehaven Coal and Idemitsu to:
 - i. enhance the functioning of the area as a biodiversity corridor
 - ii. minimise the impacts on the corridor.

Questions from Ms Sue Higginson MLC

Local Climate Impact Assessments

(138) Since the Court of Appeal decision in *Denman Aberdeen Muswellbrook Shire Council v MACH Energy Australia Pty Ltd*, has the Department issued any written guidance to assessment officers regarding consideration of local climate change impacts?

- (a) On what date was that guidance issued?
- (b) In what form was the guidance issued (for example, practice note, circular, internal legal advice, or amendment to standard templates)?
- (c) Have the Department's standard Secretary's Environmental Assessment Requirements (SEAR) templates been amended since the MACH decision to expressly require assessment of local climate change impacts?
 - i. On what date were those amendments made?
- (d) Does the Department currently maintain a documented position on how the MACH decision is to be applied in development assessment?
 - i. Is that documented position publicly available?

Climate Change (Net Zero Future) Act (Planning System Integration)

(139) Does the Department receive regular updates on the State's projected emissions trajectory under the Climate Change (Net Zero Future) Act 2023?

- (a) How frequently are those updates provided to the Department?

(140) Is there a formal process by which projected emissions from approved State significant development and State significant infrastructure projects are incorporated into whole-of-government emissions modelling?

(141) Does the Department maintain a record of projected annual greenhouse gas emissions from approved but not yet operational State significant development projects?

- (a) What is the total projected annual greenhouse gas emissions from approved but not yet operational projects as at the most recent reporting date?

(142) Does the Department assess the cumulative greenhouse gas emissions impact of projects currently under assessment in addition to emissions from projects already approved?

(143) Is there any threshold, benchmark or limit applied within the planning system to determine whether additional project emissions are consistent with the State's legislated emissions reduction targets?

(144) Is emissions data from approved projects provided to the Net Zero Commission for monitoring progress towards legislated targets?

(145) Has the Department issued any written guidance to assessment officers specifically addressing how the Climate Change (Net Zero Future) Act 2023 is to be considered in development assessment?

(a) What is the substance of that advice?

Cumulative Emissions Register

(146) Does the Department maintain a register or database of projected greenhouse gas emissions for State significant development and State significant infrastructure projects that have been approved since 1 July 2023?

i. Does that register include Scope 1 and Scope 2 emissions for each approved project?

ii. Does that register include Scope 3 emissions assessed as part of the approval process?

(147) Does the Department aggregate projected greenhouse gas emissions across approved projects for the purpose of monitoring cumulative impacts?

(a) How often is that aggregation updated?

(148) Does the Department aggregate projected greenhouse gas emissions across projects currently under assessment (in addition to those already approved)?

(149) Does the Department track projected emissions over time across approved projects?

(150) Has the Department undertaken any work since 1 July 2023 to develop a consistent methodology for comparing and aggregating emissions estimates across projects?

Natural Hazards and Climate Risk

(151) Pending finalisation of the proposed Climate Change and Natural Hazards SEPP, what climate scenario assumptions are currently applied in the assessment of State significant development and infrastructure projects?

(152) Are assessment officers currently required to consider projected future climate conditions (including projected changes in rainfall intensity, temperature, sea level rise and bushfire risk) in addition to historical baseline data?

(153) Has the Department issued any written guidance to assessment officers regarding the consideration of future climate scenarios in hazard modelling?

(a) What was the substance of that guidance?

(154) Does the Department require cumulative hazard impacts (for example cumulative floodplain population growth or cumulative heat exposure) to be considered across multiple projects within the same precinct or catchment?

(155) Who within the Department is responsible for determining whether hazard risk is considered “acceptable” or “tolerable” in current assessment practice?

(156) Has any guidance been issued to local councils regarding alignment of local planning controls with projected future climate hazard scenarios?

Development Coordination Authority

(157) Has the Development Coordination Authority (DCA) commenced operation in any way?

(a) On what date did the DCA first commence work of any kind?

(b) From which divisions or agencies were staff transferred to the DCA?

(158) When are the changes necessary to the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and various environmental

planning instruments expected to be complete to allow for the operation of the DCA?

- (a) How many full-time equivalent staff are currently expected to be allocated to the DCA?
- (b) How many of those staff will likely be transferred from existing divisions or agencies within the planning portfolio?
- (c) How many of those staff will likely be transferred from existing divisions or agencies outside of the planning portfolio?

(159) What is the annual budget allocation for the DCA for the current financial year?

- (a) Is the DCA funded through new appropriations or through internal reallocation of existing departmental resources?

(160) Will DCA advice be retained on the project file for each development it reviews?

- (a) Has any legal advice been prepared regarding the likelihood of these records having a claim of privilege over them for the purposes of a Government Information Public Access application or an order for production of documents?

(161) Will DCA advice included or referenced in determination reports or reasons for decision be retained?

- (a) Has any legal advice been prepared regarding the likelihood of these records having a claim of privilege over them for the purposes of a Government Information Public Access application or an order for production of documents?

(162) Will the DCA be able to recommend that a project proceed notwithstanding objections raised by other statutory agencies?

- (a) Where the DCA's advice differs from advice provided by another agency (for example the Environment Protection Authority or biodiversity divisions), how will that difference be resolved?

(163) When will the final framework governing the DCA's role be released?

Renewable Energy Projects

(164) How many State significant renewable energy projects (including storage and transmission) have been determined since 1 July 2023?

(a) What is the number for each class of project?

(165) What was the average determination timeframe for renewable energy projects determined in:

(a) 2023-24?

(b) 2024-25?

(c) 2025-26 to date?

(166) How many renewable energy projects currently under assessment have been referred to the Independent Planning Commission?

(a) What is the average time between referral to the Independent Planning Commission and final determination for renewable energy projects since 1 July 2023?

(b) How many renewable energy projects are currently awaiting determination as at the most recent reporting date?

(167) How many assessment officers are currently assigned to renewable energy projects within the Department?

(168) Has the number of staff assigned to renewable energy assessment increased since 1 July 2023?

(a) By how many?

(169) How many renewable energy projects under assessment are awaiting confirmation of grid connection or transmission capacity?

(170) Since 1 July 2023, has any renewable energy project been refused on the basis of assessment delay or incomplete information relating to grid connection?

(a) How many?

Floodplain Development and Evacuation Risk

(171) On what date was the most recent flood modelling for the Hawkesbury-Nepean Valley adopted for planning assessment purposes?

(a) Which agencies contributed to that assessment guideline?

i. For each agency, when did that agency provide input to the assessment guidelines?

(172) Does the Department require confirmation that evacuation infrastructure upgrades are funded prior to approving additional residential development in constrained floodplain areas?

(173) Does the Department track cumulative projected population growth within identified flood evacuation catchments?

(a) Is there a defined maximum population threshold for specific flood evacuation catchments?

(174) Has the Department issued any written guidance to councils regarding floodplain development benchmarks since 1 July 2023?

(a) What were the dates for each issuance of advice?

Biomass Electricity Generation

(175) Is there any current work underway within the Department to develop policy or legislative settings specific to electricity generation from biomass derived from; forests, forest residues, native or invasive species vegetation?

(a) What is the quantum of that work?

Koala Habitat Protection

(176) Has the Department set a target date for finalising a consolidated koala habitat framework?

(177) Has the Department issued any updated guidance to assessment officers regarding interpretation of koala habitat mapping or habitat thresholds?

(178) Since 1 July 2023, has any State significant development proposal been modified or refused on the basis of koala habitat impact?

(a) Which development/s?

(179) Has the Department issued any guidance to councils regarding alignment of local planning controls with the current koala habitat provisions?

- (a) To which councils?
 - i. When was this guidance issued to each council?

Coffs Harbour Jetty Foreshore

- (180) How many State significant development and State significant infrastructure projects are currently under assessment by the Department?
- (181) Property and Development NSW (PDNSW) has revised aspects of its Planning Proposal for the Coffs Harbour Jetty Foreshore precinct, including the Voluntary Planning Agreement, Development Contributions Plan, visual impact assessment, Indigenous heritage documentation and draft design controls. Does the Department intend to undertake further public consultation on those revised documents prior to finalisation?
- (182) Given that the Secretary of the Department of Planning, Housing and Infrastructure has stepped aside from involvement in the assessment of PDNSW's State-assessed rezoning application, what governance arrangements are in place to ensure independence in the recommendation provided to the Minister?
- (183) Has the Department considered referring the rezoning proposal to the Independent Planning Commission or another independent body for determination? If not, why not?
- (184) The Rezoning Evaluation Panel indicated that the proposal's prospects would improve with a commitment to social and affordable housing and a definitive infrastructure funding commitment. Does the Department consider that those matters have now been satisfactorily addressed?
 - (a) If those matters have not been addressed, on what basis does the Department consider the proposal suitable to proceed under the current pathway?
 - (b) Does the Department consider that the original endorsement by the Rezoning Evaluation Panel remains valid in circumstances where the identified matters have not been resolved?

- (185) In relation to the “Rezoning Pathways - Suitability and Readiness Assessment” application submitted by PDNSW, has the Department undertaken any review of the accuracy of information contained in that application?
- (186) Was an independent probity adviser present during the Rezoning Evaluation Panel meeting considering the application?
- (a) If an independent probity adviser was present, please identify the adviser and the scope of their engagement.
 - (b) If no independent probity adviser was present, please clarify why previous correspondence indicated that one had been.
 - (c) Has the Department considered whether the application should be reassessed or resubmitted in light of issues raised regarding the application documentation?
- (187) The Rezoning Evaluation Panel Outcome Report refers to 6 hectares of railway land recommended for the State-Assessed Rezoning Proposal pathway. What assessment pathway applies to the Marina and Deep-Sea Fishing Club land parcels within the broader precinct?
- (188) What is the total area of RE1 Public Recreation land proposed to be rezoned to MU1 Mixed Use under the Planning Proposal?
- (189) Does the State-Assessed Rezoning Proposal pathway allow for outright rejection of a proposal following exhibition and submissions?
- (190) Has the Department independently verified the number of existing informal car parking spaces within the precinct as part of its assessment of the Planning Proposal?
- (191) Has the Department undertaken a formal assessment of whether the Planning Proposal satisfies the six stated aims published by PDNSW?
- (a) If such an assessment has been undertaken, is that assessment documented?
 - (b) In assessing the Planning Proposal, how does the Department determine whether the stated aims of a rezoning proposal have been achieved?

(192) Were formal minutes taken of the meeting between Ministers Kamper and Scully and Aboriginal elders and Land Council representatives regarding the Coffs Harbour Jetty Foreshore proposal?

- (a) If minutes were taken, have they been provided to attendees?
- (b) If minutes were not taken, what is the Department's standard practice regarding record-keeping for meetings of this nature?
- (c) Was a walk on Country requested by Aboriginal representatives prior to or during that meeting?
 - i. If such a request was made, was it considered, and what was the outcome?