

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Monday 25 August 2025

Examination of proposed expenditure for the portfolio area

PLANNING AND PUBLIC SPACES

CORRECTED

The Committee met at 09:15.

MEMBERS

Ms Sue Higginson (Chair)

The Hon. Scott Barrett

The Hon. Anthony D'Adam

Ms Cate Faehrmann

The Hon. Wes Fang

The Hon. Scott Farlow

The Hon. Mark Latham

The Hon. Stephen Lawrence

The Hon. Rachel Merton

The Hon. Tania Mihailuk

The Hon. Cameron Murphy

The Hon. John Ruddick (Deputy Chair)

PRESENT

The Hon. Paul Scully, *Minister for Planning and Public Spaces*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

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The CHAIR: Welcome to the first hearing of Portfolio Committee No. 7 - Planning and Environment for the inquiry into budget estimates 2025-2026. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Sue Higginson, and I am the Chair of the Committee. I welcome Minister Scully and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Planning and Public Spaces.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. Welcome, and thank you for making the time to come today to give evidence. All witnesses will be sworn in prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

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Ms KIERSTEN FISHBURN, Secretary, Department of Planning, Housing and Infrastructure, affirmed and examined

Ms MONICA GIBSON, Deputy Secretary, Planning, Land Use Strategy, Housing and Infrastructure, Department of Planning, Housing and Infrastructure, affirmed and examined

Mr DAVID GAINSFORD, Deputy Secretary, Development Assessment and Sustainability, Department of Planning, Housing and Infrastructure, affirmed and examined

Ms MELANIE HAWYES, Deputy Secretary, Crown Lands and Public Spaces, Department of Planning, Housing and Infrastructure, affirmed and examined

Mr SCOTT JOHNSTON, Deputy Secretary, Corporate Services, Department of Planning, Housing and Infrastructure, sworn and examined

Mr ALEX WENDLER, Chief Executive Officer, Landcom, affirmed and examined

The CHAIR: Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Minister for the morning session from 9.15 a.m. to 1.00 p.m., with a 15-minute break at 11.00 a.m. In the afternoon, we will hear from departmental witnesses from 2.00 p.m. to 5.30 p.m., with a 15-minute break at 3.30 p.m. During these sessions there will be questions from the Opposition and crossbench members only, with 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. We will now begin with questions from the Opposition.

The Hon. SCOTT FARLOW: Good morning, Minister. Now that you've made the announcement with respect to Woollahra station, when did the department first start investigating development and rezoning around Woollahra station?

Mr PAUL SCULLY: I think it's probably been looked on and off at for the last 50 years. Woollahra station's been spoken about for that long. Of course, I couldn't go back that far in time; I'm a bit young.

The Hon. SCOTT FARLOW: Let's be a little clearer, Minister. Under your stewardship as Minister, when did the department first start investigating the rezoning around Woollahra station?

Mr PAUL SCULLY: I haven't got an exact date for you, but we've been looking at all options to increase housing supply, not only throughout Sydney but throughout the Hunter, Central Coast, the Illawarra and the rest of New South Wales. It's important that we take a fresh look at all ideas and all options to increase supply.

The Hon. SCOTT FARLOW: Minister, let's go to specifics then. Was it this year? Was it last year? Was it in 2023?

Mr PAUL SCULLY: We've been looking at various options on supply. As I said, I can't give you an exact date. I haven't got an exact date before me, but this has been—

The Hon. SCOTT FARLOW: I'm not asking for an exact date; I'm asking for a year. I'm asking for '23, '24, '25—which year was it?

Mr PAUL SCULLY: As I said, I haven't got an exact date for you. I think we probably first talked about it in '23, we probably talked about it again in 2024 and we've most certainly spoken about it in 2025. I'm sure that my predecessors probably looked at this option as well—or I would have hoped they would have—because it's a responsible course of action. Actually, where are you guys at? Do you guys support it? There's been a few different—

The Hon. SCOTT FARLOW: Minister, we've gone through this before. I ask the questions; you answer them.

Mr PAUL SCULLY: So you don't support it? All right. That's disappointing. I would have thought you'd support more housing in the eastern suburbs in good transport oriented areas.

The Hon. SCOTT FARLOW: Minister, the next question I have for you is that, back in 2023, you identified there were constraints around water capacity bearing on Edgecliff being a TOD. When did you receive advice that had changed?

Mr PAUL SCULLY: Sydney Water went back and re-examined that capacity issue, and I think that the officials—

The Hon. SCOTT FARLOW: Was that at your request?

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Mr PAUL SCULLY: No, I think probably at the request of the Minister for Water. I don't direct Sydney Water. It's not an organisation, agency, or SOC, in this case, that I'm responsible for—although I'm a former employee and I know they do very good work. This was part of ongoing discussions. It's a State-led rezoning process so Sydney Water, as I believe officials testified to a committee last week, indicated they'd had a re-examination of it, and there was capacity.

The Hon. SCOTT FARLOW: When do you understand that that re-examination was initiated?

Mr PAUL SCULLY: I couldn't tell you. You'd have to ask the Minister for Water.

The Hon. SCOTT FARLOW: With respect to the 10,000 number of density—

Mr PAUL SCULLY: Up to 10,000.

The Hon. SCOTT FARLOW: Up to 10,000. What is that density modelled on?

Mr PAUL SCULLY: The up to 10,000 that you've indicated you don't support this morning?

The Hon. SCOTT FARLOW: Minister, what is that modelled on? What sort of density levels is that modelled on?

Mr PAUL SCULLY: That's modelled on a range of options, including a factor that indicates take-up rates and, as I said, it's up to 10,000. These are things that we'll need to work through over the next couple of years as we undertake the State-led rezoning process. The rate at which they come on and the like will be influenced to a certain degree by land transactions and general economic conditions. But we're confident that there are several thousand—up to 10,000—homes available in those areas.

The Hon. SCOTT FARLOW: Minister, what work has been done in terms of the fractured ownership? There are many strata complexes around that precinct. What work with respect to the feasibility was done by the department in that regard?

Mr PAUL SCULLY: More detailed work will be undertaken over the next two years as part of the State-led rezoning process. Perhaps it's worthwhile while we're talking about this that Ms Gibson or Ms Fishburn may wish to add something in terms of how the State-led rezoning process is undertaken. But these are things that aren't done overnight. We've identified the sites, we've identified the investigation areas, in this case, and we've identified this because it's connected to a future train station—a ghost train station at the moment, but a half-built one. We will undertake some more detailed assessment and modelling of those around building heights, locations and topography, but the initial modelling says up to 10,000 homes can be generated in those investigation areas.

The Hon. SCOTT FARLOW: How was that initial modelling done?

Mr PAUL SCULLY: Ms Fishburn or Ms Gibson may wish to do it.

The Hon. SCOTT FARLOW: I'm happy for either Ms Fishburn or—

Mr PAUL SCULLY: I'm the Minister; I don't sit there in front of the spreadsheet or whatever else might be used to undertake that modelling.

MONICA GIBSON: I'm very happy to answer that question. There's been modelling work done by both the department of planning as well as the Treasury officials. We looked at information about lot size, information about distance from the future train station, and in this situation we're looking at both an area around Edgecliff station and an area around the proposed new Woollahra station. We looked at some basic land use constraints, so matters about heritage item listing, heritage conservation areas. We've looked at information about some hazard information that we might know, so natural hazard information. We've looked at some preliminary built form controls, just to get a sense of what might be an estimate of homes. That information has led us to up to 10,000 homes across these two areas. We've also had the benefit of looking at Woollahra council's preliminary work, their master planning work, around the Edgecliff Centre. But because there hadn't been a decision about Woollahra station, there hasn't been any detailed work around there, so we're starting from a need to do a lot of detailed master planning work over the next couple of years to get into understanding the specifics about what's possible around Woollahra.

The Hon. SCOTT FARLOW: Minister, it was outlined yesterday that construction on the site will start in 2027 with completion in 2029. When do you anticipate that master planning process to be completed?

Mr PAUL SCULLY: We expect that to be completed, or we're hoping it is completed, prior to the commencement of construction activity. We want to make sure—

The Hon. SCOTT FARLOW: Just let me clarify and you can then go on. An LEP will be in place covering that area from 2027, at the time construction starts?

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Mr PAUL SCULLY: That is the aim, to try to get those planning controls in place in time for the start of construction. I think that's an important part. What we've done, or what the previous Government did far too often was undertake some infrastructure work and then not do the work to make sure that the land around it was rezoned and had the potential to do the homes, the jobs, the public spaces that are important to the growth and evolution of Sydney as a city. We don't want to be in a situation where we have to then go back, like we had to do with the transport oriented development accelerated precincts where there were big investments by the previous Government in metro and metro stations—

The Hon. SCOTT FARLOW: Every one of them was a priority planning precinct, Minister.

Mr PAUL SCULLY: But that work hadn't been done to do the rezoning.

The Hon. SCOTT FARLOW: You just ripped up that work, Minister.

Mr PAUL SCULLY: No, we didn't.

The Hon. SCOTT FARLOW: You started with a basis and you ripped it up.

Mr PAUL SCULLY: No, we didn't rip it up at all. We used that.

The Hon. SCOTT FARLOW: You did.

Mr PAUL SCULLY: We used that because—

The Hon. SCOTT FARLOW: And then you're saying no work was done. You used it.

Mr PAUL SCULLY: No, there was no rezoning that was done.

The Hon. SCOTT FARLOW: There was: Kellyville and Bella Vista. There were rezonings that were done.

Mr PAUL SCULLY: I think you need to listen to my testimony properly, like I listened to you when you said you didn't support the Woollahra train station and the redevelopment around there.

The Hon. SCOTT FARLOW: There has been nothing said in that regard, Minister.

Mr PAUL SCULLY: I offered you the opportunity to say yes or no and you didn't.

The Hon. CAMERON MURPHY: Point of order—

The CHAIR: I knew it was coming. I could feel a point of order coming on.

The Hon. SCOTT FARLOW: Minister, I know you wish to be in this chair.

Mr PAUL SCULLY: The upper House is the last place that I wish to be.

The Hon. CAMERON MURPHY: I know the Hon. Scott Farlow doesn't like the answers, but the Minister has to be given an opportunity to be able to respond—not have new questions and statements thrown over him.

The CHAIR: I hear the point of order. I do think it was a good, rigorous discussion that was happening. Everyone was holding their own well. But it is the right thing to do to let the answers come and let the questions be asked.

Mr PAUL SCULLY: Thank you, Chair. It is challenging. This is now a direct opposite. We've had the Opposition confirm this morning that they don't support this plan, while the Government intends to proceed with it. The Opposition continues to avoid housing in the east at every available opportunity.

The Hon. SCOTT FARLOW: Point of order—

Mr PAUL SCULLY: Yesterday there were so many caveats put around things.

The Hon. SCOTT FARLOW: I don't know what the Minister is answering now.

The CHAIR: Minister, is this your submission on the point of order? That is not normally what happens.

Mr PAUL SCULLY: It was my reflection on the robust discussion that we were having.

The Hon. SCOTT FARLOW: Why don't we take a leaf out of Greg Donnelly's book and say there's a question followed by an answer? My question to you is with respect to one of those areas along a metro line—the Cherrybrook precinct—what is happening with that place strategy? When will that be finalised?

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Mr PAUL SCULLY: Cherrybrook is underway at the moment. Let me just get the exact details so I can give them to you. That is part of the State-led rezoning proposal and process. It will create a vibrant mixed-use community that you don't want around Woollahra station, providing the homes, the open space, the retail, community and business spaces with access to a metro, so sensible planning and making sure that transport is connected to—

The Hon. SCOTT FARLOW: Minister, the question is when will that be finalised?

Mr PAUL SCULLY: Chair, if I could just give my answers. We agreed to a process of asking questions and then me giving answers, but I've got to be able to give the full answer. I want the shadow Minister to be fully informed when he opposes things.

The CHAIR: Carry on, Minister.

Mr PAUL SCULLY: This rezoning proposal is expected to be on public exhibition in September, so not too far away now, and I encourage the community to consider the plans, make a submission if they're willing, and I think they will find that it's a good proposal that will be put forward.

The Hon. SCOTT FARLOW: Another outstanding proposal, the Rosehill-Camellia place strategy, was something that you could have brought in with the stroke of a pen in 2023.

Mr PAUL SCULLY: Not really.

The Hon. SCOTT FARLOW: Minister, when will that be finalised?

Mr PAUL SCULLY: Let's go to this myth that's trying to be created with the stroke of a pen. This is a stroke of a pen I know that could have been exercised at any time since 2014. I wasn't the Minister in 2014, '15, '16, '17, '18, '19, '20, '21 or '22. There's a number of years—10 years almost—that this could have been done. Camellia was identified as a priority growth area since 2014. Work on the draft town centre master plan for the area began in 2018, so there's a four-year delay under the previous Government already. Stroke of a pen and apparently this can all be done. A four-year delay. Then it was put on pause while the then Greater Sydney Commission issued their Place-based Infrastructure Compact. That was in November 2019, so we're already at five years and counting. The greater Parramatta and Olympic Park work was completed then by the then Greater Sydney Commission in March 2020, so we're at six years and counting now, and in 2022 a place strategy for the precinct was finalised by the previous Government, so that's eight years.

A place strategy—for everyone, for those watching online, for those other Committee members, because I think this is an important part—is not a rezoning. A place strategy is a bit like you colour in some areas, shade in some areas on a map—there's going to be some jobs there, there's going to be some commercial there and there's going to be some houses there; they'll be slightly more dense here and they'll be slightly less dense here. All of the technical studies and the major technical studies that underpin a rezoning hadn't been done. This is now eight years after it had been identified by the previous Government as a priority growth area.

What has been happening is that those studies are being undertaken. The department is finalising work on that because we've got to make sure that we do do the technical studies to support the rezoning, the work around flood, around infrastructure, around hazards, constraints, because urban renewal in those sort of areas needs to be a careful balance between all of those constraints and what we might be able to get with respect to housing. The aim is to publicly exhibit a draft rezoning package before the end of the year. I confess—I don't like doing this, but I'll put my own small asterisk on this one—that is pending those technical studies being complete, because you can't do one without the other.

The Hon. SCOTT FARLOW: There seems to be an asterisk with everything, Minister.

Mr PAUL SCULLY: That's your policy.

The Hon. SCOTT FARLOW: No, there's an asterisk with everything. The amount of times you've come before this Committee and said, "The end of the year"—

Mr PAUL SCULLY: Have a look at the media release that was issued yesterday around Woollahra station. There are more terms and conditions on Woollahra station than an insurance policy from the members of the Opposition. But we've had it confirmed this morning that they don't support it, so we can all put that to bed.

The Hon. SCOTT FARLOW: Minister, we're talking about Rosehill-Camellia. So by the end of the year we will see a place strategy—

Mr PAUL SCULLY: No.

The Hon. SCOTT FARLOW: We'll see a rezoning with respect to Camellia?

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Mr PAUL SCULLY: As I said, the aim is to publicly exhibit the rezoning, subject to the finalisation of those technical studies, by the end of the year.

The Hon. SCOTT FARLOW: With respect to Tech Central precinct, when are we going to see that project completed? When are we going to see the rezoning completed around Tech Central?

Mr PAUL SCULLY: I think the rezoning has been done.

The Hon. SCOTT FARLOW: I know you've abandoned the over-station development, but are you committed to seeing more jobs and more housing in that area as well?

Mr PAUL SCULLY: Yes, that's why we've rezoned it.

KIERSTEN FISHBURN: The central rezoning was completed. I think about four weeks ago it went to ExCo.

The Hon. SCOTT FARLOW: Minister, with respect to some of the other plan B sites that your Government has been investigating, when it comes to White Bay and Glebe Island, when will we see the Government make a decision on this?

Mr PAUL SCULLY: As the Premier said yesterday, the Government will make announcements on that in the future. I haven't got a timeline, sorry.

The Hon. SCOTT FARLOW: What work is Planning doing as part of that program? I know it's being led by the Treasurer. What work is Planning doing?

Mr PAUL SCULLY: The Bays West precinct is an area we've identified as a TOD accelerated precinct, so work continues on that.

The Hon. SCOTT FARLOW: How do you continue work without knowing whether it is going to continue as a port or not? Are you doing contingencies in both ways?

Mr PAUL SCULLY: No. At the moment there is no decision of Government about any change to port operations, so the work continues on Bays West as it would ordinarily. If there is a decision of Government one way or another, that will influence any further outcomes on that.

The Hon. SCOTT FARLOW: Minister, has Planning done any investigation into the conversion of Long Bay jail to housing?

Mr PAUL SCULLY: It's housing at the moment.

The Hon. SCOTT FARLOW: Long Bay jail?

Mr PAUL SCULLY: Yes, there are a couple of thousand prisoners out there, aren't there, from memory?

The Hon. SCOTT FARLOW: For a select group.

Mr PAUL SCULLY: We haven't emptied it overnight, have we?

The Hon. SCOTT FARLOW: Are you looking for densification? Is this your idea of housing, Minister—jails?

Mr PAUL SCULLY: Sorry, let's not be dismissive. Ms Higginson, you're well into the Corrections portfolio. You can wander next door—the Minister for Corrections is appearing in front of his own estimates committee at the moment with respect to Long Bay, so you can ask him about that. But there are a lot of—I don't know, but I think it's around 1,200 inmates currently at Long Bay. So your plan is to do something—

The Hon. SCOTT FARLOW: Minister, I'm asking you questions as to whether Planning is investigating certain sites.

Mr PAUL SCULLY: I'm just trying to clarify because I'm wondering what it is. I've heard no plans to change Long Bay from its current arrangements with respect to housing and the range of specialist and additional elements that are done at Long Bay.

The Hon. SCOTT FARLOW: So Planning has done no investigations as to the rezoning of Long Bay?

Mr PAUL SCULLY: Well, they may have done under the previous Government that I'm not—

The Hon. SCOTT FARLOW: Not under your watch, though, Minister?

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Mr PAUL SCULLY: If I could answer, Chair, they may have done under the previous Government, because I think former Minister Elliott, when he was corrections Minister, undertook several attempts to sell that site and redevelop it for housing. But I haven't asked that any work be done with respect to Long Bay—

The Hon. SCOTT FARLOW: Okay, that's the answer, Minister.

Mr PAUL SCULLY: —because there are a whole lot more specialist services as part of the Corrections portfolio that are part of that Long Bay area, as I understand it. As I said, if you've got questions on the future of Long Bay, pop in next door and see Minister Chanthivong. He's on today as well, at the same time, and you can ask him. But is that your solution?

The Hon. SCOTT FARLOW: Minister, you've answered the question.

Mr PAUL SCULLY: So Long Bay is your solution to not supporting Woollahra?

The Hon. SCOTT FARLOW: Minister, you've answered the question. Minister, have any investigations been done around rezoning around Callan Park?

Mr PAUL SCULLY: Around Callan Park, there's a whole lot of work that's being done on the inner west LEP at the moment. The Inner West Council—

The Hon. SCOTT FARLOW: But has your department done any further work around rezoning around Callan Park, potentially with the inclusion of a metro station?

Mr PAUL SCULLY: Not that I'm aware of.

The Hon. SCOTT FARLOW: That's fine, Minister. Minister, has your—

Mr PAUL SCULLY: Sorry, are we just going to play a game here for the rest of the day of you randomly selecting places?

The Hon. SCOTT FARLOW: Minister, you don't get to ask questions. I get to ask the questions; you get to give the answers. Minister, has the department—

Mr PAUL SCULLY: Okay, what other places have you guys considered?

The Hon. SCOTT FARLOW: Has the department done any work with respect to the investigation of the Tempe bus depot precinct for rezoning?

Mr PAUL SCULLY: I'll take that on notice. I am not aware of any. Ms Fishburn? I don't know.

KIERSTEN FISHBURN: Not to my knowledge. Ms Gibson? I don't think we have ever discussed Tempe.

Mr PAUL SCULLY: Could someone get me a UBD? I can keep up with Mr Farlow's line of questioning here if I can just turn to a random page and spot a spot that we might be able to do it.

The Hon. SCOTT FARLOW: Mr Scully, I'm interested—

The CHAIR: I think it's Google Maps nowadays.

Mr PAUL SCULLY: Well, I'll work with what I can get. I don't have a computer in front of me.

The Hon. SCOTT FARLOW: This is not a soliloquy, Minister Scully. The Premier has outlined that there is a plan B. I'm interested in what other sites are part of plan B.

Mr PAUL SCULLY: No, I think you'll find that the Premier said yesterday that we're working on plans B, C, D, E, F and G. We announced the other week 15,000 potentially new dwellings around Burwood through a State-led rezoning process. We've got other places—Moore Point, which is being led by State-led—

The Hon. SCOTT FARLOW: So, Minister, this is your plan B?

Mr PAUL SCULLY: No, we're pushing forward with expanding housing supply where there are opportunities to do so and where it is sensible to do so, like at Woollahra—which you do not support, we've heard today.

The Hon. SCOTT FARLOW: Was that plan B, Minister?

Mr PAUL SCULLY: No, it wasn't. It's part of our ongoing work. The Transport Oriented Development—

The Hon. SCOTT FARLOW: So is there a plan B, Minister?

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Mr PAUL SCULLY: The Transport Oriented Development Program—

The Hon. SCOTT FARLOW: Are we seeing plan B at any time, Minister?

Mr PAUL SCULLY: Yours is the characterisation of plan B.

The Hon. SCOTT FARLOW: That was the Premier's characterisation.

Mr PAUL SCULLY: We're expanding housing supply where it is sensible to do so, consistent with rebalancing our housing growth, as we committed to do in the lead-up to the election. We've expanded through some massive rezonings in terms of permissibility and addressing the missing middle—something you weren't able to do. We've got sites coming through, 215 of them, through the Housing Delivery Authority. We've had our low- and mid-rise reforms, which expanded dual occupancies and semi-detached homes through all parts of New South Wales in R2 zoning. We've got our transport oriented development accelerated precincts and tier 2. We've got a record investment in social housing to make sure that we're renewing and expanding social housing stock. We've got an in-fill affordable housing bonus which, for the very first time, is actually driving affordable housing to make sure that there are opportunities for key workers across the State into the future. These are exciting things.

The Hon. SCOTT FARLOW: And housing completions have gone backwards, Minister.

Mr PAUL SCULLY: And you guys are stuck opposing Woollahra.

The Hon. SCOTT FARLOW: Housing completions have gone backwards.

Mr PAUL SCULLY: Well, it's interesting you should raise that.

The CHAIR: Thank you all.

Mr PAUL SCULLY: I hope you come back to that, because I think you need to update your facts.

The CHAIR: I'm sure he will come back to that. Minister, why did you all head out and announce your free gift to the rich and the developers in Woollahra without first announcing a windfall gain zoning tax on the massive profits that will be earned and pocketed by the wealthy few, not the public, from your policy announcement yesterday?

Mr PAUL SCULLY: On the second paragraph of page 2 of yesterday's media release:

Value capture will also be used to ensure the public retains some of the value unlocked through the rezoning and to offset the cost of bringing the station online.

So we have announced value capture.

The CHAIR: Can you explain what that means?

Mr PAUL SCULLY: At this point, there are a couple of things. There's the Housing and Productivity Contribution scheme, which the previous Government proposed a version of, then opposed when we brought it to the Parliament in 2023. But The Greens did support it—thank you. There are a couple of different components you can have of that. There's the general charge, a biodiversity charge that can be introduced or a transport charge that can be introduced. What we're contemplating is a transport-based charge with respect to there, but part of that is that the consideration of that works in with the process of rezoning. What we wanted to do yesterday was signal that value capture will be part of it, because that starts to influence land values from the get-go.

The CHAIR: And so any value capture from this massive project that should—one agent said this morning \$5 million to \$10 million is what properties will be going for now. Will that value capture be limited to the spend in the particular area?

Mr PAUL SCULLY: Under the Housing and Productivity Contribution scheme, if it's collected in Greater Sydney, it's spent in Greater Sydney.

The CHAIR: My point was why is this—

Mr PAUL SCULLY: We are putting a fair bit into a new train station there, so there will be some additional infrastructure there.

The CHAIR: Absolutely, for all the people that use that train. What about the benefits and the profits that are going to come from this for other areas—regional New South Wales and those other places?

Mr PAUL SCULLY: All of those trades would be subject to stamp duty as part of the general contribution. All of the people that are living in those areas will—hopefully many of them will be employed and

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making contributions through expanding businesses, through employment and through the general expenditure in the community. We continue to collect revenue off people. It's not a tax haven; we're not creating that.

The CHAIR: No, but it is, without a doubt, a massive opportunity that will be rewarding mostly the very wealthy.

Mr PAUL SCULLY: What it is is reversing what's been a wasted opportunity for nearly 50 years.

The CHAIR: What is the actual affordable housing component?

Mr PAUL SCULLY: Well, that's the detail that needs to be worked through.

The CHAIR: What do you think it will be, Minister, at this point?

Mr PAUL SCULLY: I'm hoping that it's up around the 10 per cent mark, but that's—

The CHAIR: Is this not the opportunity to raise it—to actually go a bit higher?

Mr PAUL SCULLY: It's zero at the moment.

The CHAIR: Is this not the opportunity to go more than 10 per cent, Minister? This is it, isn't it?

Mr PAUL SCULLY: Chair, that's a general remark. There may be sites, much as has been the case in the transport oriented development accelerated precincts, where it's considerably higher, depending on the uplift of certain key sites. I don't want to massively pre-empt some of the detail that's going to be worked through by the diligent officers of the department of planning, assisted by other agencies, over the coming period. But I think what you've seen with this Government is the first serious effort to make sure affordable housing is integrated into these things. We've had already, under the in-fill affordable housing bonus, nearly 10,000 dwellings proposed, of which more than one-quarter are proposed as affordable dwellings. We've got in-perpetuity affordable housing requirements in the transport oriented developed areas. This is stuff that's happened for the first time, and I agree we're a long way behind in terms of where other nations are when it comes to addressing this sort of stuff.

The CHAIR: Will you be doing all you can to encourage more than 10 per cent in the detail?

Mr PAUL SCULLY: That is the detail we will work through, and we will continue to look for opportunities. There may be an opportunity to expand the excellent scheme that Landcom's got going with respect to build-to-rent housing for key workers, where we have got a former WestConnex dive site at Annandale being turned into 220 build-to-rent apartments for essential workers. These are the sorts of clever moves, alongside our record investment in social housing, that mean that we are seriously trying to address, for the first time in a long time—well, the first time, it was not done at all under the previous Government—to do this properly.

The CHAIR: You're right. Can I move on to a different issue? This is the New South Wales Court of Appeal's matter in the MACH Energy—the Mount Pleasant case. In light of that court decision, will you now be reviewing and amending the relevant guidelines, including the *Social Impact Assessment Guideline*, to ensure that local climate impact assessments are addressed?

Mr PAUL SCULLY: I might make a general comment, and then Mr Gainsford may wish to add some more in terms of the case itself. I think it is important, Chair, that everyone is familiar with what had happened here. There was a challenge to the Mount Pleasant coalmine expansion. After a challenge was upheld by the Land and Environment Court on the project, the New South Wales Court of Appeal agreed on one thing and didn't agree on another thing. It didn't agree with the argument made about conditions to limit scope 3 emissions. It accepted that scope 3 emissions were regulated and accounted for, but it did agree with the argument about consideration of the impact of locality on scope 3 emissions. That cascades down into how we deal with that in an assessment phase.

The court ordered that the matter be sent back to the Land and Environment Court for consideration as to whether orders can or should be made which, if complied with, would validate the development consent for the expansion project. The parties are waiting, as I understand it. I haven't heard anything different this morning. The parties are awaiting confirmation from the Land and Environment Court on a listing to commence that. In terms of what that means though and what we might do with respect to more general assessment matters, I might give—

KIERSTEN FISHBURN: I will pick that one up. We have requested that our lawyers have a look at what came out of the court case and look at the implications for the department. That work is currently underway, so I don't have an answer for you at this point, Chair, but we are undertaking that review.

The CHAIR: So you will follow all good advice from lawyers, and if that advice comes to suggest that you will need to now review your secretary's environmental assessment requirements and you will need to go

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through all those current assessments in the pipeline to ask proponents to go back and address those matters, you would do that?

Mr PAUL SCULLY: We'll look at what the implications are and seek advice.

KIERSTEN FISHBURN: I think you are pre-empting the outcome of the review being undertaken by legal.

The CHAIR: I am, Minister, I wanted to ask about the Bowdens lead mine in the Mudgee region. I know there is currently a reconsideration taking place about that approval. You know that there is serious community and business concern around that proposal in Mudgee. Local businesses and residents are very concerned about the catastrophic impact that lead mining would have on the region's reputation, its community, its famous wineries, agriculture, tourism and health. Have you received the correspondence from the community regarding making the Mudgee region a lead mining exclusion zone?

Mr PAUL SCULLY: I can't recall seeing the exact piece of correspondence, but I believe it has been received.

KIERSTEN FISHBURN: The department has received some correspondence.

The CHAIR: Minister, would you meet with the community about this particular concern and consideration? My understanding is that you have been presented with a very clear request, including a legally drafted amendment to the State environmental planning policy. It is not an unusual request to have an area excluded to protect that area's economic prosperity.

Mr PAUL SCULLY: It is also not a decision that's solely mine, as you would appreciate. Any consideration and any decision to declare part of the State exempt from specific forms of mining are done in consultation with the Minister for the Environment, potentially the Minister for Energy and the resources Minister. While I am aware—and I think the letter you are referring to is the Johnson Legal's?

The CHAIR: Johnson Legal.

Mr PAUL SCULLY: Yes. We have received that, and we are looking at that letter. The department is preparing a response to it. I think I may have met with some representatives of that part of the world.

The CHAIR: I think not to discuss this particular proposal.

Mr PAUL SCULLY: No, not on this particular letter, but I think I have met with residents.

The CHAIR: So will you meet with them, Minister? Minister Kamper agreed to meet with the community recently about it.

Mr PAUL SCULLY: I'm happy to meet with anyone if they want to raise an issue with me. I don't know that I've received a request for a meeting, but I'm happy to go back and look at that and confirm it one way or another.

The CHAIR: And you will meet with them?

Mr PAUL SCULLY: If I have received a request. I am not going to randomly say I will meet with someone if I haven't received a request to meet with them.

The CHAIR: They would love to meet with you, Minister.

The Hon. JOHN RUDDICK: Minister, what is the current progress of the Government's housing policy for reaching your target of 377,000 homes over the next five years? In particular, the housing development authority has designated about 70,000 dwellings as State significant developments. What percentage of the State significant developments are likely to commence building, and what is the timing?

Mr PAUL SCULLY: Maybe I will deal with the Housing Delivery Authority stuff first, Mr Ruddick, and then I'll go back to the more general position. The Housing Delivery Authority—I have declared 215 projects, as of last week, as State significant development projects. These were ones that were considered by the members of the panel—of which Ms Fishburn is one—and their advice to me was that they be recommended. Between those, if all of them come through with the full amount they put through in the expression of interest process and they are fully approved—which, of course, is not a guarantee—there are just over 79,000 dwellings among those. What we have done with that though is, because delivery is in the title, we have put some "use it or lose it" provisions in place with respect to both the declaration and any subsequent approval, if it happens. For instance, if you receive a declaration on a property after you put in an expression of interest, you have nine months to get the detail of that proposal through so it can be assessed. We have made some commitments with respect to the

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assessment times on those to make sure that we are doing them as thoroughly but as speedily as possible, and that is 90 days in the department's hands to an average of 275 days overall.

If you don't get your planning proposal in in the nine months, I have got no hesitation in revoking the State significant development declaration. If you get your proposal in, it is assessed by the department, it goes through the public exhibition process et cetera and there is an approval given, you have then got 12 months to start. Again, I'm happy to use some of the powers afforded to me to revoke approvals if necessary, if people aren't starting on time. We don't want this process to have sites hanging around either with declarations or with approvals without action. It is time, and we are well past—we are a decade late, arguably, in terms of some of these things. There was a complete collapse of construction completions under the last years of the previous Government that we're trying to address.

In terms of where we are generally, I'm pleased to report to the Committee that we are seeing an uptick. We are seeing some of the decline being arrested and things being reversed. First off, one of the greatest frustrations has been council assessment times, and I am pleased to report that in March 2023, at the change of government, the average was 116 days for a DA. As of July this year, we are down to 83. It's still too long. We can still do better; we have done better in the past. Granted, there are some more complex proposals coming through, but that is down 28 per cent, so that is good. In terms of the number of lodgements, the advice I have received as at late July 2025 is that proposals for a little over 107,000 dwellings have been lodged. That is an increase of 26 per cent on the year before. In terms of approvals, again, as at towards the end of July, it was just shy of 77,000 approvals over the accord period—an increase of 26 per cent, a year-on-year increase.

I would make the point, too, with that increase—three-quarters of that increase has been attributed to changes that the Minns Government has introduced, in terms of policy, through transport oriented development, through the infill affordable housing bonus and through the low- and mid-rise. Commencements are trending upwards as well. As of the end of June, construction approvals were just under 50,000 and commencements just shy of 36,000—up 21 per cent on the same period last year. There is around 74,000 dwellings under construction at the moment. About three-quarters of those are multi-dwellings. Completions as at March 2025—that's nine months in. There is a bit of a delay because we use the Australian Bureau of Statistics figures. That's the official measure of all States and Territories with respect of completions.

Completions are at a tick over 33,000 for those nine months. Importantly, the December quarter was about 10 per cent higher than the September quarter—again, a decrease in average assessment time. An increase in the number of proposals coming—lodgements, approvals, commencements and completions. These are positive signs. I'm a long way from putting a "mission accomplished" sign up, as former US presidents might have done, in such early stages. There is a lot more to do, but I am heartened by the fact that there is a positive response to some of the changes that we've made.

The Hon. JOHN RUDDICK: That's all sounding good, Minister. I have a question about the floor-space ratios. Floor-space ratios in New South Wales are widely considered by planning professionals to be antiquated and an unsophisticated approach to managing use intensity, particularly for commercial land uses. They are not widely used in Queensland, South Australia, Victoria or New Zealand, where height limit and urban design are the primary control for bulk and scale. New South Wales is actively increasing densities for residential land, but industrial and commercial land remains largely untouched with regard to densities. Have you considered abolishing the floor-space ratios in industrial and commercial zoned lands?

Mr PAUL SCULLY: I'm going to defer to some of those more technical and better equipped. I don't know if Ms Gibson in the first instance, from a strategic planning perspective, might want to consider this. Floor-space ratio is something we've adjusted when it's come to rezoning. It's also about how buildings are formed in that sense—whether you've got tall and thin or lower and wider. Perhaps, as an expert planner rather than a Minister, the Committee might be better informed by Ms Gibson's considerations of such matters.

MONICA GIBSON: Floor-space ratio controls for commercial and industrial land are not mandatory requirements. It is a decision that is chosen by council or by the planning department, when we zone for land, to include those controls in the planning instrument. It is fairly typical in major CBDs to have floor-space ratio controls for commercial areas. That helps in getting the right amount of floor space for jobs as well as the mix of commercial activities that are happening in places like Parramatta CBD and Sydney CBD. On industrial land, it's probably less common to have a floor-space ratio control. Through the Industrial Lands Action Plan that we announced earlier this year, there is some detail in there about looking at ways to intensify the activity on industrial land. There are new ways to use that industrial land more productively and increase the productivity and the amount of land that is used for those industrial activities in those limited locations.

The Hon. JOHN RUDDICK: I might stay with you, Ms Gibson, because my next question is also about the floor-space ratio. A good proxy for planning efficiency is the amount of litigation. I understand from various

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sources that the Land and Environment Court spends a lot of its time squabbling over the definition of floor-space ratios. What percentage of the volume of work at the Land and Environment Court do you think is devoted to solving this issue of floor-space ratio?

MONICA GIBSON: I don't have any of that information available to me.

Mr PAUL SCULLY: I think the Attorney General would be better. It would be better addressed to the Attorney General, perhaps.

KIERSTEN FISHBURN: There is a clear separation between the department and the Land and Environment Court, as there should be. We don't hold that data.

The Hon. JOHN RUDDICK: If we looked over the last 10 years, would we be seeing a significant growth in the amount of litigation going through the Land and Environment Court? Is it increasing, decreasing or remaining static?

KIERSTEN FISHBURN: My understanding is it's remained fairly static, outside of the COVID years where it did seem to increase a little. We can take that on notice.

Mr PAUL SCULLY: Mr Ruddick, the Attorney General's department might be better placed in terms of giving you more exact figures on whether it's increased or not.

The CHAIR: Their annual reports are excellent.

Mr PAUL SCULLY: I think it could be fair to say that some people would characterise things as increasing there. I think a number of councils are probably frustrated by the number of matters that go before it. I know a number of builders and developers are frustrated by that. We are seeing more being resolved at the mediation stage, which I think is something we need to give further consideration to—how we might encourage that, perhaps, earlier in the process through greater engagement with the parties. That may prevent it actually progressing to that point.

The Hon. SCOTT BARRETT: Minister, I have had a quick look at your diary disclosures and note that I can only see the first half of this year. I see you met with Lithgow City Council. That was on a sitting day, so I presume that was in here. You also met with the chancellor of the university of Western Sydney. In the first half of this year, Minister, have you been further west than Penrith?

Mr PAUL SCULLY: The first half of this year—I can't remember when I was in Broken Hill.

The Hon. SCOTT BARRETT: That was last year.

Mr PAUL SCULLY: That was last year? Sorry. I'd have to double-check. I can't remember the dates.

The Hon. SCOTT BARRETT: You haven't been to Dunedoo, Oberon, Trunkey Creek or any of those places? Walcha?

Mr PAUL SCULLY: I haven't been to Trunkey Creek, I haven't been to Dunedoo, and I haven't been to Oberon this year, no.

The Hon. SCOTT BARRETT: You haven't sat at the kitchen table or walked the farms that are being impacted by the rollout of the renewables over the last—

Mr PAUL SCULLY: If I haven't been there, then no, I haven't sat at the kitchen tables there.

The Hon. SCOTT BARRETT: Do you not think it's relevant to your portfolio to understand the issues these people are facing?

Mr PAUL SCULLY: Yes.

The Hon. SCOTT BARRETT: Would you go out there and meet with these people?

Mr PAUL SCULLY: I just said to the Chair that I'm happy to meet with people.

The Hon. SCOTT BARRETT: Have you had any other meetings, Minister, with people that haven't reached out to you, or do you only respond to meeting requests?

Mr PAUL SCULLY: Meetings are organised in a whole range of circumstances. If people ask to meet with me, then generally I try to if it's appropriate. It's not always appropriate for the planning Minister to meet with everyone, given that I may be the consent authority on a number of matters. I have to take that into consideration, but generally I try and meet with as many people as I can.

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The Hon. SCOTT BARRETT: These communities are screaming out for some decent consultation around this rollout. Do you think it would be respectful to go out and see the issues that they're facing?

Mr PAUL SCULLY: We've got a couple of different things going on here, right? Are you talking about consultation with respect to projects or are you talking about me going and meeting with people? Because they're two different things. Consultation with respect to projects is something that proponents should be undertaking and are required to undertake as part of the planning law. It is an expectation as part of—you're obviously going to get there, so let's jump ahead. We're talking about renewable energy projects. If there is a proponent of a renewable energy project, part of the expectations in the secretary's environmental assessment requirements are with respect to consultation.

We do have guidelines with respect of how that consultation should be conducted properly and thoroughly. My own personal expectation is that if you're looking to be someone's neighbour for the next 30 years, you might go and introduce yourself and do that. If there is specific circumstances where you feel that a proponent is not undertaking their consultation responsibilities properly, then I'm happy to have the department contact that proponent. If you wanted to name them or if you wanted to provide details separately to me, I am happy to have the department contact them and say that there has been an expression of dissatisfaction with the approach that they've taken.

The Hon. SCOTT BARRETT: As far as any of the feedback you're getting, are you hearing that all proponents are meeting their expectations under the guidelines?

Mr PAUL SCULLY: As you'd expect, the planning Minister gets feedback that is both for, against and neutral on any particular proposal anywhere in the State at any point in time.

The Hon. SCOTT BARRETT: What are the repercussions if they're not meeting those guidelines?

Mr PAUL SCULLY: I might hand to Mr Gainsford to give you some detail on how this is done. I think this is important. I think Mr Gainsford did touch on some of these issues when he appeared before the upper House inquiry into the REZ recently, but it's probably worth repeating.

The Hon. SCOTT BARRETT: Minister, would you mind if I came to Mr Gainsford this afternoon and spent a bit more time—

Mr PAUL SCULLY: If this is going to inform a future line of questioning, I think it's important for the Committee to get at least a rudimentary understanding at a high level at this point in time.

The Hon. SCOTT BARRETT: But I can pick that up with him this afternoon.

Mr PAUL SCULLY: Okay, but you may find me having to take questions on notice as opposed to being able to answer them for you.

The Hon. SCOTT BARRETT: If we reach that bridge, we can cross it then.

Mr PAUL SCULLY: Just so long as you're aware of that risk. You may not get answers from me that you want.

The Hon. SCOTT BARRETT: Minister, the SSI modification made for the Mudgee Maintenance Facility was on public exhibition from 31 July until 14 August.

Mr PAUL SCULLY: Correct.

The Hon. SCOTT BARRETT: Would somebody be able to find how many submissions were made to that?

Mr PAUL SCULLY: Ten.

The Hon. SCOTT BARRETT: At lunchtime on the 14th, the webpage was still showing that submissions were closing in three days. Is anyone aware of that issue?

Mr PAUL SCULLY: I'll take your word for it. I didn't check the website at lunchtime on the 14th, so I'll take your word for it.

The Hon. SCOTT BARRETT: I did. I went on there and I checked. I rang the number and they were going to fix it.

Mr PAUL SCULLY: Just on that Mudgee facility, this is one of those ones that seems to have gotten a head of steam well above what it is. The facility we are talking about, for the benefit of the whole Committee—because this is a very specific case that perhaps not all Committee members would be aware of. EnergyCo submitted a modification application for the Central-West Orana REZ Transmission Project to construct a

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maintenance facility outside of Mudgee. That facility will support the operation of the renewable energy zone. It will house an office, a training space, workshops and a storage area. The total footprint of this is 0.77 hectares, and it's in an existing industrial estate around 300 metres from the nearest residence. It was a modification of that nature. It was not required to go on public exhibition, but EnergyCo indicated that it would be exhibited, so it was exhibited for 14 days between 31 July 2025 and 14 August 2025, noting that there might be a problem with the website dates.

Despite not being required to do so, there was that comment in the report, so there was the exhibition period. The department notified everyone who made a submission on the original Central-West Orana Renewable Energy Zone Transmission Project, as well as neighbouring properties around that proposed maintenance facility. That's the modification report and that process. I am advised—again, it may be a slightly dated—that 10 submissions were received during that exhibition period objecting to the modification. All of those were located about 50 kilometres or more from the site of the facility, with the majority of objections being to the transmission project itself rather than the shed in question. The local council, which is the Mid-Western Regional Council, commented on the modification, noting that the site was appropriately zoned for use, and requested additional contributions for the council.

The Hon. SCOTT BARRETT: Minister, my question is not so much about the project but the process and using this one as an example. As you are aware, people had 14 days to respond to this. Those people are generally farmers. They're working full-time in a way that most people wouldn't understand, yet they have 14 days to assess and read these documents. I can tell you, the social impact assessment alone was 62 pages, the traffic assessment was 49—

Mr PAUL SCULLY: I don't know why they were so long, to be honest.

The Hon. SCOTT BARRETT: The entire document was 680 pages.

Mr PAUL SCULLY: Yes, I know. I don't know why it was so long.

The Hon. SCOTT BARRETT: Yet they had two weeks to read them, understand them in a language that they're not used to and put in a submission. Do you think that's a fair amount of time for people to do that?

Mr PAUL SCULLY: As I said, I don't know why EnergyCo put forward so many technical matters in that modification. There was a high level of detail and specialist assessments that would not normally be expected by the department. This could have gone to the council. This was of a size and scope that could have, and probably should have, gone to a council for assessment, so I can't explain. Perhaps when EnergyCo might be before this august Committee or another one, they might be able to shed some light on why they took that approach. But I would point out that the modification report did include a summary of the application and its potential impacts to assist stakeholders in reviewing the application. But on the length of it, I don't know. To be honest, I don't know.

The Hon. SCOTT BARRETT: Still on those time frames, have you seen recent reports from councils in the Central West calling for local government to have more of a say on State significant developments?

Mr PAUL SCULLY: I see reports from councils asking for more involvement in State significant development, whether it's a State-led rezoning around Woollahra train station, for instance, or it's someone in the Central West. They're often from councillors rather than council officers, and there's often a separation. Often it's councillors who try to make a political point. Council officers, who work with the department and are well known to the process, understand that, even if they haven't comprehensively gotten every little bit of information in their first submission, they can put in subsequent information and that is considered as well.

The Hon. SCOTT BARRETT: Minister, council has 28 days to respond to EIS statements, for instance.

Mr PAUL SCULLY: That can be more. We're legally required to respond to them.

The Hon. SCOTT BARRETT: You're talking about this being an issue that's raised by councillors and not councils. Some councils are putting on multiple staff whose job it is purely to assess and respond to these things.

Mr PAUL SCULLY: Yes, The Nationals really did country New South Wales a disservice with the REZs. They should have done a lot better, up-front work.

The Hon. SCOTT BARRETT: These are not things that they've asked for. This isn't a workload that they have sought or asked for. This is an additional cost on ratepayers. Do you support calls for an increase, at least, on these minimum exhibition periods?

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Mr PAUL SCULLY: Minimum is a minimum for everyone. If you increase it, you increase the minimum for things that are probably even overserved by the level of time that might be required with these sorts of things. Again, perhaps Mr Gainsford can shed some light on some of the details of how the assessment process works. However, it's not universal that 28 days is the only length of time. I've extended many. The secretary has extended many. The department, beyond the secretary, has extended many State significant development applications. What we're finding, though—and we'll have a look in more detail at any recommendations that the inquiry into the REZ comes up with, as they've made some findings and a number of recommendations, and we'll have a look at that out of the interim report.

People are having the response. What should have happened in those renewable energy zones is, when the previous Government started them, they should perhaps have done a fair bit more of the up-front work, similar to what we're doing with respect to the State-led rezoning around, say, Woollahra station. It's not directly comparable, but it's a big infrastructure investment that used some State heft to do the detailed work around it. That probably should have been done in the renewable energy zones too.

The Hon. SCOTT FARLOW: Minister, seeing as you've segued nicely to Woollahra, back to the questions of Ms Higginson—

Mr PAUL SCULLY: For someone who doesn't support it, you've got a lot of questions about it today.

The Hon. SCOTT FARLOW: Minister, I'm interested—

Mr PAUL SCULLY: That's all right. It's good. I'm happy to talk about it. It's an exciting project. You should be backing it in.

The Hon. SCOTT FARLOW: The transport infrastructure component—the \$15,000—is that what you've settled at?

Mr PAUL SCULLY: That's not a number that has been set.

The Hon. SCOTT FARLOW: I think the Premier mentioned the \$15,000 yesterday, on the basis of Pymont.

Mr PAUL SCULLY: Yes, on the basis of Pymont. Sure, it was \$15,000 for Pymont.

The Hon. SCOTT FARLOW: Are you doing independent assessments for Woollahra as to what that should be set at?

Mr PAUL SCULLY: Yes. That's part of the rezoning process. It's the sensible time to do that because, as you would appreciate, people can factor some of these costs into what they might be willing to pay for land into the future.

The Hon. SCOTT FARLOW: The transport infrastructure component at the moment applies in Pymont. It will apply in Woollahra. Is it set to apply in any other locations?

Mr PAUL SCULLY: There have been no announcements of its application in other areas—not that I'm aware of.

The Hon. SCOTT FARLOW: Are you considering applying it in other locations?

Mr PAUL SCULLY: The reason why we included the provision in the Act is that it could be contemplated for other areas. I wouldn't want to limit—you might be sitting in this chair at some point in the future. I don't know. Are you going to overturn and repeal the housing productivity contributions or not? I'm not sure about that. Your positions are a bit loose and wishy-washy.

The Hon. SCOTT FARLOW: Minister, again, I ask the questions; you give the answers.

Mr PAUL SCULLY: You may be sitting here, and you may want to apply a transport contribution at some point. I don't know.

The Hon. SCOTT FARLOW: We're asking about what you might want to apply transport infrastructure components on. Has the department done any feasibility work on applying that transport infrastructure component to other locations outside of Woollahra and Pymont?

Mr PAUL SCULLY: Not that I'm aware of.

The Hon. SCOTT FARLOW: You haven't had any directions for the—

Mr PAUL SCULLY: I haven't asked for it to be done.

The Hon. SCOTT FARLOW: Would that be done by your department rather than Treasury?

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Mr PAUL SCULLY: It would be done between them, I believe.

KIERSTEN FISHBURN: We'd do it in concert, yes.

The Hon. SCOTT FARLOW: With respect to the Housing and Productivity Contribution, you outlined in the budget a works-in-kind agreement.

Mr PAUL SCULLY: Yes.

The Hon. SCOTT FARLOW: When do we expect to see the infrastructure opportunities plan?

Mr PAUL SCULLY: I expect to see most of it done by the end of this year.

The Hon. SCOTT FARLOW: That's the same answer you gave back in 2023 as well.

Mr PAUL SCULLY: Well, that was predictable.

The Hon. SCOTT FARLOW: It's predictable that you give the same answer every time you come before us, "at the end of the year", and we never see it.

Mr PAUL SCULLY: Do you know why? It's because a lot of this work hadn't been done. We are literally starting in a lot of these areas, because we're expanding the UDPs to a whole heap of new areas, which is giving us that long list of proposals. This is work that was just—like so much other work. Every time you look under a new rock, you're still finding work that was left undone by the previous Government. But what we are doing, as we committed to—as you would probably have committed to, but you overturned your election commitment on the Housing and Productivity Contribution—we're working through infrastructure opportunities plans to outline those State and regional projects that will be eligible for the Housing and Productivity Contribution in Greater Sydney, Central Coast, Illawarra, Shoalhaven and the lower Hunter. They identify opportunities for several years into the future. It's important that we do the work to get it right.

The Hon. SCOTT FARLOW: Minister, in terms of the works-in-kind agreements, what projects do they apply to at present?

Mr PAUL SCULLY: They're not in place at the moment, so they don't apply.

The Hon. SCOTT FARLOW: If I were a developer and I wanted to enter into a works-in-kind agreement, what could I actually do at the moment?

Mr PAUL SCULLY: As you would have seen—and I think you guys supported it, which was good—for the works-in-kind agreements, there was the consultation paper that was issued at the time of the budget. We're working through some of the detail of how and when that will apply.

The Hon. SCOTT FARLOW: At the moment, it doesn't apply to anything. Is that right?

Mr PAUL SCULLY: No. That's why we had the discussion paper that was released in the lead-up to the budget to finalise the details of how it will apply. That's a good process, I would have thought.

The Hon. SCOTT FARLOW: But doesn't it rely on the infrastructure opportunities plan being in place?

Mr PAUL SCULLY: Right, precisely. We've got the works-in-kind—

The Hon. SCOTT FARLOW: Which you still haven't done.

Mr PAUL SCULLY: We've got the detail being done on how the works-in-kind projects would operate because we don't want to be in a position where, under previous works-in-kind agreements and processes, you could end up building half a road. There's a road, much to the frustration of the local member, where it just stops because the credits had been applied and used up. We're getting the detail right and making sure that we've got the works-in-kind arrangements aligning with the infrastructure opportunities plans to deliver infrastructure to growing communities that need it.

The Hon. SCOTT FARLOW: Minister, what has the Housing and Productivity Contribution paid for so far?

Mr PAUL SCULLY: It's contributing to the \$520 million that is part of the Transport Oriented Development Accelerated Precincts.

The Hon. SCOTT FARLOW: What has been paid out of that so far?

Mr PAUL SCULLY: In terms of actual bills, I haven't got the invoices in front of me. We're working through in those areas to identify green space in the first instance, along with other infrastructure opportunities that make sure that the State is working in with the councils to make sure that we've got really, really good, vibrant

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mixed-use communities. It's a similar process that we'll work through around Woollahra. I appreciate that you'll continue your opposition to it, but we'll get the planning right.

The Hon. SCOTT FARLOW: Saying it's the case doesn't make it so, Minister.

Mr PAUL SCULLY: But you haven't rejected my proposition.

The Hon. SCOTT FARLOW: Minister—

Mr PAUL SCULLY: I ask you to reject it.

The Hon. SCOTT FARLOW: Minister, with respect—

Mr PAUL SCULLY: I ask you simply: Do you support it, or not?

The Hon. SCOTT FARLOW: Minister, with respect to the—

Mr PAUL SCULLY: You can't answer because you've got more asterisks.

The Hon. SCOTT FARLOW: Minister, I have a question for you. You don't have questions for me.

Mr PAUL SCULLY: Right. I've got questions, don't you worry. So has the rest of the State.

The Hon. SCOTT FARLOW: Point of order: We have a way of engaging in these estimates, which is we get to ask the questions, and the Minister gets to make the answers. Can we please have the Minister directed to answer the question and allow questions to be asked.

Mr PAUL SCULLY: Perhaps my colleagues will ask me about Woollahra later.

The CHAIR: I am sure they will. They get a whole 15 minutes.

Mr PAUL SCULLY: It might take up the whole lot too.

The CHAIR: Minister, I would remind you it is for the honourable member to ask you questions and for you, Minister, to answer them.

Mr PAUL SCULLY: But he doesn't dictate the way in which I answer.

The CHAIR: Absolutely he doesn't, but it is a format. He asks the questions, and you answer them. Let's carry on.

Mr PAUL SCULLY: Sure, but I can ask questions with rhetorical flourish.

The CHAIR: Of course you can.

Mr PAUL SCULLY: Thank you.

The Hon. SCOTT FARLOW: Minister, to the \$520 million for the TOD accelerated precincts, there was a \$228 million commitment from the Federal Government with respect to three of those TOD zones.

Mr PAUL SCULLY: Correct.

The Hon. SCOTT FARLOW: Is that in addition to that \$520 million, or are you taking that now as part of that \$520 million?

Mr PAUL SCULLY: It's part of that and will contribute to it. Ms Gibson may wish to add some further information.

The Hon. SCOTT FARLOW: The Government's reduced its own allocation by \$228 million?

Mr PAUL SCULLY: We will still continue to make commitments to other infrastructure projects in those areas and other areas.

The Hon. SCOTT FARLOW: That \$520 million hasn't been increased. From your Government's perspective, it's been reduced.

Mr PAUL SCULLY: No. It's still \$520 million.

The Hon. SCOTT FARLOW: But you're getting Federal funding.

KIERSTEN FISHBURN: The quantum hasn't changed.

The Hon. SCOTT FARLOW: This isn't top-up funding.

CORRECTED

Mr PAUL SCULLY: If I took \$10 from the right pocket and \$10 from the left pocket, it's still \$20, isn't it?

The Hon. SCOTT FARLOW: But when you announced the tier one program, Minister, you outlined \$520 million of funding.

Mr PAUL SCULLY: And \$520 million will be spent.

The Hon. SCOTT FARLOW: And that was \$520 million of State funding at the time.

Mr PAUL SCULLY: Are you suggesting I should reject money from the Federal Government?

The Hon. SCOTT FARLOW: No. I'm suggesting you might want to add to it and have a mere \$750 million program.

Mr PAUL SCULLY: We will be adding to the capacity that we could do it because the \$220 million doesn't disappear.

The Hon. SCOTT FARLOW: That \$228 million has gone to only three locations: Kellyville, Bella Vista and Bankstown. Is that correct?

Mr PAUL SCULLY: I understand that was the Federal Government's commitment, yes.

The Hon. TANIA MIHAILUK: Good morning, Minister.

Mr PAUL SCULLY: Good morning.

The Hon. TANIA MIHAILUK: I congratulate you on Woollahra—well done. That's a great decision of the Government. You've got my full support.

Mr PAUL SCULLY: Not all landowners in the area support it, though.

The Hon. TANIA MIHAILUK: You've got my full support.

Mr PAUL SCULLY: There was a guy called Mark who's a landowner on the radio this morning. He didn't seem to support it.

The Hon. TANIA MIHAILUK: Can I ask you, Minister, who came up with this idea? Was it from your office or the Premier's?

Mr PAUL SCULLY: The Wran Government came up with the idea of Woollahra station.

The Hon. SCOTT FARLOW: The Wran Government axed it.

The Hon. TANIA MIHAILUK: No. You came up with Woollahra in recent months. It's a great idea so I'm not knocking it.

Mr PAUL SCULLY: We've been working across government.

The Hon. TANIA MIHAILUK: But I want to know whether it was coming from your office, predominantly, or Transport, or was it coming from the Premier's office?

Mr PAUL SCULLY: We all worked on it. We're a pretty collegial government.

The Hon. TANIA MIHAILUK: But somebody started or kicked it off. Where was the green light? Would you say the Premier's office?

Mr PAUL SCULLY: I don't know that it was a green light necessarily. There are ongoing discussions in the Government about where we might be able to address transport and housing pressures, and Woollahra came up. I didn't detail at the time as to who said it.

The Hon. TANIA MIHAILUK: I put to you, Minister, a few years back in my old life I was once in the shadow Cabinet and I remember a discussion with the Premier present at the time in regards to planning, in regards to rezoning a lot of the inner-city areas, and that included discussions about Woollahra. It included the eastern suburbs. It included all the areas of Balmain and Glebe. The frustration he had, and I shared with him, was the view it was absurd that we had this low-rise area just around the Sydney CBD. I put it to you I'm pretty aware of the Premier's view on this issue.

Mr PAUL SCULLY: Sure. I believe he's been quite vocal.

The Hon. TANIA MIHAILUK: Absolutely.

Mr PAUL SCULLY: You'd have to have been hiding under a rock not to be aware of his views.

CORRECTED

The Hon. TANIA MIHAILUK: Can I just put to you now, though: Where is City of Sydney planning in your eyes at the moment? Are you concerned that that particular council—obviously, you're stepped into Woollahra and you're going to have to because Woollahra council is going to oppose this. You've got Darcy Byrne in the Inner West Council proposing some significant housing, which I'm sure you'd be very pleased with. He wants to make sure that Albanese meets the housing target, so well done to him.

Mr PAUL SCULLY: I think he's also pretty concerned about making sure the inner west is a good place for young people to live.

The Hon. TANIA MIHAILUK: I know you've done some media together and that was in the article I read—that that was his concern about young people. Can I just put to you: Aren't you concerned that the most significant council, which I think is the City of Sydney, where you're got so many opportunities for growth, affordable housing, social housing—where are you at the moment with the City of Sydney? Is there a good relationship with your department and the City of Sydney getting onboard with the housing targets?

Mr PAUL SCULLY: Yes.

KIERSTEN FISHBURN: We've got a very healthy relationship with the City of Sydney, as we do with most other councils.

The Hon. TANIA MIHAILUK: Sorry, I asked the Minister, but thanks for that. I'm directing the question to the Minister.

Mr PAUL SCULLY: The City of Sydney's housing target, for instance, is over the next five years 18,900 dwellings. I think that the City of Sydney continues to do work there.

The Hon. TANIA MIHAILUK: That's their target that you've given? That's part of the housing target, or is that their target that they've come up with?

Mr PAUL SCULLY: No, that's the target that was set by the New South Wales Government in 2024. The City of Sydney continues to balance a whole host of sometimes competing requirements over land use but, I think, generally, I'd characterise—others may characterise it in their own way—the operational, working relationship between the City of Sydney and the department as cooperative and positive and generally aligned. There might be specifics in certain sites and the like.

The Hon. TANIA MIHAILUK: So, in your view, they'll meet the target that you've set?

Mr PAUL SCULLY: I have an expectation that all councils will not only meet but they might even try and exceed their target. The target's not a ceiling, and I think every council with a target and the one that was set for regional New South Wales—the first time ever outside of the Greater Sydney area that targets have been set. I think councils should see it for exactly what it is: an expectation that this is your contribution to meeting not only the housing accord but tackling the housing challenge. It's not a ceiling.

The Hon. TANIA MIHAILUK: Minister, we're in furious agreement. Can I ask you quickly about planning panels. Are you looking at changing the capital value of development from \$30 million to a lower amount to ensure that planning panels can take on more—

Mr PAUL SCULLY: For which panels?

The Hon. TANIA MIHAILUK: All of your panels.

Mr PAUL SCULLY: I'm open to consider sensible suggestions on any planning reforms that might help us deliver more homes, more job-creating investment—

The Hon. TANIA MIHAILUK: So you're looking at revisiting that value of \$30 million—lowering it so that more developments can go through the planning panel?

Mr PAUL SCULLY: We're continuing to explore a whole range of options when it comes to reform.

The Hon. TANIA MIHAILUK: Is it being currently explored by your office or by the department?

Mr PAUL SCULLY: The operation of panels is one of many things being considered at the moment. It's always under consideration because we've always got to adjust to circumstances as they change.

The Hon. JOHN RUDDICK: Minister, some of the most irrational restrictions on housing supply are due to the Heritage Act. In particular, the costs of heritage listing are not compared with the benefits. This results in many low-value buildings being preserved, preventing development and exacerbating the housing crisis. I like what I call the Gough Whitlam model. He had his home out there in Cabramatta. It came up on to the market a couple of years ago and a group of philanthropists who like Gough Whitlam pooled the money, bought it and have

CORRECTED

put it into a trust and it's going to be preserved. I would think, isn't that a better way, where we let the market—and we foster a culture of philanthropy—decide what is going to be heritage and what is not, rather than having bureaucrats decide it, which is causing lots of problems?

Mr PAUL SCULLY: Mr Ruddick, perhaps the detail of what is and isn't considered heritage should be directed to the Minister for Heritage. However, as a general point of view, I would think encouraging philanthropic acquisitions of strategic private sites is not a bad thing. I agree with you. In speaking to Nick Whitlam in the lead-up to when former Prime Minister Whitlam's house was put on the market, he was very keen, and I'm pleased that a group of people came together to do that. I think it's a good asset. But not all heritage sites are privately owned, and that's where we've got to work through it. How that heritage system is administered is a matter for the Minister for Heritage. However, it's interesting at a local level. I've been approached by a number of people in the Ku-ring-gai local government area who are keen to have their current local listing delisted for whatever motivation that may be. I find that an interesting point that you also might find interesting.

The Hon. JOHN RUDDICK: Yes, I've known people up at Ku-ring-gai and there are some absolutely irrational heritage listings up there.

Mr PAUL SCULLY: I think it's fair to say that heritage listings at a local level have periodically been misused, perhaps abused, in order to—

The CHAIR: Oh!

Mr PAUL SCULLY: No, it's not universal. I said on individual sites. I think even you, Chair, would agree that there are some pretty marginal things that may have crept into things for perhaps the political gain of individuals at a local government level in the past. I don't know; I could only speculate as to what may have happened 20-, 30-odd years ago. But I think there has been what some people would consider some things of marginal benefit that have gone in there. Perhaps that could be addressed by giving some additional information as to why it is that that particular site's in there, what it is that does it. I think that we have to be mindful of our built heritage but also recognise that sometimes it has to evolve.

I was dealing with a local publican in my own electorate who has a heritage-listed pub. He asked why it'd been listed long ago, and his version of it was the heritage officer said, "Well, this is an example of some average buildings that were built around Wollongong at that time, and it's a good example of the average building." So, therefore, it was listed. Whether that's a true story or not, I don't know. But what it has done, though, is restricted his capacity to put solar panels on the roof. The guy wants to run his pub and use solar energy but is restricted from doing that. He wants to do some internal works, but the internal works and the heritage listing conflict in a way that would actually be detrimental to his business if he was required to maintain exact adherence to those heritage requirements. There's got to be a way that we work through these sort of things. It's not a bulldoze everything, but also some common sense has to occasionally prevail.

The Hon. JOHN RUDDICK: Minister, that anecdote you've given from your electorate, there are thousands of examples of that across New South Wales. I understand that the Government and the Opposition are both supporting a review of the planning Act. Is there any discussion within the Government of reviewing the Heritage Act?

Mr PAUL SCULLY: I would encourage you to ask the Minister for Heritage about details of what she might be considering, but I think there is a review of the Heritage Act that's on foot, from memory. Where that precisely is up to, you'd be best served checking with Minister Sharpe, who I think is on later this week.

The Hon. JOHN RUDDICK: Yes, that's right. We're looking forward to that. I keep hearing reports that Sydney Water is playing a role in slowing down your plans to get housing development underway because they're not efficiently connecting water and sewerage. I hear that part of that is because IPART won't approve rate increases to fund the infrastructure. IPART says that's going to save Sydneysiders money but, in fact, it's exacerbating the housing crisis. Is there anything we can do to improve Sydney Water's cooperation in your plans to get the housing crisis solved?

Mr PAUL SCULLY: I think the department works cooperatively with Sydney Water. They've been at the table in all of the discussions around transport oriented development and the like. Minister Jackson and I work well together in terms of identifying that. Part of the challenge is that I think Sydney Water were left a bit high and dry—pardon the pun—by the previous Government in terms of how things were approached with them, and there's some ground to make up.

The CHAIR: Minister, by leave, I'm going to table a letter.

Document tabled.

CORRECTED

The CHAIR: It's a lovely letter from Uncle Reg Craig. This is about the Coffs jetty foreshore development. The letter is addressed to the Premier, the Hon. Stephen Kamper, the Hon. Paul Scully, the Hon. Penny Sharpe and it copies—

KIERSTEN FISHBURN: And myself.

The CHAIR: And the secretary, yes. The letter is—I think this is the theme of the day, Minister—an invitation, again, for you to visit and meet with Uncle Reg Craig about the jetty foreshore precinct and the proposed development there. He did meet with Minister Sharpe and the Premier and expresses in this letter very much how grateful he was for that meeting, and says that at that meeting there was a discussion that perhaps they would come back and walk on country with him, and he would be able to share his views directly. He's very concerned—and I know this firsthand—that he thinks that the people who are assessing the proposal are assessing things through computers, through screens, through documents, and he just wants people to go on country. I acknowledge the secretary has been. She's met, she's greeted—

Mr PAUL SCULLY: I was actually going to point that out.

KIERSTEN FISHBURN: Ms Gibson and I have also walked the site personally as well—not with Uncle Reg, but we have made the concerted effort to both get up there and do that as well.

The CHAIR: That has been so recognised and appreciated on the part of everybody I've spoken to. This is an invitation to you, Minister, in particular, whether in company with the others. It's a very important piece of land to the Gumbaynggir Elders. They are carrying a cultural load that is incredibly heavy at the moment with a responsibility about how this development will proceed. You know there's been political division.

Mr PAUL SCULLY: There are not many proposals that don't have division. Woollahra station's a perfect case in point.

The CHAIR: This one in particular, the Elders really want you to understand the significance for their culture.

Mr PAUL SCULLY: If there's an opportunity for me to get there and have a look around—I think Minister Kamper—

The CHAIR: Minister Kamper has agreed to go.

KIERSTEN FISHBURN: Minister Kamper did agree to go.

Mr PAUL SCULLY: I'll have a chat with him and see if we can get there together.

The Hon. SCOTT FARLOW: What a car pool! You and Minister Kamper together.

The CHAIR: It would be great.

Mr PAUL SCULLY: It would be good.

The Hon. SCOTT FARLOW: Road trip!

Mr PAUL SCULLY: I don't know who gets to do the playlist. I'm not sure—

The Hon. SCOTT FARLOW: I think I trust you more than Steve with the playlist.

The CHAIR: I think it'll be Uncle Reg on this occasion.

Mr PAUL SCULLY: Minister Kamper and I get on very well. We're both Dragons fans, so we can discuss our frustrations with the season perhaps—I don't know.

The CHAIR: This is my time, Minister, thank you very much. But if you could take that on, I'm very grateful, and I know Uncle Reg—

Mr PAUL SCULLY: If there's an opportunity to do so, absolutely.

The CHAIR: Thank you.

Mr PAUL SCULLY: I will point out, though, that in this one, given the process—there's a State-assessed rezoning proposal—that I need to be mindful that I could be the final decision-maker in this. That's not a reason to say it—I just say with some things I would be able to listen and perhaps not respond directly, given that capacity.

The CHAIR: Yes, this is literally a meet on country, talk to the Elders and have a look at the potential decision you might be making.

CORRECTED

Mr PAUL SCULLY: Coffs Harbour's a lovely place.

The CHAIR: It is very lovely.

Mr PAUL SCULLY: We can maybe get Gurmesh down as well, the local member.

The CHAIR: Perhaps on this occasion not necessarily. What do you expect in terms of timing of next steps in relation to the rezoning proposal?

Mr PAUL SCULLY: On Coffs Harbour?

The CHAIR: Yes, the jetty foreshore.

Mr PAUL SCULLY: As I understand it, we're at the response to submissions stage. The jetty foreshore rezoning proposal was exhibited from 19 May to 30 June, as I'm sure you're familiar with. We did those changes and made sure everything was right, as we agreed to do at the last estimates hearing.

The CHAIR: Thank you.

Mr PAUL SCULLY: There were 1,724 submissions that were received. They've been provided to the proponent to review and provide a response to matters raised. So I guess the ball's in their court, so to speak, at the moment because it's at that response to submissions stage. The timing of everything beyond that will depend on the timeliness of when they might submit that response and what that response may entail.

The CHAIR: Just for the record—I think it's fair—Uncle Reg has made it very clear that we do not oppose all development. However, we do oppose this kind of new private residential or tourist accommodation.

Mr PAUL SCULLY: Sure, no, I read that.

The CHAIR: They're very open to the redevelopment, but within certain constraints. Can I just move to large emitters and your responsibility, ultimately, as the planning Minister? As you know, there are 20 coalmine expansion proposals currently under assessment by your department. We understand coal companies continue to act in alignment with John Barilaro's coalmine expansion policy, and at the moment there is a significant proposed shortfall with an abatement gap of 6.6 million tonnes of carbon dioxide equivalent projected for the 2030 target. The Minister for Climate Change, Minister Sharpe, wrote to you that the climate change Act should be considered by your department, and all decisions should have regard to meeting the legislated targets. Why are we not applying a requirement outlined by the Minister for Climate Change requiring these new coal projects have proper abatement conditions and conditions not to emit their projected greenhouse gas emissions?

Mr PAUL SCULLY: We do apply measures with respect to greenhouse gases on mining proposals. I think it's important, though, to remember that not all of the—I think 20 was the number you said. Not all of those mining proposals are necessarily for an expansion of extraction. Some of them go through a process where they've got to modify their coal plans. For instance, the life of Mount Arthur mine was extended. That was extended to close it down, essentially. It was extended so that they could go through a proper and sensible process that they could consider with respect to the miners that are employed there and everyone else who's employed there. I think that's important. We can't characterise every single mining proposal that relates to a coalmine as only seeking greater extraction.

The CHAIR: Yes, Minister, I hear that. I appreciate this answer. Can I just point out, though, Mount Arthur, in particular, the modification—that's 193 megatonnes in terms of what—

Mr PAUL SCULLY: Yes, it's also closing a lot earlier. We expect that more than half of the current operating mines will be closed by 2035. But with regard to greenhouse gases, the department has a rigorous process about how they're taken into consideration. Similarly, I have written with my colleague the resources Minister to the Independent Planning Commission to make sure that they're aware of the Government policy changes with respect to the greenhouse gas targets, the first legislative targets that the New South Wales Government has had. We were the ones who introduced those, so that's important, to make sure—and I've emphasised the need to consider the net zero future Act as well as emissions reductions targets and EPA guidance for assessing greenhouse gas emissions from large emitters.

The CHAIR: Since you've been in your role as Minister, six coalmine expansions have been approved, but none of those went through the IPC. But you're on record in May saying that resource proposals are all assessed by the Independent Planning Commission.

Mr PAUL SCULLY: Which six are you referring to?

The CHAIR: The six are the six that have been approved by the department.

CORRECTED

Mr PAUL SCULLY: Again, I think it's important. Some of these are modifications, some of these are changes to mining plans, extraction plans. There's one at the moment that has just closed exhibition that is about actually changing the workings at the ground level.

The CHAIR: Is there a distinction for you, Minister, on which ones will go to the IPC on this basis?

Mr PAUL SCULLY: No, I'm just asking for the purpose of clarification which are the six you're referring to, because I think that's important.

The CHAIR: They're the six that have been approved.

Mr PAUL SCULLY: Sorry, I just don't have all of them in my mind, Chair, as you'd appreciate.

The CHAIR: Yes, but you are on record saying all coalmine mods, all coalmine developments will go through to the IPC.

Mr PAUL SCULLY: No. New coalmining developments go to the IPC. I don't think there's been one for a long, long time that hasn't. But there are some elements to mining and modifications that don't—and won't necessarily. For instance, where there's issues around—Dendrobium Mine is proposing on one thing to operate helicopters where it can't get into areas to do water monitoring when it's wet weather. Some of those things don't warrant going to the IPC.

The CHAIR: Is it fair then to say, Minister, that in relation to any coalmine application and approval, only those that are seeking to increase their extraction would go to the IPC? Is that what you're saying? Where is the line, and who draws that, between what will go to the IPC and what doesn't?

KIERSTEN FISHBURN: I'd ask Mr Gainsford, but ultimately the department applies substantially the same test in relation to whether it is a modification or whether it's required to go through to the IPC.

The CHAIR: I'm aware of that. So all modifications get determined by the department then?

DAVID GAINSFORD: Yes, that's correct.

The CHAIR: If it is a mod and it fits with—

DAVID GAINSFORD: Chair, apart from the circumstance where there's a political donation.

The CHAIR: Of course, yes; otherwise, they're not going to the IPC. So, Minister, when you say all coalmine applications go before the IPC, you need to be more clear about what you say.

Mr PAUL SCULLY: I'd have to check the quote, but I think the context of that may have been in response to new coalmines.

The Hon. SCOTT FARLOW: Minister, just returning to the allocation of the TOD zones and the \$228 million, how is that being divided between Kellyville, Bella Vista and Bankstown?

Mr PAUL SCULLY: Ms Gibson might be able to add some detail to that. I don't have the exact figures before me, sorry.

MONICA GIBSON: We are working through the details about the specific design and costs for those three parks. We haven't made a specific financial allocation to each of those three, but we're working within that funding envelope to commence for those three sites.

The Hon. SCOTT FARLOW: Considering that's nearly half of the \$520 million, or let's say 40 per cent of that \$520 million—

Mr PAUL SCULLY: It's substantial, yes.

The Hon. SCOTT FARLOW: What can the other tier 1 accelerated precincts expect?

Mr PAUL SCULLY: There's a range of things that could be taken into account, but, as we said at the time of the announcement, this will be about the infrastructure needed to support homes. This could be active transport projects; this could be streetscape embellishments and improvements. We will work with Transport, we'll work with the relevant councils, in order to determine what the best allocation of that funding envelope is.

MONICA GIBSON: And it's quite possible that within that budget allocation we might be able to also provide for the parks in the other TOD accelerated precincts, depending on the sites that are chosen and—

The Hon. SCOTT FARLOW: So it's not necessarily limited to those three sites?

Mr PAUL SCULLY: I think the important thing to remember is that, if we went and said, "Okay, we're going to pay X dollars for a site in one of those TOD accelerated precincts", the price would automatically meet

CORRECTED

X dollars or probably X plus one. It's negotiations in the end and some of these will be negotiations over the price of land. We will seek to get the best possible deal, including new public space, in every one of those accelerated precincts that we possibly can out of that funding allocation and, if need be, I'm not afraid to ask the Treasurer for more. Whether I'll be successful is another question, but I'm not afraid to ask.

The CHAIR: He went to the big round table.

Mr PAUL SCULLY: I didn't.

The CHAIR: We now move to the Government to see if there are any questions for the Minister?

The Hon. ANTHONY D'ADAM: No, the Minister has been very comprehensive in his answers and we have no further questions.

The CHAIR: On that basis we will now have a short break and reconvene at 11.15 a.m.

(Short adjournment)

The Hon. JOHN RUDDICK: I'm going to hand over to the Opposition.

The Hon. SCOTT FARLOW: Minister, with respect to the Housing Delivery Authority and its establishment, there was a report today in *The Australian Financial Review* with respect to a development at Mosman. Within that piece, the proponent of that development had indicated that they weren't actually planning to develop that site but were planning to get the rezoning. Isn't that contrary to the Housing Delivery Authority's criteria?

Mr PAUL SCULLY: It is, and that's precisely why, upon reading that, I asked the department to make contact with the proponent to remind them of their responsibilities with respect to a declaration. As has been very clear in my own public pronouncements on my expectations when it comes to the Housing Delivery Authority, "delivery" is in the title for a reason. We expect it to deliver. If someone has put in an expression of interest that meets the requirements—and I'm sure Ms Fishburn, as a member of the panel, will be able to shed some additional light on that if need be. But if someone has put in an expression of interest, has met the requirements, and has been recommended and subsequently declared a State significant development by me—if they don't intend to do that, I will take away their declaration.

The Hon. SCOTT FARLOW: Minister, how do you assess whether it is actually a real and genuine proponent in that regard? Of course this one has fallen through the cracks, essentially, where they were just looking to land-bank or get a development approval and not proceed. How does the department interrogate that?

Mr PAUL SCULLY: Firstly, I'll ask Ms Fishburn, as one of the members of the Housing Delivery Authority, to go to the detail. But I just would point out that deliberate in the design of this is the delivery part, which is why we've set a nine-month requirement, if you are declared, to get in your environmental impact statement and associated documents for the planning proposal. If you then go through the assessment process and there is an approval that's granted, if you don't start in time—if either of those things don't happen, I'm happy to revoke it. It's part of the conditions. It's "use it or lose it" and deliberately designed as such. Ms Fishburn may wish to provide some additional comments on the considerations of the committee.

KIERSTEN FISHBURN: Yes, part of the criteria that the HDA looks at is a commitment from the proponent to commence development. As the Minister said, though, there are, of course, safeguards built into that. I think it would be a foolish proponent, to be honest, to go through the time and expense of submitting a development application only to have it enter into a sunset clause if it's not used. That is the protection that has been put in place in relation to the HDA.

The Hon. SCOTT FARLOW: I turn to another HDA application; this one is EOI 229650. This was a Billbergia one at Rhodes, which I'm sure you're familiar with.

Mr PAUL SCULLY: Mr Latham has probably come in to ask about that one.

The Hon. SCOTT FARLOW: Yes, I'm sure he probably will as well.

The Hon. MARK LATHAM: I didn't get any answers on Wednesday, so I'm going to try again.

The Hon. SCOTT FARLOW: With respect to this, Minister, this is, of course, a site where the proponent did not have control of or an option over certain land. How did the HDA allow this to happen and be put forward?

CORRECTED

Mr PAUL SCULLY: Perhaps Ms Fishburn can shed some light on the actual meeting. But as I've said in a response to Mr Latham's question on notice that was provided on 22 August, that particular street—and, for the clarification of other members of the Committee who don't have EOI 229650 in front of them, this is for Averill and Leeds streets in Rhodes—was a proposal. An expression of interest was submitted. It was recommended for declaration and that declaration was made on 17 February 2025, following that advice from the HDA that the project was of a substantial size and scope to meet the requirements of the HDA pathway, subject to it addressing the Rhodes dwelling cap. The declaration order included all sites within the expression of interest.

The expression of interest response to criteria relating to land tenure stated that the tenure over the majority of lots was secure and that ownership arrangements over the balance of the lots would be resolved as application preparation progressed. Following that declaration, we went to the process where SEARs, or secretary's environmental assessment requirements, were requested. The applicants advised of a reduction in the number of lots to be included in the development application. Accordingly, following this advice, I used my power to amend the declaration for EOI 229650 on 24 July 2025, limiting the declaration only to the sites to be included within the SEARs request.

Given there have been a couple of questions on this one—fair enough, it's not unreasonable. You don't need to be Inspector Clouseau to detect any of this stuff; it's all published on the website either prior to a declaration being made or immediately after. However, out of an abundance of caution, I've referred the concerns raised by Mr Latham, which you seem to be repeating here today, to an external probity adviser for further review and advice on the matters raised. I would point out, though, that all HDA meetings are attended by a probity adviser, who oversees how the meeting is run, provides probity advice to the HDA members and flags any issues or opportunities to improve the transparency and rigour of the operation of the HDA. In that particular meeting and in that particular case, no issues of concern were raised by the probity adviser at that relevant meeting. I don't know if Ms Fishburn wants to add any more to that.

The Hon. SCOTT FARLOW: Minister, I don't want to quibble in terms of probity or the like, but it is process and there has been an error in process.

Mr PAUL SCULLY: No, sorry—

The Hon. SCOTT FARLOW: Can I just put to you, similarly, Minister—

Mr PAUL SCULLY: No, I just want to address that assertion, because that's actually incorrect. The process was completely clear. An expression of interest was submitted and it went to the HDA for consideration. It had a number of sites listed in it. On the basis of that, those sites were made as a declaration. The applicant, the person who submitted the EOI, then came back at the request for secretary's environmental assessment requirements—the first part in the process to have a proposal assessed—and said, "Actually, we don't have all the sites that we thought we'd be able to get by this point in time, so there's less". As a result, I reduced it to match what the SEARs request was for. That's not an error.

The Hon. SCOTT FARLOW: But, Minister, the applicant never had those sites, and there was—

Mr PAUL SCULLY: No, but the applicant isn't required to have the sites.

The Hon. SCOTT FARLOW: Your department should have been interrogating whether they had those sites or not.

Mr PAUL SCULLY: The applicant either can have ownership or options, or be in negotiations in the process. That's what was asserted to the HDA.

The Hon. MARK LATHAM: And they had none of them.

The Hon. SCOTT FARLOW: Minister, with respect to the criteria that you originally outlined, you had in the criteria that the applicant had ownership of or an option over all of the sites. In questions on notice, you have changed that to a majority of the sites. Has the criteria now been changed?

Mr PAUL SCULLY: The criteria is as published. It's not a secret criteria; it is as is published.

The Hon. SCOTT FARLOW: So is it all or a majority?

Mr PAUL SCULLY: It's there and available on the internet.

The Hon. SCOTT FARLOW: Minister, to that point, is it all or is it a majority of the sites?

Mr PAUL SCULLY: Let me quote to you from the requirements, the updated criteria published on 10 July 2025:

Land tenure is secure: Demonstrated ownership or option to purchase for all land to which the proposal applies.

CORRECTED

The Hon. SCOTT FARLOW: So it is all. In your response to the question on notice, you said "the majority" of sites.

Mr PAUL SCULLY: In that case it was the majority. In that case the criteria was—

The Hon. SCOTT FARLOW: How can the criteria be all and then in one case be the majority?

Mr PAUL SCULLY: As I just said, this is the updated criteria as at 10 July 2025.

The Hon. SCOTT FARLOW: Yes, which said all of the sites.

Mr PAUL SCULLY: What are you suggesting is the great scandal here? It's been updated.

The Hon. MARK LATHAM: Billbergia are crooks and you should have known it. That's the scandal.

The Hon. SCOTT FARLOW: Minister, there is a consequence to—

Mr PAUL SCULLY: Well, hang on a minute.

The Hon. SCOTT FARLOW: Minister, you asked me a question, and in this instance I'm going to respond.

Mr PAUL SCULLY: Yes, that's right, but I'm getting two lots of questions here.

The Hon. SCOTT FARLOW: You answer mine, not Mr Latham's, at this stage. Minister, there is a consequence at this stage, because later on the HDA, at its meeting of the—

The Hon. MARK LATHAM: It's a scandal.

Mr PAUL SCULLY: Oh, it's a scandal?

The Hon. SCOTT FARLOW: Minister—

Mr PAUL SCULLY: Mr Latham has just interjected. Hang on, I'm just going to address that, because it's not a scandal.

The Hon. SCOTT FARLOW: Minister, you can address that in Mr Latham's time.

Mr PAUL SCULLY: He can dump on the HDA as much as he likes, but it's not a scandal.

The Hon. SCOTT FARLOW: Minister, you can address that later, in Mr Latham's time.

The Hon. MARK LATHAM: You should have known.

Mr PAUL SCULLY: I should have known every—

The Hon. SCOTT FARLOW: Minister, later—

The Hon. SCOTT BARRETT: Point of order—

The Hon. MARK LATHAM: Do you know Billbergia, raised in the upper House by Mookhey, calling them corrupt?

Mr PAUL SCULLY: I'm not on the HDA. I'm not a panel member on the HDA.

The Hon. MARK LATHAM: You never heard Mookhey say they're corrupt?

The CHAIR: Stop!

Mr PAUL SCULLY: I'm not a panel member on the HDA, Mr Latham, and it would be good if you actually understood that.

The CHAIR: Stop! We need to respect the process of the Committee. It is Mr Farlow's time. Mr Latham will refrain and the Minister will answer the questions from the member who is asking them, which is Mr Farlow.

Mr PAUL SCULLY: That's all I was asking.

The Hon. SCOTT FARLOW: Minister, the consequence of this is that at a meeting of the HDA on 23 June, there was advice given with respect to the dwelling cap in Rhodes. Following that advice, there were three applications to the HDA, which were rejected at that meeting because of the dwelling cap issues. Of course, that wasn't the case when Billbergia put in the application for 2,200 residences at that first meeting.

Mr PAUL SCULLY: Well, the dwelling cap existed when that was first put in.

CORRECTED

The Hon. SCOTT FARLOW: Minister, isn't there a subsequent impact of that approval with respect to other applicants to the HDA?

Mr PAUL SCULLY: First off, let's be very clear because there are attempts to make this murky just on the basis of what's an approval and what's not. The HDA does not provide approval for anything. It recommends whether a project meets the criteria to be declared a State significant development. It's run by the three most senior public servants—or among the three most senior public servants—in New South Wales. If you want to call it into question, one of them is sitting right next to me, and you can suggest that.

The Hon. SCOTT FARLOW: Which I'm not.

Mr PAUL SCULLY: Let's be very clear about what is and isn't done by the HDA. Let's also be very clear about the circumstances that we went through, which I just went through in detail. The applicant came back and said, "These are the blocks to which the secretary's environmental assessment requirements should apply." That warrants any necessary adjustment in the declaration, and the actual recommendation was done subject to the proponent addressing the Rhodes dwelling cap. That's in the answer I gave to Mr Latham as of late last week.

The Hon. SCOTT FARLOW: But there were three others that were rejected on the basis of the dwelling cap.

Mr PAUL SCULLY: I will hand to the secretary, who is a member of the HDA, and she can go through the—

The Hon. SCOTT FARLOW: We can discuss that with the secretary later this afternoon.

Mr PAUL SCULLY: No, if we're going to explore this, you either explore it with the person who was involved in the decision—

The Hon. SCOTT FARLOW: No, we will discuss it with the secretary this afternoon.

Mr PAUL SCULLY: So you don't really want to explore it; you just want to try and get a grab.

The Hon. SCOTT FARLOW: No, I want to give time to my colleagues who are here as well.

Mr PAUL SCULLY: Why don't you get a grab that says, "Yes, the Opposition supports the Woollahra station." That would be a good grab. We can't manage that one today, can we?

The Hon. SCOTT FARLOW: We were there yesterday, Minister.

Mr PAUL SCULLY: And you couldn't give it then.

The Hon. SCOTT BARRETT: Minister, I understand that Planning is currently assisting with the development of a cumulative impact study on the Central-West Orana REZ, and EnergyCo will be undertaking similar for the New England REZ. Is that correct?

Mr PAUL SCULLY: I can't speak to EnergyCo, but the department is participating in some work with respect to cumulative impacts in the Central-West Orana.

The Hon. SCOTT BARRETT: Do you know when any outcomes of that research will be known?

Mr PAUL SCULLY: I haven't got an exact date to hand, but I don't think it's too far away. Mr Gainsford might be able to shed some light on that, but I don't think there's been a date for its finalisation—an absolute date set.

The Hon. SCOTT BARRETT: Why is the department marking its own homework on this one and not looking at an independent study as recommended by the—

Mr PAUL SCULLY: I don't know that the department is marking its own homework.

The Hon. SCOTT BARRETT: Would you not support an independent study, as was suggested by the recent inquiry into the REZs?

Mr PAUL SCULLY: No, the recent inquiry recommended that a cumulative impact study be done, and cumulative impact work is being done.

The Hon. SCOTT BARRETT: But it specifically mentioned an independent study.

Mr PAUL SCULLY: I can't recall whether it said, specifically, independent or not. If you've got the recommendations in front of you, that would be handy, but I don't have them to hand, I'm sorry.

The Hon. SCOTT BARRETT: Do you consider the City of Newcastle to be a regional area?

CORRECTED

Mr PAUL SCULLY: This is a long debate. You are asking a boy from Wollongong about the debates and merits of regional versus metropolitan. I am going to point back to a decision that largely revolved around the National Party in the previous term of government. It decided that the Newcastle and Wollongong local government areas were neither regional nor metropolitan when it came to sports facilities funding. We were left out completely by a deliberate decision of the National Party. It's often been discussed as to whether Newcastle, Wollongong and, periodically, the Central Coast are regional or metropolitan. As a local member, my argument is that as long as I've got a pot of money to point my organisations to to try and secure then they can be either. But in terms of general things, I think they're secondary cities in New South Wales. So they're metropolitan in their characterisation from an urban planning context, but they might be considered regional in terms of their relative size.

The Hon. SCOTT BARRETT: Talking specifically, Minister, to the Regional Housing Strategic Planning Fund, I think Newcastle has received funding out of that bucket twice. Do you think that's a fair playing field, with the resources available to Newcastle, to compete for that money and receive it twice when other rural and regional councils are missing out, and they don't have the same resources?

Mr PAUL SCULLY: Are you suggesting there's something untoward going on with the grants allocation process?

The Hon. SCOTT BARRETT: I did no such thing, Minister. I'm asking about whether—

Mr PAUL SCULLY: I just don't have the full list of who might have been successful with those grant applications in front of me. However, I think suffice to say that funding generally flows to good applications and should flow to good applications no matter where they are. Again, I reflect on a recent grants program for bushfire grants conducted by the National Party, where 96 per cent of the grants—

The Hon. WES FANG: Minister, you are in government now. How about you focus on what you're doing instead of what we did?

Mr PAUL SCULLY: No, 96 per cent of those grants went to Coalition electorates. That's arguably a poor use of—

The Hon. STEPHEN LAWRENCE: Point of order: The Minister was about a sentence in before Mr Fang started to scream.

The Hon. ANTHONY D'ADAM: To the point of order: Mr Fang did not have a question. He was just interjecting.

Ms CATE FAEHRMANN: To the point of order: It was very loud in my ear.

The CHAIR: I think Ms Faehrmann has the most valid point of order.

Mr PAUL SCULLY: Hearing protection is important, Chair.

The CHAIR: Seriously, interjections are disorderly. If we can try to moderate them, that would be great.

The Hon. WES FANG: Minister, during the second reading debate into the Electricity Infrastructure Investment Amendment (Priority Network Projects) Bill 2025, the energy Minister said, "We are not shortcutting or seeking changes to the New South Wales planning system." She also indicated, "It does not change the planning system." She also indicated that the bill is not about undermining the planning process. On reading the bill, I cannot see where any of these restrictions are in the bill and limit the processes above. Can you assure our rural and regional communities that no planning steps have been bypassed by this bill and that any project changes or variations to an already approved project will have to be re-assessed by Planning and won't just be rubberstamped by a Minister wanting to put the project through?

Mr PAUL SCULLY: That's a wideranging question. I'm not the energy Minister, so you're relying on my memory of the content of the bill.

The Hon. WES FANG: It was last sitting week, Minister.

Mr PAUL SCULLY: As I said, I'm not the energy Minister, and I haven't spent as much time trying to knock over net zero energy as you have, which I believe you are doing. That is your position now, isn't it: no net zero?

The Hon. WES FANG: Minister, I have asked you a question. I would ask you to answer it, please.

Mr PAUL SCULLY: That is part of my answer. You agree that no net zero is currently a New South Wales Coalition policy, like no houses at Woollahra.

CORRECTED

The Hon. WES FANG: A typical Minister—answers a question with a question. What's the answer, Minister?

Mr PAUL SCULLY: I don't believe that that bill does provide for any changes to the planning process. I can't recall anything being there.

The Hon. WES FANG: So you will assure our communities, if there are any variations required to any projects that have already been approved, that it will have to go back through the planning process, and the Minister cannot just rubberstamp it and push it through?

Mr PAUL SCULLY: Hang on. Again, a wideranging question that asks for—

The Hon. WES FANG: It's not wideranging; it's very narrow in its scope.

Mr PAUL SCULLY: Chair, if I may, can I respond? Can I get more than three words in? It is a wideranging question, Mr Fang. You may not realise it, but there are multiple different paths in the planning pipe. This ranges from complying development right the way through to critical State significant infrastructure. Each of them has different requirements, not universally but often with respect to who is the consent authority and who may be in a position to make modifications.

The Hon. WES FANG: I don't need lines quoted out of the "Planning Minister for Dummies" book that you've got.

Mr PAUL SCULLY: But I think you do, because you suit the audience.

The Hon. WES FANG: I want to know if our communities are going to be impacted by the bill that was rammed through in two days. You are the planning Minister. Do you still have jurisdiction over this or not?

Mr PAUL SCULLY: Yes, I still have jurisdiction over planning. The triggers for modification—

The Hon. STEPHEN LAWRENCE: Point of order: This time the Minister got about three words out.

The Hon. WES FANG: If there's any variations that are required, do you have planning—

The CHAIR: Mr Fang, just hold your horses for one minute.

Mr PAUL SCULLY: Seriously, Chair, I'm trying to give this guy—

The Hon. WES FANG: No, you're trying to sledge me instead of answering the question.

The Hon. STEPHEN LAWRENCE: I would suggest this is a discourteous breach of the standing order, because every time the Minister tries to speak he gets about three or four words out and Mr Fang starts. He should be called to order.

The CHAIR: It is a really fair point of order, and I uphold it. Let the Minister answer the question.

Mr PAUL SCULLY: The Act did not make any changes to modification thresholds or anything of the like, so they will continue to be assessed and considered as they would have had the bill not been passed. The bill is about prioritisation of projects with respect to the energy Minister.

The Hon. SCOTT BARRETT: Minister, in the *Private Agreement Guideline* for State significant renewable energy developments, it mentions that, in most cases, land values increase significantly when hosting wind energy projects. Assuming that's been evidenced, do we have similar evidence on the assumptions on the land value of neighbouring properties?

Mr PAUL SCULLY: I'm not aware of anything. I can take it on notice in terms of whether any work has been done on that, but nothing springs to mind. I'm taking what you have read as being accurate. I've got no reason to doubt you. I just haven't got anything to mind in terms of neighbouring properties.

The Hon. SCOTT BARRETT: Have you sought any advice on what the impact is on neighbouring properties?

Mr PAUL SCULLY: Not specifically, no. Mr Gainsford might be able to add some detail in terms of what is done and what isn't done, but what we've done is try to add some greater rigour to the assessment process by issuing new renewable energy assessment guidelines that we did late last year, which include benefit-sharing guidelines and which include a more scientific way of assessing visual impacts and the like. These sorts of provisions weren't in place previously. The last Government obviously didn't feel as though science was necessary. I think they've had some issues with science. We've got a much more rigorous process around the assessment now and around the contributions that people might make.

CORRECTED

Ms CATE FAEHRMANN: Good morning, Minister. I want to pass you some papers. I will ask the secretariat to hand these to you.

Mr PAUL SCULLY: There is a lot there.

Ms CATE FAEHRMANN: That is for the Minister, and they're the copies.

Mr PAUL SCULLY: Sorry, I thought you were going to hand me the whole lot then! I thought that's a lot for me to speed-read in the course of you asking your question, while listening simultaneously. What am I looking at here?

Ms CATE FAEHRMANN: What I want you to have a look at is the photos. Those two photos are photos of a blueberry farm in Nambucca Valley. One of the photos you can see is taken from somebody's back porch. In fact, they're both taken from somebody's back porch. About five or six years ago—this woman has been living here for at least 30 years, maybe 40 years—her backyard was a lovely rural vista. This is now the blueberry farm.

Mr PAUL SCULLY: Is her fence line this fence that is in the foreground?

Ms CATE FAEHRMANN: Yes.

Mr PAUL SCULLY: Hers are the vines on the other side of it? Or that's not—

Ms CATE FAEHRMANN: Which leads me to one of the documents, which is council's submission around their local environment plan—Nambucca Valley, we're talking about. Page 3 has that aerial shot that indicates the—

Mr PAUL SCULLY: That's the property line?

Ms CATE FAEHRMANN: That's the property line.

Mr PAUL SCULLY: The house that the photo is being taken from is the one that is in the right-hand side?

Ms CATE FAEHRMANN: The left.

Mr PAUL SCULLY: The one that is set further back, down the bottom left-hand corner?

Ms CATE FAEHRMANN: Actually—no. Sorry, it would be the one in the middle.

Mr PAUL SCULLY: On the right?

Ms CATE FAEHRMANN: Yes.

Mr PAUL SCULLY: Yes, that seems to be more—

Ms CATE FAEHRMANN: Do you think that is probably a bit too much in terms of that farm in the backyard, almost, of that house?

Mr PAUL SCULLY: I am unfamiliar with this particular case. I believe Ms Gibson has some more information on it. Perhaps she can shed some light on it for all of us.

MONICA GIBSON: Nambucca council made a planning proposal seeking to amend their planning controls to require consent for horticulture, particularly in the two rural zones that they have. In a number of situations, horticultural activities can be undertaken as exempt development but only in very narrow circumstances based on the impact and the scale of the development. There was a gateway determination issued in July 2024. It required conditions for council to undertake community—

Ms CATE FAEHRMANN: Just to hurry things along, why was it rejected?

MONICA GIBSON: Council exhibited that, and there were submissions received. They have submitted the proposal to the department to undertake the assessment. Council made no changes to the proposal after exhibition. The department is concerned that the matters that were raised in community submissions—including issues, perhaps, like you're showing in those photos—are ones that should be addressed. We have asked council to do some further work.

Ms CATE FAEHRMANN: Thank you. I can come back to some later. Minister, the blueberry farming industry has grown, between 2001 and 2016, over 400 per cent. Around Coffs Harbour at the time it was around 90 per cent. The industry is spreading down the coast. Nambucca Valley is now the subject. My office is now contacted by many people who are living next to a blueberry farm. They can't object. There is no development application. In terms of controls, there are no buffer zones. Koala habitat is able to be cleared. The industry is

CORRECTED

actually out of control. Why is your department rejecting applications by councils to just put in place sensible requirements for this industry to be subject to development applications like other industries? Why do blueberries get this exemption, and will you commit to having a look at it?

Mr PAUL SCULLY: I will happily have a look at it and come back to you. It's odd that you've just taken this forum to raise such detail, but that's fine.

Ms CATE FAEHRMANN: I've written to you, Minister.

Mr PAUL SCULLY: You could have come and seen me. I'm pretty open to seeing people. I'm happy to have a look at it.

Ms CATE FAEHRMANN: Minister, I did write to you. I think this forum is the forum—and a very appropriate forum, in fact—to raise issues. I also understand that community members have been asking to meet. This has been a very big issue for a very long time.

Mr PAUL SCULLY: As I just undertook, I'm happy to have a look at it and seek some further advice.

KIERSTEN FISHBURN: We'll contact council as well and have a further discussion.

Ms CATE FAEHRMANN: In terms of looking at providing Nambucca Valley Council the ability to change their development control plan so their RU1, primary production, and RU2, rural landscapes, can allow things like basic safeguards, like buffer zones, and require development applications for this massive industry.

MONICA GIBSON: We did issue a gateway determination to allow council to do that. What we're saying is that council, when they were working through those matters, did not take into account the community submissions that were raised. They didn't take into account these concerns about what should be appropriate controls. We have asked council to go and do some further work to identify how they can modify those controls to make those protections strong and effective and to work with our colleagues in the agriculture agency to make sure that they will also work with the blueberry industry and their needs.

Ms CATE FAEHRMANN: I'll come back later in terms of what exactly are the controls that you're talking about. In the letter that has been sent back to Nambucca Valley Council suggesting what you've just said—"not sufficient evidence base to support and justify the changes".

Mr PAUL SCULLY: That's exactly what Ms Gibson just said.

Ms CATE FAEHRMANN: With the submissions made against the proposal, what were one or two of the key concerns? I'm assuming you're talking mainly industry.

MONICA GIBSON: There were submissions from the community as well as submissions from industry. Submissions from community were about the impacts that are occurring at those boundaries, visual impacts, stormwater run-off issues—

Ms CATE FAEHRMANN: Against the proposal?

MONICA GIBSON: Against the proposal—no, supporting the proposal and supporting that there needed to be development consent for these activities.

Ms CATE FAEHRMANN: I'm asking what was in the submissions in terms of against, because you've said, "nor does the proposal adequately respond to the submissions made against the proposal".

MONICA GIBSON: There were submissions. I don't have any of them in front of me. From my memory on this, there were submissions from both the proponents for the blueberry industry and neighbours that are living near blueberry activities, both with representations about what should be an appropriate level of development assessment.

Ms CATE FAEHRMANN: Thanks, Ms Gibson. I wonder if we could get some of that for later in the day to see what those—

MONICA GIBSON: I'm happy to.

Ms CATE FAEHRMANN: Are they public, those submissions?

MONICA GIBSON: The submissions will have been made public as council exhibited the proposal. I'm happy to speak some more this afternoon.

Mr PAUL SCULLY: When we are making changes like this, I think we have to be mindful that if you're going to change the rules of the game, essentially, everyone is clear on what the change is. That's the work that has to be done.

CORRECTED

Ms CATE FAEHRMANN: Just to be clear, I think this is the community wanting there to be some planning controls.

Mr PAUL SCULLY: I'm not saying that they shouldn't. If we are going to change planning controls, it needs to be done in a way that does it so everyone is clear on what the updated and new rules of the game may be.

Ms CATE FAEHRMANN: One of the issues, I think—and the reason I'm asking it here as well—is that the industry does seem to have had a lot of influence over both council decisions and potentially lobbying on whether or not planning controls are put in place at the State level. To be honest, Minister, I don't think there's any other reason. I can't see the justification for why this industry is almost the sole industry that can get away with something like this, in 2025, next to houses.

Mr PAUL SCULLY: I can say that I can't recall ever having been lobbied by anyone from the blueberry industry. There are people in this place who are participants in the industry. They may have had greater influence in the past. I don't know.

Ms CATE FAEHRMANN: I think that's potentially the case too, in terms of the—

Mr PAUL SCULLY: There are a few things that the National Party did in office that I wouldn't necessarily do.

The Hon. WES FANG: We live rent free in your head, champion.

Ms CATE FAEHRMANN: Minister, can I suggest that maybe to ensure that you're across this—because potentially you haven't been briefed. People within Planning are making the decisions, and maybe it's time to overturn what the National Party has done.

Mr PAUL SCULLY: As I have said, I've already undertaken to go away and have a look at it in more detail.

Ms CATE FAEHRMANN: I've written to you as well, by the way.

Mr PAUL SCULLY: And you will get a response, like everyone does, but I don't think I can be asked today to make universal changes or unilateral changes to things, particularly when there's a process underway.

Ms CATE FAEHRMANN: Make sure that you see the letters and that the letters are shown to you.

The CHAIR: Before I go to Ms Mihailuk, by way of extension, the former department of agriculture has tried to prohibit Planning from taking steps in the past. Ms Faehrmann is right. The background to this is long.

Mr PAUL SCULLY: It's not a history I'm aware of, Chair. But, as I've said to Ms Faehrmann and the Committee, I'm happy to go away and have a look at it in more detail. I can't say anything more than that. I don't think I can sit here and unilaterally make changes to the way the planning system operates. I think everyone would appreciate and want me to do things in the face of evidence rather than not.

The Hon. TANIA MIHAILUK: Minister, earlier I asked you about planning panels, and I was specifically asking you about City of Sydney. Could you tell me why it is that Central Sydney Planning Committee has a requirement that the development costs have to reach \$50 million before an item goes to their planning panel, as opposed to the other planning panels in Sydney, which only need \$30 million before it's taken out of the hands of council? Do you know how that came about?

KIERSTEN FISHBURN: It has been around for some time.

Mr PAUL SCULLY: That was a threshold that Mr Gainsford might be able to shed some light on. I can't off the top of my head, but it has always been the case as far as I've been in office.

DAVID GAINSFORD: Ms Mihailuk, the City of Sydney Act is a special piece of legislation that governs the Central Sydney Planning Committee. There are special provisions that are in place for that panel as compared to other panels.

The Hon. TANIA MIHAILUK: Minister, you've got a housing target for them. I think you mentioned earlier 18,000 or so—something like that figure.

Mr PAUL SCULLY: It's 18,900.

The Hon. TANIA MIHAILUK: If they don't meet that target, are you going to revisit what goes before the planning panel? They've got a higher threshold. Everybody else only reaches \$30 million before councils lose planning authority. City of Sydney has a threshold of \$50 million. Are you going to revisit that?

CORRECTED

Mr PAUL SCULLY: If any local government area is not keeping pace with the expectations that the Government sets for it, I'm always willing to consider what action should be taken.

The Hon. TANIA MIHAILUK: That would be revisiting how many developments go off to a planning panel as opposed to what's before the City of Sydney council?

Mr PAUL SCULLY: It could. I'm not going to limit myself to what action may be taken, but that could be one of the options.

The Hon. TANIA MIHAILUK: That's good to hear. Can I also ask you about Bankstown, specifically West Terrace. I put to you some questions on notice in relation to the West Terrace car park being compulsorily acquired for the purposes of open space, as part of the Transport Oriented Development Program. Are you aware of my questions? Do you recall those questions, Minister?

Mr PAUL SCULLY: I'm aware you put a range of questions on notice.

The Hon. TANIA MIHAILUK: You said to me that it was council that always earmarked it to be open space. Is that correct?

Mr PAUL SCULLY: If you're saying that's what I said, I can only take it as such. If you're wrong, of course, then you're wrong.

The Hon. TANIA MIHAILUK: Did your office or your department look at the added value to the properties surrounding West Terrace car park and what it would mean for those properties by the Government compulsorily acquiring the West Terrace car park and turning that into open space?

Mr PAUL SCULLY: Sorry, I'm not sure what your question is.

The Hon. TANIA MIHAILUK: By the Government making that decision—to remove a car park right next to the metro station and turn it into open space. I'm not understanding the purpose of why that was made into open space. Is that adding value the properties surrounding, in your view?

Mr PAUL SCULLY: It could be argued that that might add some value. I think adding value would be a metro station across the street, wouldn't it? That would add much more value.

The Hon. TANIA MIHAILUK: Yes.

Mr PAUL SCULLY: Arguably any positive embellishment to any land nearby within a reasonable distance could have a positive impact on land valuations. I'm not a land valuer, and the department isn't a land valuer, so I can't say.

The Hon. TANIA MIHAILUK: What does it mean for the car park? Have the councils written to you and said that they want additional funding now for an alternative car park? Is that right?

Mr PAUL SCULLY: We have ongoing discussions about parking in and around Bankstown metro station and that associated green space.

The Hon. TANIA MIHAILUK: Did the council write to you that they thought they weren't fairly compensated?

Mr PAUL SCULLY: I don't know if they wrote to me with that characterisation or turn of phrase.

The Hon. TANIA MIHAILUK: Can you take it on notice?

Mr PAUL SCULLY: That might be a paraphrasing of it. Have you got the letter there?

The Hon. TANIA MIHAILUK: No, I don't. I'm asking you.

Mr PAUL SCULLY: I'll look for that turn of phrase.

The Hon. TANIA MIHAILUK: There was a council meeting where there was a point made by the general manager that they had written that, and I just want to know if they had written to you.

Mr PAUL SCULLY: Councils write to me regularly, including Canterbury-Bankstown council, and we're having ongoing discussions—

The Hon. TANIA MIHAILUK: Can you provide—what was the amount that council was paid? Could you take that on notice?

Mr PAUL SCULLY: If I could finish, whether or not council has written to me with that turn of phrase, I don't know.

CORRECTED

The Hon. TANIA MIHAILUK: Can you take on notice how much the council was paid for the Government compulsorily acquiring the West Terrace car park?

Mr PAUL SCULLY: I don't think it has been finalised.

KIERSTEN FISHBURN: It hasn't been finalised.

The Hon. TANIA MIHAILUK: So you're in discussions now?

MONICA GIBSON: We have not made an offer to council for the compulsory acquisition of that land.

The Hon. TANIA MIHAILUK: But you will?

MONICA GIBSON: That's unclear at this point in time.

The Hon. MARK LATHAM: Thanks, Minister and witnesses. Minister, are you concerned that on average it appears that the Housing Delivery Authority is processing these applications in just four or five minutes?

Mr PAUL SCULLY: I think that underplays the work that is being done outside of the formalities of the meeting.

The Hon. MARK LATHAM: I'm asking about the meetings themselves in four or five minutes. It's just a tick-and-flick exercise, isn't it?

Mr PAUL SCULLY: Again, let's go back to what the Housing Delivery Authority does and does not do. That's the starting point. I think there's this misconception that has got out there—and this is perpetrated by some people who might not agree with this approach—that the Housing Delivery Authority is an approvals body. It's not. The Housing Delivery Authority receives and considers expressions of interests. The expressions of interest are short, to gather a quick yes or no as to whether or not something meets the requirements to be declared State significant development. Following that, the recommendation is made—yes, no or return to get additional information—in that process. Ms Fishburn could add light to that. She's on the authority. If a recommendation is made, I consider that recommendation and may or may not make a declaration of State significant development, which triggers a series of "use it or lose it" provisions.

The Hon. MARK LATHAM: But do you think four or five minutes is an insult to the planning process in New South Wales and, in the case of the Billbergia one at Rhodes, the innocent people who were roped into it?

Mr PAUL SCULLY: For a start, I think it's a poor characterisation to use some calculated average to say, "This is the only examination of the case." Ms Fishburn can add to this—there's a range of activities that happen prior to things happening at the HDA. Some of them are so well and truly out of scope that they can be dismissed relatively quickly. But Ms Fishburn can add some more detail. While we're going down that process, I think it's worth that exercise and taking that time.

The Hon. MARK LATHAM: We'll come to Ms Fishburn this afternoon, so you don't run down the time. In terms of that, were you surprised that on Wednesday Mr Draper, given all the matters you've raised about Billbergia and that we now find out there's a probity review and the like, had no knowledge about this matter at all, even though he's on the authority? He went to the point of saying these were simply assertions by me. I knew more about his authority than he did. He's just a figurehead, isn't he?

Mr PAUL SCULLY: Mr Draper's testimony is Mr Draper's testimony.

The Hon. MARK LATHAM: Are you surprised, though, having had him on this authority—and he obviously has the Premier's Department to run—that he wouldn't have much time for this authority and that he could have zero knowledge of this matter for which you've ordered a probity review.

Mr PAUL SCULLY: I have every confidence in all three members of the Housing Delivery Authority and the proxies that they use from time to time. If there is a suggestion that three of the most senior public servants in New South Wales are behaving untowardly or worse, then that should be reported to the relevant authorities. Are you suggesting that there has been poor behaviour?

The Hon. MARK LATHAM: No, what I'm suggesting is Mr Draper is a pretty basic guy. He's just a figurehead on this, and he has no clue as to what's going on with an important matter.

Mr PAUL SCULLY: That's your characterisation, not mine.

The Hon. MARK LATHAM: Were you surprised on Wednesday that he knew nothing about this?

Mr PAUL SCULLY: There have been 429 expressions of interests assessed. For anyone who is running the Premier's Department at the same time as being part of this to have at their immediate recall the detail of 429 expressions of interest, along with everything else that was being explored that day—I am unsurprised. It's

CORRECTED

why we have a question on notice process—so that people can take things on notice and get the additional information that may inform and enable them to provide accurate information.

The Hon. MARK LATHAM: Minister, of the 429, for how many of those have you ordered a probity review?

Mr PAUL SCULLY: There's only the one I've asked for and that's out of an abundance—

The Hon. MARK LATHAM: One? And this is the one Mr Draper knew nothing about.

Mr PAUL SCULLY: Chair, if I could finish? I've ordered it out of an abundance of caution. There was a probity adviser, as I'm sure you've read in my response to your question on notice. There was a probity adviser at the meeting. There's a probity adviser at every one of the HDA meetings. There is so much probity around this, it's not funny. This has gone through the ICAC and it has given it the tick.

The Hon. MARK LATHAM: And the probity adviser at the meeting, did he raise with the authority the comments of Daniel Mookhey about Billbergia in 2021 that they were a corruption risk?

Mr PAUL SCULLY: I'll refer—

The Hon. MARK LATHAM: No. Hear me out. You wanted to know some detail. The Auditor-General was saying corruption couldn't be ruled out regarding the \$130 million that Billbergia made on the light rail marshalling yard at Camellia and the adverse mention of Billbergia in the ICAC Operation Tolosa report in 2023. Did your probity adviser tell the authority about this outfit?

Mr PAUL SCULLY: I would have to defer to someone who was at the meeting. I don't attend the meetings.

KIERSTEN FISHBURN: That's not the role of the probity adviser. The role of the probity adviser is to make sure that—

The Hon. MARK LATHAM: No? Do they just sit there twiddling their thumbs instead of reporting that this mob have been adversely named at ICAC and a senior Minister, now the Treasurer, has said they're a corruption risk, and apparently your authority is oblivious to it all? Is that right?

Mr PAUL SCULLY: Are you suggesting that there's been corrupt behaviour involved in this?

The Hon. MARK LATHAM: I'm suggesting your probity adviser should do the job of reporting these matters.

Mr PAUL SCULLY: If you are, Mr Latham, don't just sit in here and take it to the secretary.

The Hon. MARK LATHAM: Listen, pal, you're not putting words in my mouth.

Mr PAUL SCULLY: You're trying to put words in everyone else's mouth.

The Hon. MARK LATHAM: I'm asking you why a probity adviser wouldn't raise these probity issues that are on the public record from your colleague the Treasurer and from an ICAC report where they had adverse reaction. What's the answer?

The Hon. ANTHONY D'ADAM: Point of order: Mr Latham's time has expired.

Mr PAUL SCULLY: Sorry, could you repeat the question?

The Hon. MARK LATHAM: Why wouldn't a probity adviser raise the words of your colleague the Treasurer about the corruption risk of Billbergia?

Mr PAUL SCULLY: As you just heard from the secretary, that's not the role of the probity adviser in this circumstance.

The Hon. MARK LATHAM: Well, what do they do? They sound as useful as Draper.

Mr PAUL SCULLY: Mr Latham, out of an abundance of caution, I've referred this matter to external probity for review, but I would also point out—

The Hon. MARK LATHAM: You've referred it because it's crook.

Mr PAUL SCULLY: Sorry, is that accurate testimony?

The Hon. MARK LATHAM: Yes, it is.

Mr PAUL SCULLY: Are you claiming that it's crook?

CORRECTED

The Hon. ANTHONY D'ADAM: Chair, are you going to hear my point of order?

The CHAIR: Order! There is a point of order.

Mr PAUL SCULLY: You're claiming it's crook and you have not reported it to ICAC? Have you reported it to ICAC? If you claim that it's crook, have you reported it?

The Hon. MARK LATHAM: I've reported it to you. You're the one with the section 11 responsibilities, not me.

Mr PAUL SCULLY: As a member of Parliament, you have reporting responsibilities.

The Hon. MARK LATHAM: No, you've got section 11. You ought to read the Act.

The CHAIR: Order!

Mr PAUL SCULLY: You have responsibility, Mr Latham. If you want to come in here and do that sort of behaviour, it just shows the immaturity that is testament to your political career.

The Hon. MARK LATHAM: Don't deflect from your own section 11 responsibility and that of the woman sitting next to you.

The CHAIR: Order! You have to stop when there is a point of order.

The Hon. MARK LATHAM: Why are you having a probity review if it's all sweet?

Mr PAUL SCULLY: Out of an abundance of caution. It's in my question on notice.

The CHAIR: Minister, I very rarely raise my voice or do this. When I do, I expect you to be quiet—all of you.

Mr PAUL SCULLY: I apologise, Chair.

The CHAIR: I give so much scope and leeway, even though you all behave ridiculously at times. When I raise my voice, I do it because I mean it. There was a point of order, but I suggest we're through. Would you like me to hear it?

The Hon. ANTHONY D'ADAM: Mr Latham's time has well and truly expired. He asked at least four or five questions after the time had expired.

Mr PAUL SCULLY: Politically as well.

The Hon. MARK LATHAM: Can I get an answer to my last question, which is a very important question?

The CHAIR: Mr Latham's time has expired. Mr Latham will get one more round. We are now in the Opposition's time.

The Hon. SCOTT FARLOW: I'm the well-behaved one for a change.

Mr PAUL SCULLY: You've got to keep everyone on their toes, Mr Farlow.

The Hon. SCOTT FARLOW: Minister, with respect to that Mosman HDA proposal, if the applicant writes back and says to you that they will not proceed in that time, will you revoke the SSDA declaration?

Mr PAUL SCULLY: Yes. As I said earlier today—

The Hon. SCOTT FARLOW: You won't just wait for the nine months to expire?

Mr PAUL SCULLY: As I said earlier today, I was pretty annoyed by that report that someone would use the HDA and the time associated with this as we've put together an authority that is aimed at helping to address the housing challenges that we have in New South Wales and pretty annoyed that someone would use this as a tyre-kicking exercise. If you want to learn the valuation of your property under various scenarios, consult a property valuer. Don't use the New South Wales planning system as some approach where you can flip it and try and make a few bucks on the side. That report was really, really disappointing. I've asked the department to make inquiries as to whether or not it is the intention of this person to proceed. If that response indicates that they're not, I'll withdraw the declaration—no problem.

The Hon. SCOTT FARLOW: Minister, with respect to items you have declared as State significant under your ministerial powers, have you got any that you are aware of that have not proceeded to a development application following the issuance of the SEARs?

CORRECTED

Mr PAUL SCULLY: If you give me a second, I will find the exact numbers. At this stage I think there have been 60-odd recommendations through the HDA that have had SEARs issued. There's a process involved in that. Once there is a declaration made, the department makes contact with the proponent. They work through it. I stand corrected. Sorry, I'll correct that: 71 have been issues with SEARs; five have lodged EISs, the second one for Rangers Road and Yeo Street at Neutral Bay is on public exhibition at the moment. They continue to progress.

KIERSTEN FISHBURN: Mr Farlow, to answer that question completely, there's none that would be outside of the time frame at this point in time.

Mr PAUL SCULLY: Yes, true.

The Hon. SCOTT FARLOW: Thank you very much. Minister, with respect to some of those HDA declarations, you've had to make quite a few amendments to your ministerial orders. Why has that been the case?

Mr PAUL SCULLY: There's a great one in Rhodes that you may hear about today.

The Hon. SCOTT FARLOW: That's one, but there are several others.

Mr PAUL SCULLY: The proponent came back and said that they hadn't secured the option and their negotiations had been unsuccessful, so the scope was reduced. There was another one where the proponent had, I think, included an error in their reference. No human is infallible, Mr Farlow, and no process is infallible but, when an error is detected, action is taken swiftly to fix it so there aren't inaccuracies in the system. You would recall probably earlier this year I made comment about the fact that we did a survey of a few thousand development consents that had been done with conditions on consent. Many of those had inaccuracies in them that required modification as well. Requiring modifications to things in the planning system is not a new thing; nor is it unique to the HDA.

The Hon. SCOTT FARLOW: Minister, I turn you now to TG Millner in Ryde. Prior to the election, the Labor candidate was saying she wanted to "share our vision for TG Millner as vital open space for Ryde". That site is now being redeveloped.

Mr PAUL SCULLY: Potentially.

The Hon. SCOTT FARLOW: What is the status, I ask firstly?

Mr PAUL SCULLY: As I understand it, and Ms Gibson might be able to add some further information to this, department staff are currently working with the proponent to update various studies after the panel exhibition. The proposal is then anticipated to go on gateway assessment later this year. The proposal will progress to a gateway determination where it will undergo further strategic and site-specific assessment. You may recall that the planning panel indicated that it did have strategic and site-specific merit. That's why it recommended the proposal should progress to gateway determination. It will undergo further strategic and site-specific assessment prior to the identification of any required community or agency consultation. Any submissions received during the consultation will be considered before a final decision is made. The community is of course encouraged to have their say if the project proceeds to the public exhibition stage, and at the moment that's where we're at.

The Hon. SCOTT FARLOW: Minister, is your Government still committed to keeping TG Millner as vital open space?

Mr PAUL SCULLY: We've not made that commitment to vital open space.

The Hon. SCOTT FARLOW: You made that prior to the election.

Mr PAUL SCULLY: No. We did not make a commitment to vital open space. We continue to progress—

The Hon. SCOTT FARLOW: Was your candidate freelancing at that point?

Mr PAUL SCULLY: I don't know. You'd have to ask the candidate whether they were freelancing.

The Hon. SCOTT FARLOW: The Labor Party didn't make the commitment to keep TG Millner as open space?

Mr PAUL SCULLY: I wasn't on the shadow ERC process. If there was a decision—and I'm only taking your word for it, which I don't doubt.

The Hon. SCOTT FARLOW: I've got the social media post of your candidate. I'm happy to hand that over to you.

Mr PAUL SCULLY: I don't think you would come and necessarily lie to me, but the fact is that the process is well down the track now. It will continue to be considered as part of that.

CORRECTED

The Hon. SCOTT FARLOW: Minister, if I can turn you to one of your favourite haunts, the Sydney International Speedway. Are you aware now that Bathurst legend Garry Willmington is no longer with the speedway?

Mr PAUL SCULLY: I understand he's resigned, yes.

The Hon. SCOTT FARLOW: Was it a resignation, Minister?

Mr PAUL SCULLY: I don't know. I believe it was. I stand to be corrected if you're telling me otherwise.

The Hon. SCOTT FARLOW: Are you aware of challenges with payment to Mr Willmington, and his son as well?

Mr PAUL SCULLY: I'm not aware of those. Ms Hawyees may have some additional information from the Public Spaces perspective, and the Greater Sydney Parklands, which is the landowner, but I don't have anything before me.

The Hon. SCOTT FARLOW: Minister, are you aware that Troy Boldy is now operating a cart facility at the international speedway?

Mr PAUL SCULLY: I'm not aware of that, and I don't think that is actually the case.

MELANIE HAWYES: We are aware that Garry Willmington has left his role. He has been replaced by a gentleman called Mitch Biner. The terms of his departure are really between him and the operators there.

The Hon. SCOTT FARLOW: Are you concerned, Minister, that there has been action with the ATO for unpaid superannuation for Braydan Willmington?

Mr PAUL SCULLY: I think every employer should meet their responsibilities. What I was more concerned about when it came to the Sydney speedway is that, despite the promises of the previous Government of \$110 million being put into it—estimated, because we still can't get to the bottom of how much actually was given and how murky it was by Mr Constance.

The Hon. WES FANG: That's not the question you were asked, Minister.

Mr PAUL SCULLY: What was more of a concern is a motorsport that has a legitimate—

The Hon. WES FANG: That's not the question you were asked, Minister. Don't obfuscate, Minister. Just answer the question you were asked.

Mr PAUL SCULLY: Chair, I think—

The Hon. MARK LATHAM: Don't defend Constance.

The Hon. ANTHONY D'ADAM: Point of order—

Mr PAUL SCULLY: I'm not defending Constance.

The CHAIR: A point of order—

The Hon. WES FANG: It's not the question he was asked. He's not being relevant to the question.

Mr PAUL SCULLY: Mr Fang would defend Constance all up hill and down dale. He loves him. What—

The Hon. WES FANG: Why don't you be relevant to the question, Minister?

The CHAIR: Mr Fang, no more interjections.

Mr PAUL SCULLY: What we were concerned about was that. Why I am pleased is that we've been able to fix that speedway—for a start—and get it to so it was operating. Garry Willmington, I think, did an excellent job. I went out there a couple of times under his administration of it, and I hope that we'll continue to see—

The Hon. SCOTT FARLOW: Minister, if I can stop you there and ask, if the speedway is fixed then why doesn't it have a 2025-26 season schedule outlined at the moment?

Mr PAUL SCULLY: We contract the operations of the speedway. You'd have to ask the operators as to why they don't have a season scheduled as yet.

CORRECTED

The Hon. SCOTT BARRETT: Minister, at what point does predicted increase to population or dwellings or new infrastructure trigger a review of the emergency service arrangements in that area, as they would do for a new school or transport infrastructure?

Mr PAUL SCULLY: It depends on the circumstances of the area. There are triggers that you'd probably have to ask the Minister for Emergency Services about, or it might be individual agencies. However, the Government continues to work with emergency services, whether they be SES in terms of flooding, fire services and the like to make sure that we continue to invest. In fact, the other day—last week—I was able to announce, as part of an additional \$60-odd million in infrastructure spending, the acquisition of a new site for a new fire station in north-west Sydney. These are continued works. The Government has indicated further acquisition of land in the aerotropolis for firefighting.

KIERSTEN FISHBURN: Fire station, yes.

Mr PAUL SCULLY: I've already ruled out a number of potential residential blocks in north-west Sydney that would have been too high in terms of the level of risk they would've carried for flooding, on the advice of the SES. The Government is going through a process at the moment. We're the first government to have developed and published a State disaster mitigation plan—

KIERSTEN FISHBURN: Adaptation plan.

Mr PAUL SCULLY: —adaptation plan, sorry—and the local disaster adaptation plans on the back of that. That's work that's ongoing because it's involving changes from coastal erosion through to flooding through the fire and the like.

The Hon. SCOTT BARRETT: Doing it after the developments occur, wouldn't that lead to a significant increase of costs, rather than have it as part of the initial planning process?

Mr PAUL SCULLY: Sometimes we're faced with doing exactly that, because the previous Government didn't do it. For instance, a good case in point will be the State-led rezoning process surrounding a new station at Woollahra, where we'll go and have a look at the capacity of emergency services in that area, working with them much like we do with schools, with hospitals and with all the other Government services. It's important that we make sure that—

The Hon. WES FANG: Maybe you should've done that before you did the announcement?

Mr PAUL SCULLY: Chair—

The Hon. CAMERON MURPHY: Point of order: I think you should call Mr Fang to order. He's now repeatedly flouting your earlier rulings about interjections.

The CHAIR: I will ask the member to stop interjecting. Thanks, Mr Fang.

Mr PAUL SCULLY: As I was saying—

The Hon. SCOTT BARRETT: Minister—

Mr PAUL SCULLY: If I could finish—because I was interrupted by the inane rantings of Mr Fang—

The Hon. WES FANG: Inane? Point of order—

The CHAIR: Minister, red rags and bulls don't—not in this room. There's enough red in this room.

Mr PAUL SCULLY: Sure. He got one, I got one; we're even now. So what we continue to do is when we go through a rezoning process or there's any exercise in changes to land use with the continued expansion of communities—whether they be in the centre of the city or on urban fringes or in regional and rural New South Wales—we consider and consult with our colleagues as to the capacity of emergency services. It's why the RFS, the SES, Fire and Rescue are all part of our Housing Taskforce, which contemplates what needs to go along with, and has a look at conditions that may be placed on, development applications in certain areas.

The Hon. SCOTT BARRETT: Minister, getting back to the renewables guidelines, they state that a consent must not be granted unless the consent authority is satisfied that it "is unlikely to have a significant adverse impact on the regional city's capacity for growth or scenic quality and landscape character." You can take my word on that. What's the trigger for that? I'm talking specifically about, there's a proposal near Orange for 300-metre turbines in a State forest. What is the trigger that determines whether it will or will not have significant adverse impact on scenic quality or landscape character?

Mr PAUL SCULLY: Mr Gainsford leads the assessment team, which contemplates that for the projects that come to this State, so perhaps he can give some information on it.

CORRECTED

The Hon. SCOTT BARRETT: I can come back to him on that later this afternoon. Do I infer then that that decision falls with the department, and you don't have oversight or input into that?

Mr PAUL SCULLY: The department does assessments. The Minister doesn't sit and do planning assessments. I'm not a qualified planner so that's not the role of the Minister. I consider the department's recommendations on that, or in some circumstances it might go to the Independent Planning Commission for its own independent assessment process as part of that. They're standard approaches when it comes to assessing major projects in New South Wales. They evolve through time, as the assessment works—I'll wait till Mr Fang's finished his notes so you've got your next question. They evolve through time and, as a result of the guidelines that we've issued, we've added a great deal more rigour around how that process is done. Mr Gainsford is probably able to inform the Committee in its considerations of this question right now.

The Hon. SCOTT BARRETT: I can come back this afternoon. I'll hand over to—

Mr PAUL SCULLY: So you don't want to be informed? You just want to ask the questions?

The Hon. SCOTT BARRETT: No, we have plenty of time this afternoon.

The Hon. SCOTT FARLOW: He wants to be informed this afternoon.

Mr PAUL SCULLY: Okay.

The Hon. SCOTT BARRETT: We also have other questions to ask, so I'll hand to my colleague Ms Merton.

The Hon. RACHEL MERTON: Minister, officials, thank you very much. Minister, I've got a few questions. You described residents that have expressed concern about their local neighbourhoods being flattened for high-rise with little to no consultation as "un-Sydney-like" and suggested they ignore their "collective responsibility". Minister, is this sort of talk helpful in the current housing planning discussion?

Mr PAUL SCULLY: You obviously haven't picked up—I think you guys are yimbys this week. I'm not sure, because Woollahra—we're still unclear of what's going on there.

The Hon. SCOTT FARLOW: We support a station at Woollahra, Minister. I don't know how many times we have to say it to you.

Mr PAUL SCULLY: Do you or do you not agree—okay, let's step through this.

The Hon. RACHEL MERTON: Minister, the terminology used to the community was "un-Sydney-like", and suggested that they're ignoring their "collective responsibility". It's patronising; it's dismissive language. I'm asking you.

Mr PAUL SCULLY: I don't think collective responsibility is dismissive. I think collective responsibility is something we've got. We've got a situation where we've got geographic divides, social divides and social exclusion, as well as economic participation and productivity events, as a result of a sustained lack of building of homes in New South Wales, particularly in Sydney. We have faced a situation where every day thousands of people are being asked to travel from the west to the east, largely, to provide services in the city and in suburbs where they've got largely no chance of living in unless we expand supply, so it is our collective responsibility. Every part of our community, whether it's in and around Woollahra, in Wollongong, in West Wyalong, or anywhere else—

The Hon. MARK LATHAM: Mosman.

Mr PAUL SCULLY: Or Mosman. Everywhere has a part of that responsibility, absolutely.

The Hon. RACHEL MERTON: Thank you, Minister. You've stressed—

Mr PAUL SCULLY: You don't agree that we have a collective responsibility?

The Hon. WES FANG: We're asking the questions here, Minister.

The Hon. RACHEL MERTON: Minister, you've stressed a shared responsibility to address the housing crisis, yet a factor that has clearly had a significant impact on housing demand in Sydney is immigration.

Mr PAUL SCULLY: We have been migrating since 1788, so I guess it has.

The Hon. RACHEL MERTON: The Albanese Federal Labor Government's immigration policies—

Mr PAUL SCULLY: Are you guys playing bingo over there with all the usual tropes that are coming out this time?

CORRECTED

The Hon. RACHEL MERTON: —have brought over one million people to Australia in two years.

Mr PAUL SCULLY: And immigration, as I understand it, has fallen.

The Hon. RACHEL MERTON: Do you agree that historically high levels of immigration are having an impact on housing demand and affordability in Sydney and beyond?

Mr PAUL SCULLY: I agree that people have an impact on housing demand and I agree that a lack of housing construction has an impact on price. It doesn't matter where people come from; they need to be housed. Maslow's hierarchy of needs from the very earliest of days: food, shelter, clothing—

The Hon. RACHEL MERTON: The immigration levels that I put to you, Minister—

Mr PAUL SCULLY: Are you saying that, if we stopped immigration tomorrow, everyone would be able to afford a house and everyone would have a house? Is that your assertion? Are you serious?

The Hon. RACHEL MERTON: Minister, given the public's concern about housing and what we're currently facing here, how will you ensure your Government's policies address both the supply and the demand sides of the crisis to deliver affordable housing?

Mr PAUL SCULLY: That's an excellent question. It is a really good question. There are a few things—and you're going to have to excuse me, Ms Merton—

The Hon. RACHEL MERTON: I would just ask you, Minister, not to dismiss what the starting of my question was in terms of immigration levels.

Mr PAUL SCULLY: And I'd ask you just to allow me to at least get out more than one sentence, and this will be long because we've done a lot. I think it's important that the Committee understands exactly what we've done. On the supply side, we have rezoned around transport hubs across the Hunter, Central Coast, Greater Sydney and the Illawarra Shoalhaven in terms of accelerated precincts and tier two developments. We've addressed, through our low- and mid-rise housing, the missing middle. We've got a Housing Delivery Authority that means that, for the first time, the State Government is directly involved in the housing that has to happen. We've set—

The Hon. RACHEL MERTON: You've spoken a lot about that this morning. I'm conscious I've got one minute and five seconds left.

Mr PAUL SCULLY: You've asked a big question.

The Hon. RACHEL MERTON: I recognise your work on this. Minister, the community concern—

Mr PAUL SCULLY: We've also slashed the forever tax on the family home under the previous Government. We got rid of that; we scrapped it. We've increased the capacity for first home owners to get stamp duty mitigations or reductions, most of whom aren't paying anything. There's been billions of dollars in stamp duty concessions. We've got a permanent reduction in the land tax for build-to-rent projects. We're working with our Federal colleagues, who today—I congratulate them on bringing forward their lower deposit scheme so people can get a house earlier than what they have to do ordinarily. That's a good initiative brought forward.

The Hon. RACHEL MERTON: It's a good list, and we've heard a lot about it—

Mr PAUL SCULLY: We're driving down council assessment times—

The Hon. RACHEL MERTON: Minister, if I could redirect you in the last 15 seconds in terms of the community concern in this space about unsustainable immigrations levels. They put it to me like this: Your reforms aim for 377,000 new homes by 2029, yet immigration-driven demand continues to outpace supply. How do you respond, Minister?

Mr PAUL SCULLY: I don't think that bears up to the facts. For a long time, we've had a proud history of being a strong migrant community. My mum is a migrant herself. My wife's mother is a migrant. If you track back early enough, so are both of our dads' families. But I think the seeds of social division that are attempted to be sowed with this line of questioning and this sort of characterisation of our housing problem treats people as mugs. I think that's wrong. It's sowing division where division doesn't need to be sowed. The fact is New South Wales has been producing six houses per thousand people for a long time. Our colleagues in Queensland and Victoria have been producing eight or nine houses per thousand people. If your planning restrictions under the former Coalition Government meant that you couldn't build some of the things that have been part of our housing past, and it meant that we're the 859th least dense city on the planet and we've got less housing diversity than we did 100 years ago, then the root cause of this problem is fundamentally not having built enough houses. We're making up and catching up for that, and I don't agree with your characterisation that it's a migration problem.

CORRECTED

The Hon. RACHEL MERTON: A final question, Minister—

Mr PAUL SCULLY: It's rude and irresponsible from a member of elected office.

The CHAIR: Ms Merton, sorry, your time is up. Minister, could I please turn to the comments that appeared in the SMH over the weekend that were very concerning about fire regulations. The article by Max Maddison referred to the use of captains' calls being able to be used to override RFS recommendations or vetoes over developments and the notion that perhaps some kind of overreach has been involved in the RFS recommendations to date around a development referred to as Lizard Rock in North Sydney. What are you doing—

Mr PAUL SCULLY: What's your question—has there been overreach?

The CHAIR: The question is in two parts. One, what are you doing in relation to fire controls, what is your intention and how did this come about? Two is the overreach.

Mr PAUL SCULLY: I don't know where Mr Maddison might have got his information from. Journalists apparently don't reveal their sources, so I can't speculate as to what he may and may not have been told. However, there's been no announcement by the Government of any changes with respect to—I think 2021 was the last reg change—stuff on RFS. I might have got that wrong. With respect to Patyegarang, the department is continuing to work with NSW Rural Fire Service in an attempt to resolve any bushfire concerns. NSW Rural Fire Service also undertook bushfire modelling and further consultation with Transport for NSW's emergency management group on bushfire evacuation. This is part and parcel of development assessment that we consider.

The CHAIR: Have you got any plans at the moment to change planning for bushfire proposals?

Mr PAUL SCULLY: The Government's made no announcements with respect to that. We've got a group that we brought together because too often what's happening is the RFS gets, I think, the most—

KIERSTEN FISHBURN: Yes, it's the most.

Mr PAUL SCULLY: It gets the most what's known as concurrences and referrals of any agency in the Government, and that's often the case because, despite there being quite specified numeric standards that people are required to meet with respect to material standards and asset protection zones, the assessment authorities—largely, councils—refer it off to someone else in the RFS to check and make sure that it's okay. It is so the RFS can put a stamp on it, if you like, and say, "This is okay", even though the proponent can consult a table of requirements and make that same assessment themselves. That's why we've had to bring together 22 different agencies in our Housing Taskforce so that we can clear some of these things, because what often happens is that you get conflicting conditions of consent between different State Government authorities.

The RFS is working very well with the department of planning and other agencies as part of that and, as a result, the taskforce has cleared just over 4,000 concurrences and referrals. This was at earlier August, which has allowed DAs for nearly 57,000 homes to go back to councils for determination. Nearly 2,000 of those DAs have been approved, so that's 23,000 houses. That's the sort of stuff that was stuck in the system that just needed a couple of people to work together to resolve the issue to get it back so that it could go through the final assessment.

The CHAIR: On the basis of that, has there been any case to change the planning and bushfire rules? Has anybody made those recommendations to you?

Mr PAUL SCULLY: I think the argument has been that we continue to work through good arrangements within and across government. I'm not aware of any changes to bushfire rules as a result of the Housing Taskforce.

KIERSTEN FISHBURN: No, nothing as a result of the Housing Taskforce. I just want to add that for many years the department provided support directly into the RFS to help and assist them. That is how closely we work. That was one of few embedded officers, but the RFS, because of the sheer volume, needed some assistance, and we were very happy to provide that as well.

The CHAIR: Is there a conclusion that there has been overreach in relation to the North Sydney development?

Mr PAUL SCULLY: Who has made that conclusion?

The CHAIR: It's just reported that somebody—

Mr PAUL SCULLY: Yes, so it's reported. So a nameless person has made that claim. I can't respond to some sort of claim. I mean Wes—Mr Fang—may have made it.

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The CHAIR: The other thing is that the Premier made reference in his budget estimates last week that Simon Draper was meeting with the proponent of that development this week, or very soon, and then an article drops and then there's a discussion about overreach. Is there something that you're aware of, Minister, that is currently happening in relation to that development and the potential of loosening the current fire recommendations?

Mr PAUL SCULLY: I've given the outline of what I'm aware is happening.

The CHAIR: So you're not aware? Were you aware that the Premier is aware that Simon Draper is meeting this week, or very soon, with the proponent?

Mr PAUL SCULLY: I'm not aware that I was aware that the Premier was aware that Simon Draper was meeting with someone. I'm not sure of my awareness of that.

The CHAIR: You have no knowledge of that?

Mr PAUL SCULLY: The Premier doesn't tell me—he doesn't ring me up every time Simon Draper is meeting with someone.

The CHAIR: I didn't ask that, Minister.

Mr PAUL SCULLY: No, I'm not aware.

The CHAIR: You had no knowledge whatsoever that the Premier and Simon Draper are in discussions with the proponent about that development?

Mr PAUL SCULLY: That could be one item on a dozen-item agenda, and they could be—

The CHAIR: Minister, I'm asking you if you are—

Mr PAUL SCULLY: I don't know the nature of the meeting. I wasn't aware that the Premier had made—no, the Premier hadn't made me aware of that and I don't think he's required to report in to me. He's not the one—he's not a consent authority and I suspect that—

The CHAIR: Minister, sorry, I'm just a tiny bit lost. You had no knowledge that the Premier and Simon Draper, or both, are meeting with the proponent?

Mr PAUL SCULLY: Are they supposed to make me aware?

The CHAIR: Nothing smart here.

Mr PAUL SCULLY: No.

The CHAIR: Nothing smart. I'm asking you, Minister. Were you aware?

Mr PAUL SCULLY: No, I wasn't. But the metropolitan land council probably has a range of issues on its plate in terms of what it's dealing with.

The CHAIR: I'm sure. Minister, it was just a yes or no question—it really was.

Mr PAUL SCULLY: I know, but I think it's important to have context because people make things out of yes or no questions all the time.

The CHAIR: I think I gave lots of context. Is today, with me asking you this question, the first time you became aware?

Mr PAUL SCULLY: No, it's not the first time I became aware.

The CHAIR: It's not? Okay, thank you.

Mr PAUL SCULLY: Sorry, that's a different question from "Were you aware?" Your original line of questioning was was I aware when the Premier made that testimony. No, I wasn't aware then. I am aware now because he made that testimony.

The CHAIR: No, Minister. We're getting far too smart for everyone right now.

Mr PAUL SCULLY: Sorry, that's what I understood your question to be.

The CHAIR: It's really simple.

Mr PAUL SCULLY: Am I aware? Yes.

The CHAIR: When were you first made aware that the Premier and Simon Draper—

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Mr PAUL SCULLY: I think I just answered that, but I heard it when the Premier said it in his budget estimates testimony.

The CHAIR: Okay, so that was the first time you became aware that Simon Draper is meeting with the proponent of that development.

Mr PAUL SCULLY: Yes and, as I say, the proponent is a land council.

The CHAIR: Can we just go back to the "Yes"? Was that a "Yes, that's the first time"?

Mr PAUL SCULLY: How many times? I've said it several times.

The CHAIR: No, we've gone around the mulberry bush, that's all.

Mr PAUL SCULLY: Okay. Yes, I'm aware today. No, I wasn't aware before the Premier gave testimony. Yes, I was aware after the Premier gave the testimony. However, I will add the clarifying point that a metropolitan land council does much, much more than submit one planning proposal.

The CHAIR: It was only about that development. That's the only one I'm concerned with at this point.

Mr PAUL SCULLY: But do you know that's the only topic on the agenda? Because that's the suggestion here, isn't it?

The CHAIR: I'm only asking you about that one development.

Mr PAUL SCULLY: We're trying to make it a little bit murky by suggesting that there's some side meeting going on and we're going to connect that to *The Sydney Morning Herald* article, and we've probably got Area 51 involved in it somewhere.

The CHAIR: If that's what you're doing, that's fine. That's your agenda; it's not mine. My agenda is literally just to ask you a few questions about bushfire controls in New South Wales—

Mr PAUL SCULLY: Sure. Well, let's get back to bushfire control, then.

The CHAIR: —and as they pertain to that particular land, Minister.

Mr PAUL SCULLY: To the extent that I can answer, given I'm not the Minister for Emergency Services.

The CHAIR: Minister, are you aware in any context outside of this article that I'm referring to that there were views that the bushfire controls recommended by the RFS are overreach?

Mr PAUL SCULLY: I haven't heard that characterisation of it. In fact, I've heard the opposite, where the local member thinks that it should be outlawed altogether. I have heard some people say that it should be seriously considered and it may not be to the extent at which it was first proposed. And I've heard others who have said, "Approve it."

The CHAIR: In this context, will you ultimately have any decision-making role in this particular development?

Mr PAUL SCULLY: I don't think I do with this one, do I?

KIERSTEN FISHBURN: It's with the panel.

Mr PAUL SCULLY: Yes, it's the panel. Sorry, Monica?

MONICA GIBSON: There may be a role for the Minister. At the moment the planning proposal authority is a strategic planning panel and they're currently the consent authority. They're currently managing that process. Depending on the decision that they make, there may be a role for the Minister.

The CHAIR: Just finally, Minister, will you guarantee that the fire controls—any fire controls—and views of the RFS will be held up to the highest consideration?

Mr PAUL SCULLY: I don't think there's any plan to diminish the contributions to the assessment of the RFS. Not that I'm aware of.

The Hon. MARK LATHAM: Minister, everything's got a little bit scatty, so if I can throw the switch to positivity and congratulate you on what you're doing at Woollahra station and bringing in 20,000 newly arrived migrants to vote Labor and teal and get rid of the member for Vacluse—I think it's fantastic work. But in that regard the same member for Vacluse just recently said her number one priority in the upper House is to work with Labor—work with you guys in government. Are you a bit surprised, given that statement, that instead of the

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evil person on the crossbench, she wants to work with Labor? It's her number one priority. Are you surprised, in that context, she hasn't given full, unqualified support to your proposal today?

Mr PAUL SCULLY: To be honest, I'm a bit stunned by the Opposition's general response.

The Hon. MARK LATHAM: No, the member for Vacluse—the local member.

Mr PAUL SCULLY: Yes, I'll get to her because I've heard—

The Hon. MARK LATHAM: Get to her.

Mr PAUL SCULLY: There are landowners in the area who are not fans of what's going on. There was one called Mark on the radio earlier this morning.

The Hon. SCOTT FARLOW: It's complete and utter rubbish, and you know it.

Mr PAUL SCULLY: There's a media release here—and Mr Farlow has been asked on several occasions today—

The Hon. MARK LATHAM: No, the member for Vacluse. She says she wants to work with Labor. Why isn't she giving you 100 per cent support?

Mr PAUL SCULLY: I don't know. You'd have to ask the member for Vacluse that. But I hope she does give 100 per cent support.

The Hon. MARK LATHAM: I'm asking are you surprised and do you think she should live up to that commitment of working with Labor?

Mr PAUL SCULLY: I'm really not surprised by the twists and turns of the Opposition when it comes to housing.

The Hon. MARK LATHAM: Let's go back to Billbergia and Rhodes, then, having had our dose—

Mr PAUL SCULLY: Let's keep up that positivity.

The Hon. MARK LATHAM: We've had enough positivity; let's be serious. Who's the probity adviser doing the review of what has occurred?

Mr PAUL SCULLY: I don't have the name in front of me. I'll take it on notice.

The Hon. MARK LATHAM: Who is the probity adviser that sat in on the meeting?

KIERSTEN FISHBURN: I'll take that on notice. It was an independent probity adviser at that point in time.

The Hon. MARK LATHAM: Are they separate outfits, not the same one?

KIERSTEN FISHBURN: I believe so, but I'll check for you.

The Hon. MARK LATHAM: Okay, if we can get that on notice. What does the probity adviser do at these meetings? Because you'd think, with Billbergia, a year 10 student could google their name and come up with statements of the Auditor-General, the now Treasurer and ICAC in relation to this company and perhaps suggest that a little bit of caution needs to be taken with them. What is the role of the probity adviser if it's not to offer a probity check on the proponent?

Mr PAUL SCULLY: I'll defer to Ms Fishburn because she actually attends the meetings; I don't.

KIERSTEN FISHBURN: The probity adviser's role is to make sure that things like conflicts of interest are declared, that the meeting is run properly and that the information that is gathered is accurate, according to the meeting. The probity adviser is not there to make comment on the proponent.

The Hon. MARK LATHAM: But would they check the accuracy of the information provided by Billbergia saying they had ownership or an option on the three parcels of private land? It ultimately turned out they hadn't even spoken to those landowners. How did that happen? Who do you trust to say that this application has the consent of all the landowners within the parcel?

KIERSTEN FISHBURN: I'll ask Mr Gainsford to go into further detail, but the point in time that landowners' consent is absolutely required in the planning system is at the point of EIS. A development application is not able to go forward without that.

The Hon. MARK LATHAM: We know that. You've also got HDA criteria saying that you require the proponent to demonstrate ownership or an option to purchase for all land to which the proposal applies, so you've

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got a couple of checks. At the first hurdle, how did the authority come to believe that Billbergia had the consent of the owners of the land—the three in question in Averill Street and Leeds Street, Rhodes—when in fact it wasn't the case?

KIERSTEN FISHBURN: I think I've provided information about the point where the ultimate check of that is undertaken within the planning system.

The Hon. MARK LATHAM: I'm not asking about the ultimate check. I'm asking about the check you had before you in February at this HDA meeting. Why did you believe that Billbergia was correct in saying that all the other private landowners had consented when in fact they hadn't?

KIERSTEN FISHBURN: Billbergia indicated that there was an option put in by Mr Gainsford.

The Hon. MARK LATHAM: So you only trust Billbergia.

KIERSTEN FISHBURN: Sorry, I'm just going to refer to Mr Gainsford, because I sit in the meeting. David's area undertakes their advice.

The Hon. MARK LATHAM: What's the go, David?

DAVID GAINSFORD: Yes, Ms Fishburn is correct that the evidence that we get through the expression of interest application was put forward by Billbergia—which, as Ms Fishburn and the Minister have mentioned, does talk to both the ownership and options for purchase. That information was provided. When we got supplementary information as part of the secretary's environmental assessment requirements—

The Hon. MARK LATHAM: Yes, I know all that, but at the first hurdle you trusted Billbergia, and that's all you needed. Shouldn't these proponents have letters of consent from the other private property owners so you know it's the truth?

DAVID GAINSFORD: I think, as Ms Fishburn was mentioning before, landowner consent is actually something that's required as part of the formal application process. We're not requiring landowner consent at the point that we're seeing the—

The Hon. MARK LATHAM: No, anything can get through.

KIERSTEN FISHBURN: Can I just answer your—

The Hon. MARK LATHAM: But what about the disrespect to these private owners? You've ticked something through that didn't have their consent. They feel aggrieved, they feel left out and they feel that the planning process has been completely pathetic, from their point of view. What about them?

KIERSTEN FISHBURN: I'll take that as a comment.

The Hon. MARK LATHAM: No, it's a question.

KIERSTEN FISHBURN: I haven't been provided with any of that information.

The Hon. MARK LATHAM: I'm letting you know.

KIERSTEN FISHBURN: If I can come back to you to answer your question about the probity advisers, Centium were the probity advisers at the original meeting. The department is currently doing conflict-of-interest checks for a second independent probity adviser before we finalise procurement, so it will be—

The CHAIR: It's now Mr Ruddick's time.

The Hon. JOHN RUDDICK: Minister, I'm wanting to get an idea of what your view is on the build-to-rent project. I understand the previous Government brought in this framework, which they had copied from the UK. Would you say that you are just sort of going with the flow of what the now Opposition had brought in, or would you say that you're more enthusiastic about build to rent?

Mr PAUL SCULLY: I think we're generally more enthusiastic. Is it a class of building that's going to take over everything and we'll all be renters forevermore? No. Is it a class, like social housing and like affordable housing, that can provide an option? Yes. That's why the Government has gone down the path of having a couple of projects that are in the wind and also making some changes to the land tax provisions. In terms of those projects, Mr Wendler here is looking after all of them, because we've provided Landcom with the funding to do that. One is under construction in Bomaderry, an important location in terms of a growing rental population down there generally, with a shortage of available rental properties. There's often competition and conflict with short-term rentals in that part of the world; it's a bit of a holiday destination. But it's also located near a train station, near a TAFE and not too far from a hospital so, in terms of that key worker population, it is an important part. So that'll be one project. A second project is taking place in Lismore, again adding to the stock of housing in Lismore.

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Then we've got a really good initiative—a really "Labor to its bootstraps" type of initiative—for build-to-rent housing for key workers in Sydney. The first site of those that's been announced is the Joinery at Annandale. This is actually Government policy working together. We've identified it. This is the old WestConnex dive site, a big concrete pad on Parramatta Road, well located to transport and amenities, in green space and the like, near universities and near health services—a site that was just left sitting there under the previous Government. The land audit examines it, finds it and, as a result, Landcom are undertaking a development where 220 build-to-rent apartments will be dedicated to public sector workers. Landcom will also be looking for other sites as part of a \$450 million program to do some build-to-rent projects. Similarly, the Government made some changes to tax arrangements in the last budget to permanently reduce the amount of land tax on build-to-rent projects.

The Hon. JOHN RUDDICK: I would urge you and Mr Wendler to have some caution on this, because I think that there are perverse outcomes that may take some time to understand.

Mr PAUL SCULLY: Yes, and that's why I say it's a contribution to the housing supply challenge; it's not the only solution.

The Hon. JOHN RUDDICK: Well, I would go slow.

Mr PAUL SCULLY: You've got a group of people for whom their labour market arrangements will probably mean that they may wish to be more fluid in their arrangements in terms of tenure of properties who may be attracted to the build-to-rent option. The longer term, more secure tenancy arrangements can be an attractive option for some people. You may have people who move for work, go into a build-to-rent arrangement but also own their own property in another place or have other investments that finance their longer term wealth and retirement.

The Hon. JOHN RUDDICK: Related to that, I'm guessing you have frustration with a lot of councils across Sydney because they are not being supportive of your TOD. But you must be thrilled with the Inner West Council, because they have basically said that they want to have a super TOD. They want to exceed your expectations.

Mr PAUL SCULLY: They're not alone, though.

The Hon. JOHN RUDDICK: No, there's also Canterbury as well, and maybe one or two others.

Mr PAUL SCULLY: Lake Macquarie asked for some extra sites. Wollongong have suggested some extra sites.

The Hon. JOHN RUDDICK: Good.

Mr PAUL SCULLY: Yes, it's good.

The Hon. JOHN RUDDICK: At face value about the inner west, it's good news. But I've had people in my office that have told me that the only way this is going to stack up in the inner west is if it's almost entirely build to rent. Does that sound right to you?

Mr PAUL SCULLY: No.

The Hon. JOHN RUDDICK: Really?

Mr PAUL SCULLY: Well, I'm sure people in your office may have said that, but it doesn't sound to me as though the only way it'll stack up is build to rent.

The Hon. JOHN RUDDICK: You did just mention Annandale, which I'm guessing is the Inner West Council, and you said that that was going to be build to rent. So you're not aware that a lot of these—I mean, they want to build a lot of properties, which is generally a good thing in the inner west. But your understanding as of today is that it's not going to be predominantly build to rent.

Mr PAUL SCULLY: No, not exclusively, not predominantly. It may feature in part of it; I don't know. But in the planning controls, they haven't specified that it will only be build to rent.

KIERSTEN FISHBURN: Build to sell is always the greatest majority.

The Hon. JOHN RUDDICK: Sorry, what was that?

Mr PAUL SCULLY: Build to sell is always the greater majority.

The Hon. JOHN RUDDICK: I'm pleased to hear that, thank you.

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The Hon. SCOTT FARLOW: Minister, the budget outlines that dwelling completions are expected to be 240,000 to 2028-29. Do those figures come from the department of planning?

Mr PAUL SCULLY: No.

The Hon. SCOTT FARLOW: Where do those figures come from?

Mr PAUL SCULLY: Treasury, like all the other figures in the budget.

The Hon. SCOTT FARLOW: The department of planning doesn't have any input into those figures?

Mr PAUL SCULLY: No, Treasury does its own forecasting on that. But what we are seeing, I'm sure you'll be pleased to know, is a general uptick in a range of metrics when it comes to the housing accord. Over the course of the housing accord, we've seen the average assessment times from councils come down. We've seen the number of lodgements increasing about 26 per cent year on year so far. We've seen a similar increase in the number of approvals, and pointing out that about three-quarters of the additional approvals have come directly as a result of State Government policy change—the TODs and the like, SSDs and in-fill affordable housing. We've seen nearly 50,000 commencements of construction, an increase in the number of projects that are underway, year on year and overall. Similarly, the number under construction is increasing, while the number approved but not yet commenced is falling, so those two things are moving the right way.

The Hon. SCOTT FARLOW: Minister, with the five seconds I've got, what is the department of planning's estimate then for completions over the next five years?

Mr PAUL SCULLY: It's 377,000.

The Hon. SCOTT FARLOW: We will hold you to that.

Mr PAUL SCULLY: We've set a target. Do you not agree with the target? Do you subscribe to the target?

The Hon. SCOTT FARLOW: Your budget says 240,000, and now you're saying it's 377,000.

Mr PAUL SCULLY: So you still don't agree with the 377,000 target.

The Hon. SCOTT FARLOW: We will see if you can get to 377,000, Minister.

Mr PAUL SCULLY: So you don't agree.

The Hon. SCOTT FARLOW: We'll see if you get there.

Mr PAUL SCULLY: You don't agree with the target; you don't agree with Woollahra.

The Hon. WES FANG: That's not what he said. You have to deliver it, Minister.

The Hon. SCOTT FARLOW: Your budget says 240,000, mate.

The Hon. SCOTT BARRETT: Talk about putting words in people's mouths.

The CHAIR: Minister, Centennial Coal is seeking to discharge up to 26.5 megalitres a day of filthy mine water into Coxs River, the head of the Sydney drinking water catchment, for up to four years. Will you rule out granting consent to that?

Mr PAUL SCULLY: I think you would find, as someone who has practised law in this area, that it's only fair that people go through the assessment process. Ministers don't rule things in and out unilaterally—

The CHAIR: Will you commit to using the NorBE test—the neutral or beneficial effect water test—in assessing the proposal?

Mr PAUL SCULLY: If I could conclude—and Mr Gainsford may like to add to this given that he does the assessment—in July 2025 WaterNSW published the *Neutral or Beneficial Effect on Water Quality Assessment Guideline 2025*, the NorBE assessment guideline. This guideline includes minor changes to the way in which current recommended practices are reviewed and clarifies how SSD applications should be considered to safeguard Sydney's drinking water supply. I would take the opportunity, Chair, to point out that water transfers did occur during the power station outage in April and May, which have now ceased, but the water quality within Thompsons Creek Reservoir remained below the strict limits set by the commission as conditions of consent during the transfers. I say that as a matter of fact rather than indicating anything else, but I think it's important that we come back to what actually occurred during that period.

The CHAIR: I've just got one last thing, and if I don't do it, my colleague Dr Cohn, I know, will—

The Hon. WES FANG: She's the Chair. It's the Chair's prerogative.

CORRECTED

Mr PAUL SCULLY: If you're going to be in trouble with a colleague, while Mr Fang might want to interrupt, I am happy to hear your question.

The CHAIR: I will be in major trouble. It's just briefly about synthetic turf. The recommendation was that community consultation, during the planning and design stage, take place. Why has it appeared now only as a recommendation and not a requirement?

Mr PAUL SCULLY: We've published a guideline that decision-makers and designers should take into account. That governs how decision-makers and designers should take matters into account when it comes to synthetic turf.

The CHAIR: You didn't think to make it a requirement? It's more just a reco.

Mr PAUL SCULLY: We've responded to the chief scientist's report with those published guidelines so that people have at their command the things we think should be taken into consideration when making a decision.

The CHAIR: Government time—I'm sure you've got hundreds of questions.

The Hon. WES FANG: Mr Lawrence, are you going to ask about Dubbo sports hub? You've got time.

The Hon. ANTHONY D'ADAM: We've just got one question. I want to ask about the proposed State-led rezonings of Woollahra and Edgecliff stations? How are they going to help address the housing challenge? Perhaps you might be able to elaborate on some of the responses to this initiative.

Mr PAUL SCULLY: Thank you, Mr D'Adam, for the question. The work that's going to be led by the department of planning over the next couple of years in advance of a multimillion-dollar investment in a new Woollahra station to replace the ghost station that's there is an important piece of work to make sure that we can deliver up to 10,000 new dwellings in that area, including affordable homes. It's important that people have an opportunity to live in all parts of our city. We shouldn't be producing exclusive enclaves. It's important that people who provide services to our cities, whether they are cleaners, truck drivers, teachers or police officers and the like, have an opportunity to live in the suburbs perhaps where they grew up and can no longer afford or perhaps where they currently work.

I have to say, there have been some interesting and mixed responses to it so far. Just looking at it, the Committee for Sydney was supportive. Urban Taskforce has said some supportive things about it being a clear sign that we've turned a corner when it comes to planning and housing infill in Sydney. They were less complimentary about the Opposition. Clare O'Neil, the Federal housing Minister, paid credit to us as stepping up. Jacqui Lambie said, "You can tell the nimbys to go and get stuffed." That's an interesting reflection on it.

The Hon. MARK LATHAM: What about Senator Shoebridge?

The Hon. SCOTT FARLOW: What did Allegra say?

Mr PAUL SCULLY: The local member I don't think has been as supportive.

The Hon. WES FANG: Which local member? Federal or State? You didn't clarify.

Mr PAUL SCULLY: I don't think the State member has been supportive. Actually, she has downgraded yimby to bimby this week, so catch up with your opposition's acronyms on housing. It's "better in my backyard", apparently. I don't know what that means.

The Hon. SCOTT FARLOW: You want worse, do you? You want wimby.

Mr PAUL SCULLY: It was ironic, standing in front of a station and saying that we need more investment in the area. Well, guess what? Behind you was going to be a couple of hundred million dollars' worth of investment in the station in an area that can sustain it. Alex Greenwich, the Independent member for Sydney—someone well known to this group—said, "There is a unique opportunity at this site to create planning controls and incentives to deliver essential worker housing for teachers, nurses, cleaners, hospitality and retail workers who are unable to afford to live near their workplaces in the city and east." I think, generally, it's been a pretty positive response to it.

The Hon. WES FANG: You know you guys have to build the station first.

Mr PAUL SCULLY: I know it's not going to be universally loved; I accept that.

The Hon. WES FANG: When was the last time you guys delivered any piece of transport—

The CHAIR: Mr Fang.

CORRECTED

Mr PAUL SCULLY: Over the next couple of years, in advance of the station commencing construction, the department will lead a State-assessed planning process which will give guidance to the heights.

The Hon. WES FANG: Transport infrastructure is not your bag.

Mr PAUL SCULLY: We've started an investigation area of 800 metres around Woollahra station, or the proposed Woollahra station—sort of the existing one—and 400 metres around Edgecliff. It's not a guarantee of those areas because we take into account topography and the like. Some good responses so far but, disappointingly, even despite questioning today—

The Hon. SCOTT BARRETT: You don't get to question us today.

Mr PAUL SCULLY: —the Opposition is still not willing to get on board, if you like, with this one.

The Hon. WES FANG: Get on board what?

Mr PAUL SCULLY: They're equivocating and coming up with more terms and conditions.

The Hon. SCOTT FARLOW: How many times do you have to read that we support? Just you saying it doesn't make it so, mate.

Mr PAUL SCULLY: They've got more terms and conditions in their media release than an insurance policy has, and it's important that they should get on board.

The Hon. WES FANG: You have one drawing. That's it.

The CHAIR: Any more questions from the Government?

The Hon. WES FANG: Yes, Lawrence wants to ask something about Dubbo sports hub. You've got 45 minutes.

The Hon. STEPHEN LAWRENCE: He cleaned you lot up, didn't he? He cleaned you right up.

The CHAIR: Thank you, Mr Fang and Government members. Refrain. Thank you very much, Minister. I do think you may have had too much fun. Thank you for attending this hearing. We are finished with your questioning. The Committee will now break for lunch and return at 2.00 p.m. for further questioning.

Mr PAUL SCULLY: Thanks very much, Chair, and thanks to the Committee. I appreciate your time.

(The Minister withdrew.)

(Luncheon adjournment)

The CHAIR: Welcome back, everyone. We're back with the Opposition for your round of questioning.

The Hon. SCOTT FARLOW: Ms Hawyes, as promised, we'll get back to the speedway, but with respect to Moore Park, there is a budgetary allocation for Moore Park Golf Course in this budget of \$3.5 million.

MELANIE HAWYES: There is. The previous budget allocation was for the design work. That is underway, as you know. This year, there was a capital application for the creation of the park, which will be staged subject to final design et cetera. Yes, there is an allocation.

The Hon. SCOTT FARLOW: What is that allocation for at this stage? Is that for design?

MELANIE HAWYES: The 2.6 was for design. There is \$50 million for the development of the new parkland.

The Hon. SCOTT FARLOW: With respect to that \$50 million, is that the entire amount?

MELANIE HAWYES: At this stage, that's the amount that has been provisioned, but my understanding is government is looking to progressively enhance the park over time, so that amount is allocated to deliver the commitment of a 20-hectare parkland.

The Hon. SCOTT FARLOW: Over what period of time?

MELANIE HAWYES: To be determined, because we're looking at the design work at the moment, but certainly over the next three years progressive enhancements to the park.

The Hon. SCOTT FARLOW: Within the forward estimates period?

MELANIE HAWYES: Yes, within the forward estimates.

CORRECTED

The Hon. SCOTT FARLOW: Have you got modelling on how much the cost will be to carve up the golf course, as well, to nine holes? Is that included as part of that figure or is that separate?

MELANIE HAWYES: There is a multidisciplinary design team working on this. It includes people from various professional backgrounds, including landscape architecture, golf architecture—as you would expect. We're looking at different scenarios, particularly with respect to the revised golf offering, with the view to releasing the design establishment plan for further consultation later this year.

The Hon. SCOTT FARLOW: Within that envelope is both the public open space and the golf course, or is the golf course separate to that allocation in terms of that \$50 million?

MELANIE HAWYES: The allocation is for the delivery of the complete package, the complete new park.

The Hon. SCOTT FARLOW: The complete package, including both sites. With respect to the speedway, you said previously that you weren't aware of the operation of a go-kart facility at the site.

MELANIE HAWYES: Yes. A couple of things in the speedway: My understanding is that there is an application to consider go-karting at the track. I think what you're referring to is some testing that they did where there's some social media posted that shows go-karts on the track. My understanding is that was testing. It's not actually scheduled into their event program at this stage. They are focused on designing their schedule for the next season, which kicks off in October. That is the focus of their attention at the moment. But I think what you're referring to was actually a testing event.

The Hon. SCOTT FARLOW: I would draw your attention to the fact that a website has been created called sydneyspeedwaykarts.com.au. Funnily enough, the holder of that domain registry is a Mr Troy Boldy. There are several Google reviews and reviews on the site that actually go through and thank a "Troy" who is involved in the operation of those speedway karts, if I can draw that to your attention. With respect to that operation, would that be something that would be permissible under the lease that is taken out on Sydney International Speedway?

MELANIE HAWYES: We're in discussions with them at this point in time. I can't really say beyond that. I understand they're interested in holding those kinds of events. The parkland trust is in discussions with them about that. But that's with the head lessee rather than—as you note, the dragway operator is Mr Beuk.¹

The Hon. SCOTT FARLOW: So they have full control? It doesn't go back to Greater Sydney Parklands as to what goes on in that site?

MELANIE HAWYES: I'll take it on notice, because they're licensed as well by the Office of Sport, so it would be a dual consideration would be my understanding. I might need to take that aspect on notice.

The Hon. SCOTT FARLOW: Thank you. With respect to Mr Willmington leaving, I believe that previously you had advised that the licence was held by him. Was that correct?

MELANIE HAWYES: As the track operator?

The Hon. SCOTT FARLOW: Yes.

MELANIE HAWYES: Yes.

The Hon. SCOTT FARLOW: When did Mr Willmington cease to be the track operator?

MELANIE HAWYES: On 15 July we were advised that he would no longer continue in his role. The track manager is hired by the venue operator. I have advice that they have hired a subsequent venue operator, which is Mr Mitch Biner, who I referred to in my previous answer.

The Hon. SCOTT FARLOW: When did he become the licence holder of that track operator?

MELANIE HAWYES: I'll need to take the precise date on notice. They ran it through an expression of interest process to source a new track operator. He has been appointed. I'm not exactly sure of the date of his appointment.

¹ In [correspondence](#) to the committee dated 10 September 2025, Ms Melanie Hawyes, Deputy Secretary, Crown Lands and Public Spaces, Department of Planning, Housing and Infrastructure, clarified their evidence.

CORRECTED

The Hon. SCOTT FARLOW: Considering that at present there is no operation of a speedway at the site, nor a 2025-26 calendar which has been published, it would seem that the only operation at the moment is with respect to the karting. Is that in breach of the licence and the lease to the speedway?

MELANIE HAWYES: No, I don't think that's a fair characterisation. As I've said to you, they have expressed an interest in undertaking karting. They are developing the schedule—the season doesn't start until October—so there is a schedule under development.

The Hon. SCOTT FARLOW: It has been outlined as well, I believe, that the operations have been pushed back at the speedway because of challenges on the track. Is that your understanding?

MELANIE HAWYES: Not completely my understanding, no. It is a matter for them to determine their schedule of events, rather than the landlord, which is us. We're really in their hands as to their preferred scheduling. I understand that they were doing some enhancements, but I would need to take on notice—is your claim that there is delay because there's an issue with the track? Is that what you're suggesting?

The Hon. SCOTT FARLOW: That is my understanding. Let me find it in my notes. I believe that there was a statement that was made by the new operator with respect to that. I might come back to that.

MELANIE HAWYES: I can try and chase that up for this afternoon so that we can answer it today, but not to my understanding.

The Hon. SCOTT FARLOW: I believe it's with respect to the catch fence compliance on the track.

MELANIE HAWYES: Can I come back to you? Because I wasn't aware of an issue with that.

The Hon. SCOTT FARLOW: Yes, okay.

MELANIE HAWYES: Great, thank you.

The Hon. SCOTT FARLOW: I believe that was outlined by Mr Biner as well in a social media post of 23 August 2025.

MELANIE HAWYES: On 23 August? Can I chase that up and come back to you today?

The Hon. SCOTT FARLOW: Yes.

MELANIE HAWYES: Great, thank you.

The Hon. SCOTT FARLOW: I believe that is an issue—which sadly I didn't have last week—that the New South Wales Office of Sport is aware of and will not issue an MVRG licence until these works have been completed.

MELANIE HAWYES: Those works may very well be in train. I will come back to you. I'll get an update.

The Hon. SCOTT FARLOW: With respect to the lease payments and any arrangements by the speedway, are they all up to date?

MELANIE HAWYES: To my understanding, unless you've got other intel.

The Hon. SCOTT FARLOW: No.

MELANIE HAWYES: To my understanding, all is in order.

The Hon. SCOTT FARLOW: Have any discounts been offered?

MELANIE HAWYES: Since the beginning of the lease or recently?

The Hon. SCOTT FARLOW: I think we previously had talked about the first couple of months.

MELANIE HAWYES: Yes, we've previously—

The Hon. SCOTT FARLOW: Since that point in time, apart from the initial discounts that were offered.

MELANIE HAWYES: I would need to check, because those discounts were related to track upgrades at the time.

The Hon. SCOTT FARLOW: If you can take those on notice, that would be helpful.

MELANIE HAWYES: Yes, absolutely. I'll try and get that for you today.

CORRECTED

The Hon. SCOTT FARLOW: Thank you. I might just try to see if we can let people leave early and work through, in a sense, and turn to you, Mr Wendler, with respect to some sites. How many sites have Landcom taken up as part of the land audit so far?

ALEX WENDLER: Thanks for the question. We have acquired two sites through the land audit, we have board approval for a third site, and we are close to finalising a fourth site as well.

The Hon. SCOTT FARLOW: What are those sites?

ALEX WENDLER: I can tell you about the two sites that we have acquired. One is The Joinery in Annandale, the one that the Minister mentioned before.

The Hon. SCOTT FARLOW: This is the old—sorry, go on.

ALEX WENDLER: It is the old WestConnex dive site. That is a site that will be turned into 577 homes. Then the other site is a site in Ed Park, which is a site that we acquired. Actually, it's the first site. It's called Jardine Drive, at Edmondson Park.

The Hon. SCOTT FARLOW: What consideration has Landcom paid for these sites so far?

ALEX WENDLER: For Ed Park, we paid a consideration of nearly \$13 million and, for Annandale, \$40 million.

The Hon. SCOTT FARLOW: Both of those were paid at market value, were they?

ALEX WENDLER: Yes. How it works is that we have the second right of refusal if the site comes through the land audit. Then we undertake due diligence, and then there will be a market price valuation by Value NSW. It really depends on the zoning at the time. When we acquired the site in Annandale, it was an industrial site. It was acquired many years ago as an industrial site, so we are currently going through a rezoning, through a planning proposal. You may have seen in the news that we submitted a planning proposal for that site at the end of June and an SSDA approval as well. That's what's happening at the moment.

The Hon. SCOTT FARLOW: With respect to those valuations, do you get any right to contest the valuation as issued or is it just that Landcom accepts and, if you don't accept the valuation that's presented, you just don't purchase?

ALEX WENDLER: We, as the acquiring entity and the selling agency, have the right to brief the valuer with information, and then there is a draft valuation. After the draft valuation comes back to us, we can review it and see if there are factual errors. That's the process. But in the end, as you said, once the valuation is final, we have to make a commercial decision if it is a feasible development for us or not. In the case of the sites that I mentioned that we have already acquired, we made the decision that it's a feasible development and we go ahead with it. The same has happened with the one where we already have board approval. As I said, for the fourth, we have a final valuation as well, and we are going to a board over the next few weeks.

The Hon. SCOTT FARLOW: Mr Wendler, concerning the former Chatswood metro dive site at 607 Pacific Highway, Chatswood, is this a site that Landcom has investigated at all?

ALEX WENDLER: It's a site that's in the land audit. Yes, that's correct.

The Hon. SCOTT FARLOW: Is Landcom purchasing this site?

ALEX WENDLER: I can't make any comments at this stage. It's really an announcement or not for Government what happens to each of the sites, if they come to us or if they go somewhere else. I can only confirm what we have acquired at this stage.

The Hon. SCOTT FARLOW: So Landcom, at this stage, has not acquired that site. Is that correct?

ALEX WENDLER: That is correct.

The Hon. SCOTT BARRETT: Can I talk to someone, whoever is the most appropriate, about the waste incinerator in Parkes?

KIERSTEN FISHBURN: That would be Mr Gainsford.

The Hon. SCOTT BARRETT: I'm wondering where that's up to as far as planning is concerned. My ultimate question is going to be where and when would you like the community to raise their concerns or otherwise so they can be most appropriately heard?

DAVID GAINSFORD: Mr Barrett, thanks for the question. At this point in time, there hasn't been anything lodged in terms of an application with the department. We've had what we refer to as pre-SEARs, or

CORRECTED

pre-secretary's environmental assessment requirements, conversations with the applicant. We've also had conversations with the council around the assessment process. But at this stage it's not formally lodged in the planning system. Once it is, obviously engagement with the community will need to commence as part of that process.

The Hon. SCOTT BARRETT: Still on community engagement a little bit more, we touched earlier this morning on councils raising concerns about the lack of time they have to respond to EISs and other such things. It was suggested by the Minister that you might have some more to add on that.

DAVID GAINSFORD: Yes. With regard to community consultation overall for State significant developments—and this is whether it's renewable energy projects or all types of State significant developments—there is a guideline that the department has. That's the undertaking engagement guidelines, and basically the requirements within those guidelines are that there is ongoing consultation that happens with the community, and it happens early. That's a very important aspect of the guidelines and engagement.

I think you were asking a little bit earlier today around the verification that the department does. When we receive an environmental impact statement ready for exhibition, we do look at the consultation that has been undertaken and verify that that's meeting those standards and that guideline. As you were asking earlier today, there is a minimum period of 28 days for a State significant development EIS to go on exhibition. There are occasions where extensions are given to those exhibition periods, and it depends a little bit on the complexity of the development and how much interest there is in the development.

But I would also add that, whilst there is a formal process for people making submissions during that period, there is lots of engagement that is expected early on in the process and, even post-environmental impact statement being on exhibition, there is an expectation that there's ongoing community engagement. In fact, the department often engages with directly affected neighbours. We often go out, particularly for renewable energy projects, and visit those neighbours and have conversations with them. It's part of an ongoing consultation. We engage with councils right through the process.

The Hon. SCOTT BARRETT: On that 28 days that you said often gets extended, how often are we talking? And if I can throw into that question, who determines "Let's extend this one but cut this one off at 28 days"?

DAVID GAINSFORD: It's the department's decision at the end of the day. I wouldn't say it's often extended. I can take it on notice in terms of how many times we've extended in the last 12 months or for renewable energy projects. I'm happy to come back with some more information there. Again, it's largely on the basis of the complexity of the development and how much interest there is in that development.

The Hon. SCOTT BARRETT: As I mentioned earlier, we're hearing that councils are having to put on extra staff purely to deal with this process and meet those time frames. Are they told before the cut-off date that it's going to be extended, or is it something where halfway through they get a note to say, "We're going to kick this out", or is it five to midnight?

DAVID GAINSFORD: Working with councils, we do try to engage really closely with them right through the process. About four weeks ago I was out visiting Mid-Western council, Dubbo council and Warrumbungle. We're obviously keen to get feedback from those councils as part of their experience. But our view is that we are actually trying to give councils the best opportunity to respond during the exhibition period, and often, even if we don't formally extend the exhibition period, we'll allow councils to submit something late. But we do look to engage with councils right through the process.

KIERSTEN FISHBURN: Can I add something there as well? Recently some of the regional mayors and general managers have raised with me that they often spend a lot of time explaining to community what the difference is between an SSD, an SSI and a DA. That's fair enough. It's something that many people can struggle with. We have committed in the department to prepare some material that they can distribute—some videos or whatever seems most appropriate. I thought that was a very legitimate thing for them to raise. I'd rather councils were spending their time looking at the EIS, not explaining to the community what an SSD is. That's our job. We'll be preparing that material over the next couple of months to assist the council. If they do raise things—and I'm happy for you to direct anything to me or the department—we will respond to it. We have very strong and close relationships with local government, and we're always happy to help where we're able to.

The Hon. SCOTT BARRETT: Can someone tell me what percentage of renewable projects in New South Wales are within designated REZs and which ones are out?

DAVID GAINSFORD: Mr Barrett, I don't have that number to hand, but perhaps, again, we can come back with an answer to that later on in the session today.

CORRECTED

The Hon. SCOTT BARRETT: It was also implied that someone could help me—we were talking about the requirement not to have a significant adverse impact on scenic quality or landscape character. What is the determination of whether a project does or does not have a significant adverse impact?

DAVID GAINSFORD: We've prepared guidelines, which I think you might be aware of, around assessing visual impacts. As part of the assessment of visual impacts, you referred a little bit earlier today to the scenic values around some of the major regional towns and Orange being one of those where there's a requirement, in a five-kilometre radius around those towns, to take into account potential urban expansion and scenic value. That's factored in to the visual impact assessment that is undertaken. But it is quite a quantitative assessment that we've designed within our visual impact assessment guidelines. It is something we consulted on widely with both the community and industry before we finalised the guidelines. I think it has made a difference in terms of understanding what the potential impacts are of those visual impacts.

The Hon. MARK LATHAM: Ms Fishburn, a perusal of the minutes and transcripts of the Housing Delivery Authority seem to show that for the 429 items you've had before you, Mr Gellibrand hasn't a single contribution. Why would that be?

KIERSTEN FISHBURN: I think that's a misinterpretation. Mr Gellibrand participates actively in the deliberations of the HDA.

The Hon. MARK LATHAM: Why doesn't that show up in the documents?

KIERSTEN FISHBURN: The way we undertake making the record of meeting is that Mr Draper, as the chair of the meeting, reads through the recommendation. As the Secretary of Planning, if there's any further context I can give to that, then I provide that information.

The Hon. MARK LATHAM: What about Mr Gellibrand. What does he do?

KIERSTEN FISHBURN: Mr Gellibrand's already been part of the discussion prior to the making of the recommendations.

The Hon. MARK LATHAM: If these items go through within four or five minutes, how much contribution can anyone make?

KIERSTEN FISHBURN: Thank you. I'm glad you raised that because I did want to come back to you about that particular consideration. The HDA is provided with copies of each of the EOI applications that will be considered. They are also provided with a copy of the departmental report. I can't speak for my colleagues, but I suspect it's much the same. I literally spend hours and hours reading and assessing the HDA applications. I take my job exceptionally seriously and I take the recommendations that I would make very seriously. After having read them, it is extremely common that I will also consult Mr Gainsford and Ms Gibson if I have any particular questions about any of the applications. Further to that, if there seems to be an area where we would be seeking some more general advice in the strategic planning context, I will speak to Mr Draper or Mr Gellibrand and we will make recommendations to get further advice from strategic planning.

I really think you are misrepresenting the amount of work and consideration that goes into the HDA applications. As the Minister said, there is a very clear set of criteria that we're looking at. We're not making a merit assessment. We're looking at whether it meets these criteria. Some of them are immediately in, as you could imagine: It's like tick, tick, tick—meets all boxes. Others are immediately out. If I give an example of that, it would be subdivision in a rural area where supporting infrastructure isn't available. As I repeatedly say, that's not to say that this is not something that would be a merit. I want to be really cautious about expressing that because there are some great applications out there, but they are not suitable for the HDA. We can't assess them in the 275 days, usually because the infrastructure is not available.

Then that leaves there are ones that are very clearly in. There are ones that are very clearly out. Then there's a few in the middle. It's less grave than you think it would be, but there are few in the middle which there are significant discussion about. They're usually the ones where you'll hear me on the record make a particular statement so that it is very clear to that particular proponent but also future proponents what the consideration was. I hope that assists because I can assure you four minutes is an absolute misrepresentation for the amount of time I would spend with each of those applications.

The Hon. MARK LATHAM: I got that data from Mr Draper on Wednesday when he said you did 30 of these things in two hours, so unless my maths is wrong, that's one every four minutes.

KIERSTEN FISHBURN: That does not represent the significant amount of time and energy that goes in behind it to reading through all the material.

The Hon. MARK LATHAM: Sure.

CORRECTED

KIERSTEN FISHBURN: I read through every single one of the applications as well as the departmental recommendations from beginning to end. I then have my own level of expertise that I bring to them, but of course I consult with my deputy secretaries as well so that when I do enter that room, I have a decision that I feel pretty confident about or, if I want to debate it, I'm able to have a robust debate with my colleagues.

The Hon. MARK LATHAM: Sure, but I think you're answering the wrong proposition in that no-one has questioned your work ethic and the fact that your day job is to be the planning secretary.

KIERSTEN FISHBURN: Thank you. It's a job I enjoy. Thank you, Mr Latham.

The Hon. MARK LATHAM: I haven't made that assertion, but we'd be shocked, of course, is the planning secretary wasn't across all the detail here and didn't consult with her officials in bringing forward these planning matters to the new Housing Delivery Authority. But the question has been raised about the contribution of Mr Gellibrand, who has a separate department to run. His day job is infrastructure. And Mr Draper's day job is Premier's, which is a wide range of responsibilities not necessarily always to do with planning. My proposition came from the fact that Mr Draper, on Wednesday, knew nothing about the Billbergia issues at Rhodes. Given those issues and the fact that probity advisers have been appointed, wouldn't it be better practice, Ms Fishburn, if the subsequent meetings of the HDA had a little notification of the first item on the agenda "Previous Problems", so you could learn from those and the authority members could be fully informed about something like the Billbergia issues at Rhodes?

KIERSTEN FISHBURN: I wouldn't characterise the Billbergia issues as the type of problem that you're characterising it as. I agree—and you've heard from the Minister and you've heard from me—that changes were made as a consequence of information they provided with the SEARs. That is not unusual. For example, we have had proponents that have come in with, say, 10 parcels of land to the HDA. Then when they knew they were getting their SSD entitlement developed, they've been able to get four more parcels. It's not unusual there's a little bit of change and we make modification as a consequence of that. Having said all of that, I do quite like your idea that where there are any of those changes, which are changes that happen in David's area and my area, not in Simon or Tom's area—I'm going very informal now for speed of answering this question—but I actually think that's not a bad idea. I will ask Mr Gainsford and our relevant executive director just to have something at the start of each HDA that says, "If there has been a departmental change, we'll provide an update."

The Hon. MARK LATHAM: I have to say that, on Wednesday, I certainly knew more about it than Mr Draper. But it was a bit of an insult to me, saying that I was just making assertions rather than dealing in factual material that I'd researched and knew a lot more about than he did. It was surprising that Mr Draper wouldn't have known. He basically had the only excuse he was overseas and nobody told him. Can you make sure in future that does not happen?

KIERSTEN FISHBURN: I can't answer for Mr Draper.

The Hon. MARK LATHAM: He couldn't answer either.

KIERSTEN FISHBURN: Except to say that these are things that would occur at the departmental level. While the HDA does have an oversight to make sure things are moving along, technical adjustments like this wouldn't necessarily normally come back to the HDA. However, I'm not disagreeing with your suggestion. I think it is a good one and we can bring that into play.

The Hon. MARK LATHAM: With regard to Rhodes and Billbergia, the development company, it's good that you work hard and that department officials try their best on this, but what is the point of having HDA criteria that require a proponent to demonstrate ownership or an option to purchase for all land on which the proposal applies if that's not strictly enforced, and the proponent doesn't have to bring forward consent letters from private landowners, as Billbergia failed to do in this instance?

KIERSTEN FISHBURN: I think I've answered your question previously about the point in the planning system when landowners' consent is required.

The Hon. MARK LATHAM: What's the point of having that guideline?

KIERSTEN FISHBURN: I can't change that. Generally, we would expect landowners to do what they do, which is to indicate either they have an option, or they're seeking an option, or they own the land. I might add as well, this was in the very first round of the HDAs when we'd only just stood up for business. There are times where, if we have a little bit of uncertainty, then we would go back to the proponent and seek more information. As we mature out, we learn which questions to ask. As you've seen, we updated the criteria on 10 July as well. This is a work in progress, like everything else in the planning system.

CORRECTED

The Hon. MARK LATHAM: I hope you can also understand that private landowners with property rights can have a different perspective because the situation at Rhodes has been that these private landowners see themselves as small players that in some instances have been disadvantaged by this big company, and they too can google some of the controversies that Billbergia has been involved in. You can be assured that when they weren't even asked about this and then they found out that the State significant development declaration had been made for land that they owned and hadn't given consent to, they took it as quite an insult and took it also, quite legitimately, as a sign that yet again the big player has received some treatment that they weren't even aware of.

Surely, we've got to correct that problem, haven't we? People have property rights. People have, as citizens as opposed to public servants, the right to know what decisions are being made about their own land, especially when they're in a situation where they don't regard Billbergia as their friend, their ally, their confidant. This company had no permission or communications with them. These citizens—these people of New South Wales who've done nothing more than own their own land and stand up for their rights—feel like they've been really badly treated. What can you do to overcome that situation in the future other than say, "If there is a problem, we sort it out later on2"?

KIERSTEN FISHBURN: I think I've already answered that question for you. There's a point in the planning system when landowners' consent is required. I would expect, as we continue to work through the HDA, if there are needs to sharpen things, we will sharpen them. Local landowners in Rhodes have not made representations to me so I have not heard that directly from them. I'm happy to discuss their concerns with them if they wish.

The Hon. MARK LATHAM: I'm their public representative and I'm making it to you.

KIERSTEN FISHBURN: And I'm listening.

The Hon. MARK LATHAM: Have you got any sympathy for these people, in the way they've been treated?

KIERSTEN FISHBURN: As I've just said, they have not made representations to me but I'm more than happy—

The Hon. MARK LATHAM: They don't have to; they're doing it through me.

KIERSTEN FISHBURN: I'm more than happy to meet—

The Hon. MARK LATHAM: What do you think my job is?

KIERSTEN FISHBURN: I'm more than happy to meet with them and discuss their concerns.

The Hon. MARK LATHAM: Thank you.

The Hon. SCOTT FARLOW: If I could clarify, in a sense, I think that there has been a letter that has gone to you, Ms Fishburn—

DAVID GAINSFORD: To the department.

The Hon. SCOTT FARLOW: —so you might want to check that up with respect to it.

DAVID GAINSFORD: I think there was some correspondence that came to the department; I think you're right.

KIERSTEN FISHBURN: Thank you, I appreciate that clarification. I'll have a look at that.

The Hon. MARK LATHAM: Can we, on notice, get the response to that, please? Can you take on notice what response has been made to them?

DAVID GAINSFORD: Yes, I'm happy to do that.

The Hon. MARK LATHAM: They haven't been inactive; they've just been badly treated.

The CHAIR: Secretary, I have a couple of questions for you about, in particular, the silver mine and the Court of Appeal judgement. How many meeting requests has your department had from Bowdens Silver or Silver Mines representatives, or their lawyers, since the Court of Appeal judgement on 16 August, where Bowdens approval was deemed null and void?

KIERSTEN FISHBURN: From Bowdens itself or Silver Mines representatives?

The CHAIR: Both of those.

CORRECTED

KIERSTEN FISHBURN: I'm seeking clarity because I'm definitely going to have to take that on notice. To my knowledge, though—that is fairly recent—none have come directly to me, but I will take that on notice and we'll go through my correspondence. Otherwise it probably would have come to Mr Gainsford. We'll see what we can find out. We might not be able to find it out by this afternoon.

The CHAIR: Thank you, I'd appreciate that. Are you able to indicate how many meetings have happened with Bowdens or other Silver Mines representatives?

KIERSTEN FISHBURN: Again, from myself, I can say none. However, that's not my primary role. There may well have been departmental meetings held. I can see David flicking through his notes. We may have to take that on notice.

DAVID GAINSFORD: Yes, I'm pretty sure we do have those records, so I'm happy to come back with it.

The CHAIR: Mr Gainsford, do you think there have been meetings?

DAVID GAINSFORD: Yes, I'm aware that there have been several meetings with department officers and the applicant.

The CHAIR: When you say "several", is it really several—a couple, several, a few, lots?

KIERSTEN FISHBURN: I'll need to come back to you, Chair.

The CHAIR: Okay, thank you. Secretary, the Mudgee community have sent me two letters from a lawyer representing them, which requested meetings with your department after their community organisation won the Court of Appeal case. One includes a request to meet with medical specialists who have serious concerns about substantial errors in the baseline data for lead, which were brought to light after the Independent Planning Commission's approval was granted and after the public submissions had closed. Is there any reason that you wouldn't meet with them, at their request?

KIERSTEN FISHBURN: There's no particular reason that I wouldn't meet with them. I'm aware we have received correspondence from Johnson Legal on behalf of the Mudgee Region Action Group. As that is a legal piece of correspondence, I have likewise referred it to my own lawyers to look at and to provide response back, but I don't think that has been finalised at this point.

The CHAIR: The letters I have are quite dated. One is from, I think, August last year. So that's—

KIERSTEN FISHBURN: We definitely would have replied to that then.

The CHAIR: Yes, I'm a bit surprised about that. Then the other one is 17 December and—

KIERSTEN FISHBURN: There's definitely been further correspondence, Ms Higginson.

The CHAIR: So there's no reason you wouldn't meet with them? When you mentioned because the letter is from a lawyer, is it your practice that every letter, if it comes from a lawyer, would go by your legal?

KIERSTEN FISHBURN: It would go via my general counsel. Yes, that's right.

The CHAIR: Then, in terms of that, if the letter is simply requesting a meeting, would it be normal that your in-house counsel would come back and say, "Yes, there's really no harm meeting," or—

KIERSTEN FISHBURN: I usually get advice from my departmental officers across the area about whether there is any utility in me taking a meeting. By utility I mean sometimes it's pointless me taking the meeting because I don't have the level of expertise that my staff do, and it will be delegated to my staff. I haven't got any advice on this meeting request. However, from the discussion here today, I'm more than happy to have a meeting. We may well have to have someone from David's team there as well to provide advice.

The CHAIR: Present as well.

KIERSTEN FISHBURN: That's right.

The CHAIR: On 9 December last year your department wrote to Bowdens Silver requesting any assessments with "any updated information about statutory instruments or relevant policy or that have been made or amended since the IPC decision". Has the proponent responded to that request to provide any update addressing any instruments?

DAVID GAINSFORD: Yes, Chair. We've received a number of bits of additional information from the applicant. There are still ongoing discussions that we're having with the applicant to make sure that we've got all the information that we need before we refer it back to the IPC.

CORRECTED

The CHAIR: So it's fair to say that you're not yet satisfied in terms of the updated material?

DAVID GAINSFORD: Not at this point. That's correct.

The CHAIR: I'll just stick on this for a minute. I think this is probably relevant to you, Mr Gainsford. Can I ask, from the outset, why was Bowdens not advised that the best approach to any evaluation and reapplication—sorry, I'm going to digress. I know, technically, what the court has done is invalidated the approval. The consent and the assessment, in some world, is still valid, live, on foot. Has anybody gone back to Bowdens and advised them that a best application would be updated, considering that many of the documents that are contained in the environmental assessment are now over seven years old, and what the predicament that puts the IPC or any consent authority in in terms of their legal obligation to assess a project on its merits?

DAVID GAINSFORD: I think, Chair, there are probably a couple of points that I'd make here. One is that obviously the project hasn't changed from what was determined by the IPC. As you say, the project remains on foot as a result of the Court of Appeal's decision. Obviously, from the department's perspective, when we're preparing the final material to go to the IPC—and the IPC will obviously go through its own process of determining what information it needs to make a reconsideration—we're interested in any additional information, which is particularly why we're asking that request around additional statutory or policy updates. That's the focus, because obviously there was a detailed amount of assessment work that was done, particularly with regard to lead, that you've referred to a little bit earlier, with experts looking at the information, advice from NSW Health and from the EPA. Obviously, as part of the department finalising its assessment, we'll take into account any additional information that comes through with regard to those areas, but there is not a need for a complete reassessment.

The CHAIR: Do you think that it would be beneficial for your process if you had those meetings with the community organisations and the people on the ground, to then have their input in terms of some of those incredibly outdated assessment reports? Apparently the koala survey was actually done in 2016. That's getting really aged. Since then, I think we've listed the koala as an endangered species in New South Wales, as opposed to vulnerable. That's only one matter. In that assessment, the company found no koalas onsite, whereas a recent threatened species expert has found over 120 of them literally on and around the site. Does that concern you?

DAVID GAINSFORD: What I would say is, again, if there is additional information that's available—I'm a little bit concerned about a characterisation, potentially. I'm interested in getting some further advice from my colleagues within the department about—not about engaging with the community; I'm sure we have been looking to engage with the community. But what we're interested in to help finalise our assessment is additional information that would be of interest to us to finalise the assessment report to go back to the IPC.

The CHAIR: I hear what you're saying, and I don't want to be overly critical or nasty, but it seems if people are writing letters to you asking for meetings and those letters haven't been responded to and the meetings are not happening, I think the community's in a bit of a conundrum there. I think you are the one to find the exit point and move down the path with the community, perhaps.

DAVID GAINSFORD: Again, we'll get some more information, perhaps that we can share a little bit later on. But whilst meetings are important and engaging with community is important, the main thing we're interested in at the moment is if there's any additional information, new information or changes in the sorts of things that you've been referring to there. That's the sort of information we're interested in.

KIERSTEN FISHBURN: However, Chair, if it provides a circuit breaker, I'm more than happy to meet. I will caveat that by saying that sometimes I am not the best person in the department to meet with. As you can see, there is a level of expertise on either side of me that I don't necessarily possess, but I'm more than happy to take that meeting.

The CHAIR: Thank you very much. I think the community will be very grateful. It's over to the Opposition.

The Hon. SCOTT BARRETT: Possibly to you, Secretary, but feel free to punt this to whoever's most appropriate. The department of planning is responsible for compliance under the Environmental Planning and Assessment Act?

KIERSTEN FISHBURN: Correct, yes.

The Hon. SCOTT BARRETT: Is there a specific compliance team?

KIERSTEN FISHBURN: Yes, that is correct. They sit in Mr Gainsford's area.

The Hon. SCOTT BARRETT: How big is that team?

CORRECTED

DAVID GAINSFORD: I think I will need to take the precise number on notice, but my understanding is we're around about 35 to 40 people in our compliance area.

The Hon. SCOTT BARRETT: And are they broken into different areas of expertise or geographic—

DAVID GAINSFORD: It's mainly around geography. We have teams that are particularly looking at metropolitan projects, and we have teams that are responsible for regional projects, particularly looking at some of the mining within the Hunter and, more recently, the renewable energy rollout as well.

KIERSTEN FISHBURN: Can I just add for the avoidance of doubt, this is compliance for projects for which we have been the consent authority. There is a whole world of compliance that sits in local government as well for projects for which they have been the consent authority. I just wanted to make sure that that was clear.

The Hon. SCOTT BARRETT: As far as taking those numbers, can I get a breakdown of where they're located—that compliance team?

DAVID GAINSFORD: In terms of where they're actually situated, in terms of their offices?

The Hon. SCOTT BARRETT: Yes.

DAVID GAINSFORD: I'm happy to take that on notice. We do have some that are based up in Newcastle and Muswellbrook, and we've got a number of people that are based, obviously, in the CBD.

KIERSTEN FISHBURN: I think we've got Dubbo, if I remember correctly.

The Hon. SCOTT BARRETT: You can take that on notice.

DAVID GAINSFORD: Yes, we're looking to establish an office in Dubbo as well.

The Hon. SCOTT BARRETT: It's the same people doing compliance on mines that are doing compliance on the renewables?

DAVID GAINSFORD: Yes, largely it's the same people that are doing that. That's correct.

The Hon. SCOTT BARRETT: Just as a punt, have you any breakdown of the time they spend on each?

DAVID GAINSFORD: I do have some statistics here, Mr Barrett. What I can tell you is in the last financial year, in the mining and quarrying space, we had 79 inspections which were undertaken. Sixty-three investigations were completed, 39 complaints were received and 329 compliance reporting matters were reviewed. In the renewable energy space, we had 51 inspections of renewable energy projects. I don't have the same breakdown of some of those other matters that I just mentioned before, but we did take six formal enforcement actions with regard to renewable energy projects.

The Hon. SCOTT BARRETT: That's sort of half pre-empted a few of my questions. Are there notices followed by PINs? Is that how it works?

DAVID GAINSFORD: Depending on the issue that's been discovered as part of the compliance activities, we have a process of determining what is the relevant level of enforcement action that's required. What I can tell you is of those six that I mentioned before in the renewable energy space, one resulted in a penalty notice, which is \$15,000, and there was two official cautions and three orders.

The Hon. SCOTT BARRETT: Of those 51 inspections, how many of them were proactive and how many of them were in response to complaints?

DAVID GAINSFORD: I would need to take that on notice.

The Hon. SCOTT BARRETT: How many complaints do you receive through the Planning Portal?

DAVID GAINSFORD: We'd need to take that on notice as well.

The Hon. SCOTT BARRETT: Back to the planning around emergency services, just to spend a little bit more time on that, in my head as you're mapping out, "This area is going to grow, so we're going to need an extra hospital there and we're going to need another school there", I'm led to believe that the same thing doesn't apply for emergency services. Is that correct?

KIERSTEN FISHBURN: I'll ask Ms Gibson to describe it but, just to set the context, as the Minister described, emergency services needs are quite different depending on where you are geographically dispersed. That's why Ms Gibson can take you through it. While we actually work very closely with the emergency services people in the process of rezoning, it's not as easy as, "A thousand people move in and at a certain point you trigger a new school." Monica, if you're able to talk through that.

CORRECTED

MONICA GIBSON: Yes, I'm happy to. The planning for services like schools, hospitals and emergency services are typically done by those services themselves, so the emergency services agencies are probably the best to answer the questions about what the thresholds or the triggers are. But I can tell you that, as we go through a rezoning process and as we're doing our strategic planning for the growth of an area, we do invite each of those agencies to come and talk about what their needs might be to understand their services planning, their infrastructure upgrade plans and the timing of when that would be required. We ask them to bring that information to the table to share with our growth plan, so which suburbs might be growing over which times. That's called our Urban Development Program. We also have mechanisms under the Housing and Productivity Contribution for some of those services and the land for those services to be funded through developer contributions, so those agencies also have a role to play in those funding decisions.

The Hon. SCOTT BARRETT: And through that planning we can determine, "We are going to need a fire station there, so let's put some land aside for that"?

MONICA GIBSON: That's typically how that goes, yes. An example might be in Western Sydney with the recent decision about a fire station. The agency came to us saying that we would need some land and we would need that set aside in a specific zone. We made an amendment to the planning controls to give effect to that.

The Hon. SCOTT BARRETT: But there is no formula within planning that says, "If there's this many people, it needs this level of emergency services"?

MONICA GIBSON: They would be decisions for the agencies and their services and infrastructure planning. We don't dictate that to them. They're doing that work as the experts, knowing the type of facility that we're providing and how that would best be run.

The Hon. SCOTT BARRETT: We also talked earlier about land values. Looking at the guidelines, they said that land values traditionally increase when they have wind turbines on them. Was there any assessment done on the values of neighbouring properties?

DAVID GAINSFORD: Mr Barrett, I'm aware that there's been previous studies that have looked into land values associated in the vicinity of renewable energy projects. The department hasn't done its own research in recent times, but I am aware that there have been previous studies that have looked into this. My understanding from those studies is that it hasn't identified that there's been a decrease in land values. In fact, in some cases, the studies have actually talked about an increase in land values, mainly as a result of, over time, land increasing in value per se, maybe not as a result of the renewable energy project. I think the last report that I'm aware of was in 2022 that was done around land values.

KIERSTEN FISHBURN: While not necessarily having pulled it together as a full dataset, of course, the work that Value NSW does to undertake land valuations over a three-year rolling cycle would actually provide that data as to whether values had changed or not over a period of time. I just don't think anyone's aggregated the information.

The Hon. SCOTT BARRETT: Still on the guidelines, there's one there about fire safety in the wind turbines suggesting that wind turbines don't pose a greater risk of starting a bushfire or impeding firefighting efforts than other similar types of infrastructure, including communication towers. That would be supported or evidenced by someone from the RFS?

DAVID GAINSFORD: Yes, Mr Barrett, all of the assessments that we do for renewable energy projects, including wind farms, we seek advice from the Rural Fire Service, so that would be very influential in our assessment of those projects.

The Hon. SCOTT BARRETT: Are you able to table that advice on notice?

DAVID GAINSFORD: With regard to specific projects or with regard to—

The Hon. SCOTT BARRETT: Wind turbines. In my head, one communication tower in the middle of the paddock—I can get that. But if you've got 40 300-metre towers, all a couple of hundred metres from each other, that is going to make flying an RFS chopper around that place dangerous, hence impeding firefighting efforts. I just wonder what advice you have to suggest that wouldn't be the case.

DAVID GAINSFORD: All the advice that we would receive from Rural Fire Service on each one of the projects that we assess is publicly available. It's part of the package that we put on our website, so happy to draw your attention to perhaps some of the more recent wind farms that we've assessed.

KIERSTEN FISHBURN: Yes. We can give you the last three or four and examples of the RFS advice that would come back, because obviously it's bespoke to the particular development application, but if we give you enough examples so you can see the diversity of response.

CORRECTED

The Hon. SCOTT BARRETT: And you're confident that those examples back up the statement that they don't impede firefighting efforts more broadly—that's in those guidelines?

DAVID GAINSFORD: That would be part of our assessment that we do on each one of those projects, that's correct.

The Hon. SCOTT FARLOW: Going to the identification of sites, Ms Gibson, in the Sydney Olympic Park 2050 strategy one of the changes from I think the 2030 strategy had an identification of a school site located across the road from where the car park is that is also used for the Ferris wheel at the Easter show, and that had changed from locations that were previously on SOPA-occupied land down the bottom of the tennis courts. Do you know why those changes were made?

MONICA GIBSON: I'd need to check and see if I have some detail about the Sydney Olympic master plan. It looks like Ms Fishburn is finding one.

KIERSTEN FISHBURN: I might. I'm going to take this on notice, but I think the answer is because of the location of the light rail, Mr. Farlow, and the need to plan around that. But I'll take that on notice and get you some further information.

The Hon. SCOTT FARLOW: Thank you for that. Is there a preference typically in master planning that if there is the identification of government sites or continued government premises, such as a school or a hospital facility, it would be ideally located on government-owned or controlled land?

MONICA GIBSON: It's different in every precinct. The luxury of having government-owned land already in a precinct at the time that we are planning for it isn't there in every situation. There are a couple of locations at the moment where we are planning where there is no government land—and particularly no suitable government land. Sometimes the site might be an area that is flood prone or might have some significant vegetation on it or other reasons why it's not going to be a good site for a school or a hospital or emergency service.

In some situations in our precincts those services are already there and we are looking to expand those. It might be that there is already a hospital, but they'll be looking for an expansion of the hospital, and we will often be planning for that expansion to happen appropriately, so on the adjoining land, or intensification on that site where that's appropriate by looking at height controls or floor-space ratio controls that would allow for that. It's very specific to each precinct and usually the difference between a renewal site means that there's probably government land, or if it's a greenfield site or a site where the use is changing very comprehensively from industrial land to residential land, that we might not have government land to use or to identify for government facilities.

The Hon. SCOTT FARLOW: In this parcel there are several parcels of government land, of course, and government-controlled land that exist. Were they taken into consideration as part of that assessment for the 2050 plan?

MONICA GIBSON: The land use planning for Sydney Olympic Park has been a joint venture between the Sydney Olympic Park Authority—and so that agency has been undertaking their master planning work. The role of the department, or my team in the planning agency, is to provide some direction to them initially and then to assess their master plan. Their work is still ongoing between the Sydney Olympic Park Authority and my team in terms of the revised master plan.

KIERSTEN FISHBURN: Is your question specifically about the school site, though, Mr Farlow?

The Hon. SCOTT FARLOW: Yes.

KIERSTEN FISHBURN: That's owned by SOPA. It's under long-term lease, though, so it will be a matter for consideration to School Infrastructure NSW when they wish to move forward on to that particular site, so that question really should be for the education Minister.

The Hon. SCOTT FARLOW: With respect to that SOPA-controlled land, which is under long-term lease, what are the provisions then if you are to proceed? Is it a compulsory acquisition in those terms, or is it the ending of the lease? How is that dealt with?

KIERSTEN FISHBURN: I have not looked at those particular leases, so I'd just have to take that on notice and get back to you.

The Hon. SCOTT FARLOW: If you could also take on notice how long that lease is on that site, that would be appreciated.

KIERSTEN FISHBURN: Sure, yes.

CORRECTED

The Hon. SCOTT FARLOW: Back to the Housing Delivery Authority, with some of the changes, there have been—and I will grant you early days as well—some errors in the classification of some sites. For instance, one site—I think it was another Billbergia one—was described as Canada Bay in the minutes rather than being at Concord West. There was another one that was described as being Concord Road, Homebush, which was actually at Rhodes. In terms of those descriptions and so on, were they errors that were made just in transcription, or were they errors that were made by proponents?

KIERSTEN FISHBURN: Unless Mr Gainsford is aware, I'll have to take that on notice and check for you. Generally, as you can imagine, we are working through a significant volume. It's what I would describe as being a victim of your own success. I'm pretty sure, Mr. Farlow, I said to you I had no idea we would get this many in, which maybe shows ignorance on my behalf. If there are a few errors made, there are a few errors made, and I will apologise to anyone, but there has been no intent to misrepresent anything.

The Hon. SCOTT FARLOW: One of the other errors, and this one was more recent, was with respect to Ulladulla. It was what was published as two 16-storey towers in Ulladulla, which caused considerable community disquiet and the local member had to go out and clarify. That was later revised to two 16-metre buildings. Was the information presented to the HDA that they were two 16-storey towers or that they were two 16-metre buildings?

DAVID GAINSFORD: Mr. Farlow, that was actually our error. We've corrected that error.

The Hon. SCOTT FARLOW: Okay, but what was presented to the HDA in its assessment? Was it that they were two 16-storey buildings or—

KIERSTEN FISHBURN: No, it was 16-metre buildings.

DAVID GAINSFORD: It was an issue with transcription.

KIERSTEN FISHBURN: I can assure you we would all recall 16-storey buildings in Ulladulla.

The Hon. SCOTT FARLOW: I think the community response shows that they'd recall it as well.

KIERSTEN FISHBURN: It was a transcription error, and to that community I do apologise. I will say mistakes get made, but I understand that that could have caused some distress and they have my sincere apology.

The Hon. SCOTT FARLOW: With respect to Rhodes, there is the dwelling cap which is in place in Rhodes.

KIERSTEN FISHBURN: Yes.

The Hon. SCOTT FARLOW: Again, to the minutes of the HDA, I understand that that was something that was discussed. Is the Government looking at removing that dwelling cap?

KIERSTEN FISHBURN: The dwelling cap, like many other dwelling caps that exist around Sydney, is there for a very good reason. But things do change and move, and it is timely always that these caps are looked at on a fairly regular basis. The Rhodes one is one that we would be minded to have a look at. Having said that, and I think I was clearly on the record that, unless there was good reason to release the cap, it certainly wouldn't be something that the department would be advocating for. We would be waiting to see that Transport for NSW, who were the predominant agency who had concerns, were satisfied. In answer to your question, absolutely, these things should always be looked at. Are we advocating for something outside, something that another agency had an interest in? Absolutely not. We're waiting to see the discussions that occur with Transport. I think, Ms Gibson, you've been in the discussions with Transport?

MONICA GIBSON: Yes.

The Hon. SCOTT FARLOW: Part of those transport challenges were, I understand, the size of the station in the area. Did the ferry wharf also provide some limitation on the size of dwellings in that area?

MONICA GIBSON: Yes. Mr Farlow, I can go back over some of the history. There was a place strategy prepared for the Rhodes area. It was published in September 2021, so a few years ago now, and a dwelling cap was placed. That cap is below what the current height/floor-space ratio controls would allow development to proceed. We think the current controls allow for about 4,200 homes, but the cap was for 3,000 homes. That cap was to ensure that existing transport infrastructure was not exceeded. That transport infrastructure was identified through the planning work and with our colleagues in the Transport agency.

The infrastructure that was identified that would need to be upgraded to serve more than 3,000 homes at the time in the place strategy was some upgrades to the station, as you've identified. It also included a bus interchange, some walking and cycling infrastructure—so cycleways and footpaths—intersection upgrades at

CORRECTED

Concord Road and Homebush Bay Drive, and an upgrade of the Homebush Bay Drive and Rider Boulevard intersection, and the Concord Road and Averill Street intersection. It also included a new ferry wharf at Rhodes. They were the infrastructure items that were identified through the planning works that would need to be upgraded for more than 3,000 dwellings in that area.

The Hon. SCOTT FARLOW: With respect to that new ferry wharf—and I think there was some reporting on the ferry wharf today—is that envisaged to be paid for out of voluntary planning agreements? I know there was supposed to be a proposed SIC in the area, which was never implemented. Is there thought to be some way for value capture to pay for that ferry wharf?

MONICA GIBSON: The mechanisms by which the infrastructure will be funded are questions for Transport and how that might occur. We, of course, will keep working with Transport if they wish to pursue those items and whether they should be funded partly through developer contributions. Developer contributions could be through a housing and productivity charge or a contribution that comes there. It could also include any works delivered by the developer as works in kind.

The Hon. MARK LATHAM: Ms Fishburn, on 16 July this year, two independent owners of 15, 19 and 21 Leeds Street, Rhodes, wrote to the department after learning only from online media that five months earlier their land had been included in a State significant development declaration that your authority had recommended and the Minister had signed. What happened then?

KIERSTEN FISHBURN: Do you want to speak to this, David?

DAVID GAINSFORD: Yes, thanks, Mr Latham. My understanding is, soon after that, we received a request for secretary's environmental assessment requirements, which we mentioned a little bit earlier today. The secretary's environmental assessment requirements didn't include those properties, as we've mentioned today, so we obviously updated the declaration to be in line with the SEARs request.

The Hon. MARK LATHAM: Did you take any legal advice as to whether you could retrospectively do that and whether the process needed to recommence?

DAVID GAINSFORD: Yes. In fact, all the orders that we prepare with regard to declarations of State significant development are things that are managed by our legal team. Our legal team would have updated that order, and that would have been put to the Minister to update that declaration.

The Hon. MARK LATHAM: What communication did you have with Billbergia to ask them why they hadn't got the consent in the first place, which then caused this problem—corrected, you say, by the SEARs process?

DAVID GAINSFORD: I'd have to take that on notice in terms of the direct consultation that we had with Billbergia during that period.

The Hon. MARK LATHAM: Can we assume from that, to put it in colloquial language, that Billbergia had been busted? They knew they'd done the wrong thing, so they came back to you with a correction under the umbrella of SEARs. Is that what happened?

DAVID GAINSFORD: I wouldn't necessarily characterise it that way, Mr Latham. As I say, there was, as I understand it, only a matter of perhaps a week or so after we received those letters that you refer to and we received the SEARs request. But I don't know what Billbergia's plans or concerns were at the time. That'd be a matter for them.

The Hon. MARK LATHAM: We talked about the probity assessment, with the probity officer sitting in on the Billbergia meeting in February, with no commentary about it. Has the department got a watchlist about developers in the State who perhaps aren't as trustworthy as others?

KIERSTEN FISHBURN: That's actually not a consideration in the planning system. We're there to assess the use of land, whether it's correctly zoned and what can be developed on it. As you're aware, development applications go with the land, not with the individual. A parcel of land could be zoned in a particular way and travel through four or five different owners of that particular land. Our job is to ensure that the zoning is accurate; it's not to assess the proponent.

The Hon. MARK LATHAM: I know hindsight is a beautiful thing, but do you think the probity adviser at that February meeting should have had a heightened awareness of Billbergia's long run of controversies with planning matters in Sydney and perhaps thought, "Well, given their history, we might want to check with them whether their declaration of ownership or some control over this land is accurate"?

CORRECTED

KIERSTEN FISHBURN: I think I've already detailed the role of the probity adviser. I'm happy to go further into that if you wish me to. I can read out, essentially, the terms of reference for the probity adviser. It's not about an assessment or otherwise of the proponent. I would ask you to exercise caution in the way that you present your questions. We don't have parliamentary privilege here, and I'm concerned that you're forcing a statement upon the department that could be defamatory.

The Hon. MARK LATHAM: You do. What do you mean you don't have parliamentary privilege?

KIERSTEN FISHBURN: We're not bound under parliamentary privilege; we're public servants.

The Hon. MARK LATHAM: This meeting is. Do you understand the law of the Parliament?

KIERSTEN FISHBURN: Chair, do we have parliamentary privilege?

The CHAIR: Privilege does extend to witnesses while you're in here.

The Hon. MARK LATHAM: Of course it does.

KIERSTEN FISHBURN: Nonetheless, Mr—

The Hon. MARK LATHAM: How would you not know that, as a department secretary coming to these budget estimates?

The Hon. STEPHEN LAWRENCE: Point of order—

KIERSTEN FISHBURN: I'm sorry. Nonetheless, Mr Latham, I am concerned that you—

The CHAIR: There is a point of order.

The Hon. STEPHEN LAWRENCE: It's just about that question. It doesn't seem relevant, really. She either knows or she doesn't know. To then interrogate her about it—

The Hon. MARK LATHAM: How would she not know?

The Hon. STEPHEN LAWRENCE: It's not relevant how she doesn't know.

The Hon. MARK LATHAM: It's the basis on which she comes here.

KIERSTEN FISHBURN: Thank you, Mr Latham, and I apologise, Chair. I should have been aware of that. I feel I'm being boxed into making a statement about a developer.

The CHAIR: Can I also remind the member the rules of procedural fairness apply as well, so let's just remember and be measured.

The Hon. MARK LATHAM: Further, to the witness, the whole basis of parliamentary privilege is not necessarily to protect scoundrels like me from lawfare. It's to ensure that the Parliament has protections for itself and its witnesses to get to the truth of what's gone on, because we can't legislate on anything unless we know the truth and can handle the truth. So please read away.

KIERSTEN FISHBURN: Would you like me to read you the probity adviser's role?

The Hon. MARK LATHAM: Yes, I would.

KIERSTEN FISHBURN: It reads:

1. Observation of pre briefing administrative processes including provision of the briefing agenda in EOI papers prior to a briefing.
2. Review of confirmation from each member on the listed EOIs.
3. Provide advice on declared conflict of interests and nomination of alternative members.
4. Observation of HDA briefing conduct and deliberations.
5. Evaluation of procedural fairness in decision-making.
6. Observation of post briefing confirmation by each member of the briefing record
7. Observation of the publication of the briefing record in accordance with the Procedures

The objective is to confirm whether the briefing process is conducted in accordance with the HDA Operational Procedures and public sector probity standards.

The Hon. MARK LATHAM: Did that include the initial role of the probity adviser at the February meeting?

KIERSTEN FISHBURN: That's the probity adviser's role, yes.

CORRECTED

The Hon. MARK LATHAM: That's the role at the meeting?

KIERSTEN FISHBURN: No, some of that is pre-meeting, some of that is post-meeting and some of it is during the meeting.

The Hon. MARK LATHAM: And all of that is going to be reviewed by the new independent probity review that you're now scoping?

KIERSTEN FISHBURN: I need to look at the terms of reference of that new review. I don't think the role of the—it's a probity review to review the probity role as well. Sorry, I'm not at my best today. I'm not feeling 100 per cent.

The Hon. MARK LATHAM: It's not *Life of Brian*, but surely the probity review would want to look at the initial probity processes.

DAVID GAINSFORD: Mr Latham, happy to take that on notice in terms of what the terms of reference are.

The Hon. MARK LATHAM: Surely it would, because there's a probity breakdown. The probity adviser sitting in the February meeting obviously needs to be part of the new independent review. When do we expect that independent review to be finished?

KIERSTEN FISHBURN: At the moment, as I said, we are looking through the conflicts of interest for potential reviewers for that, so I can't give you a particular date at present.

The Hon. MARK LATHAM: Do you think it'll be finished by the end of the year? Is that your objective?

KIERSTEN FISHBURN: I'd like to hope so, yes. That seems like a reasonable request.

The Hon. MARK LATHAM: Do you plan to make it available to this Committee or the independent landowners?

KIERSTEN FISHBURN: That would be a question for the Minister. It wouldn't be my decision.

The Hon. MARK LATHAM: That'd be a question for the Minister as to what he does with it.

KIERSTEN FISHBURN: Yes.

The Hon. MARK LATHAM: As a final matter, a bit west of Rhodes, what's the status of the Sydney Science Park—I call it the Ghost Science Park—which is now, incredibly, to be next to an opened metro station. Has Celestino given the department any update about its intentions there or lodged any applications for doing anything other than grazing horses and cows?

MONICA GIBSON: Consistent with the Government's response to the inquiry, we're maintaining the planning controls and the strength of the planning controls. There is no change that the department is proposing to those, as per the Government response.

The Hon. MARK LATHAM: But no update, new applications or contact with you. Under the former Government, the company was a fairly regular visitor to the planning department and the Minister, seeking variations and different heads of agreement and so forth, but it's radio silence with them at the moment, is it?

MONICA GIBSON: They contacted my planning team after the Government response, and we provided advice back to say that, consistent with the Government response, we will not be making any change.

The Hon. MARK LATHAM: Are they seeking variations to the planning controls, particularly the residential one?

MONICA GIBSON: They did ask for some interpretation about what the Government response was, and we were very clear to say that there is no intention to change the planning controls.

The Hon. MARK LATHAM: That's good to hear. Has the department itself done any review of the role of the previous processes and Penrith council also as to how we arrived at—I've got a little bit of history in Western Sydney and you do see development proposals that are off the radar, unbelievably bad. This is the worst in the history of Western Sydney as to how this ever got through and what now, according to Stuart Ayres, their advocate, is a constant push to turn the promise of science, industrial and manufacturing jobs into just yet another housing estate. Has the department itself reviewed how this ever came about and how we could always ensure we don't repeat this horrific mistake in the future?

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MONICA GIBSON: In preparing for the inquiry, we went through quite a lot of history, and so many people that worked on the process initially were not involved in preparing the response for the inquiry. So there were fresh eyes through that. We prepared and made representations at the inquiry. I came and spoke to that, as well as my executive director, and then, in response to the inquiry's findings and recommendations, the Government response also came forward. We've been through a process of looking and relooking at that, and that's where we are now with the Government's response to those findings.

The Hon. MARK LATHAM: Thank you for the great work you've done in that regard—holding the fort against one of the worst development histories in the experience of our region.

The CHAIR: I'm going back to another court decision. Secretary, when I asked the Minister about the MACH Energy case or Mount Pleasant coalmine Court of Appeal decision, I know you said you were getting advice.

KIERSTEN FISHBURN: Yes.

The CHAIR: Can I just ask, in relation to that, though, there's currently the Moolarben extension project. I'm just curious, in terms of those more time-sensitive ones—the ones that are at the front, let's say, of the decision-making process or imminent decisions around them—have you advised the IPC that those projects will have to wait until you've received the advice?

KIERSTEN FISHBURN: I haven't had a discussion with the IPC. Mr Gainsford, I understand we're conscious of that temporal challenge, right? There's things that have been going down the system, and now you have a new ruling that potentially might impact. I want to be cautious about that because we don't have the full legal advice back. I guess my answer to you is yes, we are considering those factors. David, have you had any discussions with the IPC on it? They will be as well. In fact, actually, the advice we are—sorry, I should have remembered. The advice that we're seeking is also from the IPC itself as well, so we're in partnership to seek that advice.

DAVID GAINSFORD: Yes, that's right, Chair. We work very closely with the IPC when we're considering these sorts of things. You mentioned Moolarben before. That will certainly be one of the considerations we'll need to put forward with regard to the finalisation of that report. I guess what I would say, obviously, whilst this judgement is fairly recent, we understand that the companies are looking to appeal that judgement. We're also aware that there's a potential for it to be remade back with the Land and Environment Court. These are also factors that are part of the consideration of these projects. But, at the moment, we obviously need to consider what's in front of us and make sure that any reports that we're sending to the IPC take these things into consideration.

The CHAIR: When you say the company is looking to appeal that decision, what's the limitation date? Hasn't that passed?

DAVID GAINSFORD: No. My understanding is that they have sought leave to appeal to the High Court. They launched that.

The CHAIR: I know that there's obviously legal advice and so on but, just in terms of a frank and cautious discussion here and now, recognising the limitations of not having that legal advice yourself or that advice, is it prudent to then be requiring—these projects in the pipeline, is it prudent for them to be waiting? Is that your advice at this point to them?

DAVID GAINSFORD: I wouldn't necessarily suggest that we're putting some form of moratorium or some form of stop to the assessment.

The CHAIR: Would that not be sensible?

DAVID GAINSFORD: From our perspective, obviously, as you say, we will receive our updated advice, but companies have the opportunity to respond to the aspects of that decision, so that assessment work can continue whilst we're getting finalised advice.

The CHAIR: But they're not necessarily—if you were to advise the IPC and provide an assessment report saying you can go ahead as is without assessing the localised impacts that the Court of Appeal has said are required to be assessed, then, failing a High Court application, if there are any other approvals following, they would all be subject to the same defects and infection that the MACH one would, wouldn't they?

DAVID GAINSFORD: I don't think there's any suggestion that we would be referring something to the IPC that didn't address the issues. What I'm saying is that, in our view, it doesn't mean that we have to totally put a moratorium or a stop to the work that's underway. In fact, I'm sure companies are already looking to update their assessments as a basis of this decision.

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The CHAIR: Do you say that with—

KIERSTEN FISHBURN: I think the comfort you can take from that, Chair, is that the IPC have commissioned this review with us, so they are very alive to the issues. Frankly, if we'd stopped things in the planning system every time there was an appeal against a planning matter, the planning system would grind to an absolute halt. Things do need to keep moving, but the department is very alive—the IPC is very alive to the matters that you have raised, and I think you should take some comfort from that.

The CHAIR: With respect, this was a pretty significant decision, I thought. It's not every day the section—oh, my gosh, I was going to say 79C—4.15 considerations have been blown open, so to speak, in such a way. Obviously my bias here, in a beneficial way, of course—an important way. On that, Mr Gainsford, you said that you think that the companies would likely be undertaking their own due diligence. Do you say that on the basis of any actual conversations that you may have had, or is that just an assumption?

DAVID GAINSFORD: Outside of MACH Energy?

The CHAIR: Yes, outside of MACH Energy.

DAVID GAINSFORD: I haven't personally had conversations with other applicants for coalmine extensions or new applications. I could take on notice whether we've had conversations through the team with those applicants.

The CHAIR: I would be really interested, only for the sense of understanding how serious it is being taken, because I imagine it would be.

KIERSTEN FISHBURN: Yes.

The CHAIR: I know that if I was a coal company, I would be taking it very seriously and working out how I could better approach my environmental assessment in light of the decision. Mr Gainsford, can I just ask, you signed off as the secretary's delegate on the enforceable undertaking on the Sydney Sutherland shire legal proceedings, and in the media—I keep referring to the media today; it seems to be my trend—I referred to that as a slap on the wrist. There was a \$70,000 payment into the coffers of council. Can I ask you why it was such a small amount of money?

DAVID GAINSFORD: Chair, with regard to our role with those enforceable undertakings that council is negotiating, it is largely on the basis of advice that we received from councils as part of their compliance activities. We can ask for additional information, and we can ask for additional evidence that they've pursued properly those enforceable undertakings. But, largely, the work that we do there is to support the council's enforcement undertaking.

The CHAIR: Being frank, did you see the \$70,000 and think, "My goodness, that's a very small amount of money", given the significance of the harm, the extent of the harm and the wealth of the developer who perpetrated the harm? Did you think 70 grand was a small amount?

KIERSTEN FISHBURN: You're asking Mr Gainsford for a personal opinion there.

The CHAIR: No, I am asking him in his professional capacity as somebody who has the capacity to ask council for more information to be somewhat satisfied. When you put your signature on that bit of paper knowing that's the end of it, how did you satisfy yourself that you were accepting, on behalf of the secretary, an amount that was commensurate and representative of a compliance system?

DAVID GAINSFORD: Obviously, I also received advice from our compliance team in agreeing to the enforceable undertaking. I think the publicly stated amount of \$70,000—there are other costs, as I understand it, that are part of the enforceable undertaking in terms of legal costs.

The CHAIR: That was a pretty small amount too.

DAVID GAINSFORD: There was also two companies that were party to the enforceable undertaking as well. Largely, as I mentioned before in my evidence, we take the advice of council that they've looked into these things. I seek advice from my compliance team as well.

The CHAIR: Do I take it that at no point any advice came to you with thinking that the \$70,000 could have been increased to better reflect contemporary standards, financial consequences and a system of compliance?

DAVID GAINSFORD: I really don't have anything else to add, Chair. The advice I received was largely as a result of the council's investigations and the agreed enforceable undertaking associated with this.

The CHAIR: Do you think in any future case you would be of the inclination to seek some different advice?

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KIERSTEN FISHBURN: Chair, sorry, I am going to say again that you are asking a personal opinion here on a hypothetical.

The CHAIR: No, I am asking him as the person who signs off on enforceable undertakings and literally closes the case on behalf of New South Wales compliance for illegal land clearing in New South Wales for development opportunities.

DAVID GAINSFORD: Again, this was a development application that was a council matter. It was an enforceable undertaking that had been negotiated by council. Whilst you're absolutely right that we do have a sign-off role in these, we tend to just support the evidence that's been put in front of us and the recommendations that have been put in front of us by council.

The CHAIR: I think you guys have—

The Hon. SCOTT FARLOW: Do you want to continue, and then we'll take the last four?

The CHAIR: Yes, okay. I'll keep going. I haven't quite finished on this. As a public interest matter, which it is—I know myself the amount of public interest response that I had as this appeared in the media, with people suggesting that it was such a small amount to cop in terms of the development opportunity that everybody can see will continue into the future. Is there something that, perhaps, the department will take on notice to have a slightly better or a different or a revised system in place? Councils just don't have the resources that the State department has. It doesn't have the comparisons across the State, because they're fixed in one geographic area. Is there some system now that the department might look at in terms of being in a different position?

DAVID GAINSFORD: What I would add, in terms of my earlier comments, is that we don't have jurisdiction to undertake our own compliance investigations into these matters because it is a council development application that they're looking to enforce. We do, as I mentioned before, have the opportunity when we receive that information to seek further advice. We can ask for amendments to the enforceable undertaking or we can recommend that it doesn't proceed. I'm happy to take away your advice there with regard to investigating future enforceable undertakings, but largely it is on the basis of advice that we received. We don't conduct our own investigations. We don't have the capacity to conduct those investigations. We have many hundreds of State significant developments that we're enforcing and doing compliance investigations for across the State.

The CHAIR: In earnest, it really is just that capacity. You can be a central repository of a lot of information that councils wouldn't have in terms of comparative analyses for sensible compliance action. A guideline or something—some kind of internal review about how that is done.

KIERSTEN FISHBURN: I am more than happy to raise that with Local Government NSW.

The CHAIR: Thank you.

The Hon. MARK LATHAM: I've got the last four minutes, if that's okay.

The CHAIR: It's all yours apparently, Mr Latham.

The Hon. MARK LATHAM: Could I raise Appin Road and the extent of urban development. There is a so-called scientific report saying that a koala colony can flourish through this corridor, but anyone driving down there would think a metropolis is being built. It's completely fanciful to think that koalas could survive. There has been a type of national park declared for the benefit of the koalas through the Georges River corridor from Kentlyn south. Is there a requirement for an updated report from this science person about the viability of the koalas surviving in the metropolis that is being built from Rosemeadow to Appin along the Appin Road?

KIERSTEN FISHBURN: I'll ask Ms Gibson. Are you asking whether there is a requirement for an updated report from the chief scientist?

The Hon. MARK LATHAM: Yes. Now the urban development is taking hold, everyone—the Ingham family and Lendlease are all building houses along there. It's hard to believe that the earlier scientific assessment could still be valid. Shouldn't we have an updated assessment based on the fact that a suburb is being built from Rosemeadow to Appin?

MONICA GIBSON: Thanks for the question. You're referring to the study that was done by the Chief Scientist and Engineer several years ago.

The Hon. MARK LATHAM: Several years ago, yes.

MONICA GIBSON: There were recommendations from that report that we've been implementing, and that includes the establishment of koala protection corridors of certain widths in certain locations. That work has been going on as you see that urban development occurring. We are also, at the same time, protecting new areas

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for a koala corridor to connect them to the Georges River National Park. Some of those roadworks you're seeing are koala crossings to help achieve the recommendations from the chief scientist's report about how koalas will move through that corridor and into the very large areas of the national park. It's joint work between a number of agencies. As you can imagine, the environment agency has a significant role here. They might be able to answer some more questions in relation to that.

The Hon. MARK LATHAM: Could you take those on notice? Has the scientific report been updated? You drive along now, and it is literally a construction zone. No-one loves koalas and wombats more than me. You've got to be practical. It's hard to believe they could possibly survive in what is an urban construction zone. If I was a koala, I'd be heading all the other way, down to Wedderburn and Wollongong, to get away from the chaos.

MONICA GIBSON: There have been a number of additional koala investigations and environmental studies that have been done with each stage of the roadworks. Environmental assessment is required at each of those stages. The transport agency have been working on those.

The Hon. MARK LATHAM: It's not just the roadworks. It's the bulldozers everywhere building suburbs. Do you understand that it's a housing development, when koalas need to be in a vegetation area or a park, not the chaos of bulldozers everywhere in suburban development?

MONICA GIBSON: I'd be very happy to take it on notice to provide you with a list of the technical studies and environmental assessments that have been undertaken with each stage of those.

The Hon. MARK LATHAM: Does it take account of the nature of the construction that is now evident?

MONICA GIBSON: Yes, that's right.

The Hon. MARK LATHAM: It does.

MONICA GIBSON: That's part of the work that is happening.

The Hon. MARK LATHAM: You tell the scientists that I'll bet a huge amount of money we'll never see a koala in that area ever again. But, anyway, they're the scientists; I'm just a punter.

The CHAIR: I'm wondering if Mr Latham is going to be making an application to join The Greens next.

The Hon. MARK LATHAM: I'm the longest standing urban environmentalist in this Parliament.

The CHAIR: Apparently.

The Hon. MARK LATHAM: I'll take you to Liverpool council minutes that the honourable Fishburn would know about. Who greened Liverpool? Who held out against the development of Edmondson Park and urban sprawl for a decade? Me. While you were chained to some tree at Ballina, I was actually doing the job at Liverpool.

The CHAIR: It was actually the highlands behind Grafton. We have come to the time where we all have some afternoon tea. We will take a break for 15 minutes. We will return at 3.45 p.m.

(Short adjournment)

The CHAIR: Thank you and welcome back. We're back over to the Opposition.

The Hon. SCOTT BARRETT: I'll jump straight to a couple of things about the guidelines again, this time traffic and transport guidelines for renewables, where it states that any damage caused by the transportation of wind turbines and other large equipment must also be repaired. How does that apply when it comes to tree corridors and large farm trees?

DAVID GAINSFORD: Sorry, Mr Barrett, can you repeat that?

The Hon. SCOTT BARRETT: Tree corridors that align roads that need to be removed to fit—

DAVID GAINSFORD: That would be part of the impact assessment that was associated with the transportation. You're referring there to widening of roads to enable—

The Hon. SCOTT BARRETT: Yes. Specifically, how do we repair those trees once they've gone?

DAVID GAINSFORD: That would be part of the biodiversity assessment associated with those projects. Any trees that were required to be cleared to widen those roads would need to be taken into account and, in some cases, they would need to be offset.

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The Hon. SCOTT BARRETT: Are you aware whether those offsets have to occur within a certain vicinity?

DAVID GAINSFORD: The legislation that's around the way that biodiversity impacts are both assessed and offset is obviously a matter for the Minister for the Environment under the Biodiversity Conservation Act. Those assessments do require, as we're assessing the State significant developments, that there be specific offsets. Some of those can be done through purchasing of land in the vicinity of a project. There are some occasions where you can pay into a fund and then, as I understand it, the Biodiversity Conservation Trust acquits of the offset requirements in those circumstances. It would depend on the different circumstances of each project.

The Hon. SCOTT BARRETT: From a Planning perspective, would you expect that that course of action—the clearing of those trees—is taken only if no other feasible option is available?

DAVID GAINSFORD: Again, I don't want to give you the impression that I'm an expert in threatened species or biodiversity assessments, but certainly the principles around the Biodiversity Conservation Act are about avoiding and minimising before looking to offset. Certainly from our perspective, we'd be seeking advice from our colleagues at DCCEEW and also through the Biodiversity Development Assessment Report that all of those aspects have been taken into consideration.

The Hon. SCOTT BARRETT: Back to blueberries—we spoke a bit about blueberries earlier.

The Hon. SCOTT FARLOW: You look so excited, Ms Gibson.

KIERSTEN FISHBURN: We've never got questions about blueberries before. Monica is very excited.

The Hon. SCOTT BARRETT: Are blueberry farms exempt from any of the rules or regulations that apply to any other horticulture enterprises?

MONICA GIBSON: The local controls for horticulture would be set by each council, so they're going to be different requirements in different local government areas. It might be different in Wollondilly, where they don't grow a lot of blueberries but have other horticultural activities which are captured by the term in the LEP, to what that might be in Nambucca or Coffs, where there's a history of blueberries and a current blueberry industry established.

The Hon. SCOTT BARRETT: What are the different ways in which complaints in regard to the aesthetics around blueberries can differ from complaints made around solar panels?

MONICA GIBSON: I might also get some assistance from my colleague Mr Gainsford because the matters that we consider in agricultural settings—the work in blueberry planning controls—are different to the ones that are set for solar farms. There have been some very specific things set for horticulture in some places like Coffs Harbour and other communities on the Mid North Coast. They've talked about the size and colour and materials used in the structures that are there in blueberry farming—some things that you're probably familiar with—and the types of netting that they use and the type of shade that they need. The details about how they are assessed are worked through with the council, usually with the assistance of our colleagues in Agriculture. For how that relates to solar farms and the types of matters assessed in solar farming, I might refer to Mr Gainsford.

DAVID GAINSFORD: Thanks, Ms Gibson. The assessment of visual impacts associated with solar farms obviously depends on the scale of those solar farms, the height of those solar panels and the infrastructure that's proposed. As I've mentioned before in some of my earlier responses, we have very specific guidelines now with regard to visual impacts, as they relate to both solar farms and wind farms. It follows quite a clear and quantitative process associated with those visual impact assessments. I'm definitely not an expert in blueberry farms.

The Hon. SCOTT BARRETT: As far as Planning is concerned, though, is there an overarching principle you look at when it comes to assessing visual impacts? I'm hearing that it's industry by industry.

DAVID GAINSFORD: Again, I wouldn't characterise myself as an expert in visual impact assessment. There would be fairly standard approaches to looking at visual impacts. As I say, it would depend on the scale of the development, the type of geography and the number of receivers. There would be a whole raft of things. I think there would be lots of common things that are associated with those visual impact assessments, but then there would be quite specific matters that we've got defined in some of our guidelines, particularly with renewable energy projects.

The Hon. SCOTT BARRETT: There is a specific issue around the Winterbourne wind project at Walcha. I'm taking for read what was provided for me by the local member up there. Apparently the intention is to purchase a local caravan park, which would remove almost 30 per cent of the entire short-term accommodation beds from town. That's obviously a huge hit to the tourism and local economy. Does this, do you believe, fall in

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line with your guidelines that state, as you're probably familiar with, that you must apply mitigation measures to ensure it will not generate social impacts such as decreasing housing affordability or impacting tourism?

DAVID GAINSFORD: I don't have any specific details around Winterbourne, but I take the advice that you've received there on board. From our perspective, one of the key aspects of looking at these projects is looking at the number of workers and construction workers that will be coming in associated with these projects. As I think I mentioned before, recently I had the opportunity of going out to Dubbo, Mudgee and Gulgong and that area. We got to talk to some of the councils.

Some councils are taking an approach which is trying to look at providing additional accommodation within their LGAs within their urban areas. Some councils, such as Mid-Western and Warrumbungle, have certainly talked about having those projects actually provide their own accommodation camps. From our perspective, we want to make sure that the impacts that are associated with either building those accommodation camps or additions to the urban areas are taken into account. We also mentioned a little bit earlier today that we've been doing some cumulative impact work, looking at some of these matters and looking at housing requirements. Ms Gibson's team has also been assisting with this, looking at housing requirements within the renewable energy zones.

The Hon. SCOTT BARRETT: What levers do you have to pull if this is having an impact, and when do you pull them?

DAVID GAINSFORD: With regard to specifically assessing a project, the levers we have are to make sure that the provision of accommodation or services associated with construction workers coming in on those projects is taken into consideration. An example would be that we have looked at a number of projects where they're proposing their own accommodation camps. Part of the assessment of that project is actually looking at the impacts of that and the way that that accommodation camp is going to work. They're the sorts of levers that we have. We also look at the capacity within towns if accommodation camps aren't being proposed to accommodate those, and we have conversations with councils in doing that assessment.

The Hon. SCOTT BARRETT: Noting that you said you weren't familiar specifically with this one, are you able to provide me some advice on notice about Winterbourne and where that's up to as far as accommodation?

DAVID GAINSFORD: I'm happy to do that, yes.

The Hon. SCOTT BARRETT: One final one from me, and it follows on from that same line. Is there any reason we can't look to legacy infrastructure left by these camps that you're talking about? I'm not saying with all of them—I know that some of them are a bit far away from town—but with some of these camps, is there an option that we could require that they leave the infrastructure there—the kerb and guttering and the connectivity of the services?

DAVID GAINSFORD: Mr Barrett, I think absolutely. Certainly that's something we heard from councils when we were recently out talking to councils and looking at those areas. As you say, we looked at the Merotherie camp that's been set up for the Central-West Orana transmission line. That is a long way from any major centre. It's quite some distance from Gulgong and from Dunedoo, but you're absolutely right. I think where there are opportunities to make use of that infrastructure, or even to recycle and make use of some of the infrastructure that's associated with these, they are definitely things that we're keen to work on with councils and applicants.

The Hon. SCOTT BARRETT: Can I ask what is possibly a weird question? Who has the responsibility for naming these camps?

KIERSTEN FISHBURN: That is a strange question. I think it is the proponent. It's certainly not us.

DAVID GAINSFORD: I suspect it would be the applicant, Mr Barrett.

KIERSTEN FISHBURN: I'd love to be the person who names things.

The Hon. SCOTT FARLOW: Just add it to the list of jobs.

DAVID GAINSFORD: The Merotherie camp that I mentioned before, that's part of the EnergyCo-ACERAZ consortium that's building that project and named it. I think they've named it based on a geographical name, but I'm honestly not sure. I agree with Ms Fishburn. I think it's an applicant-led nomination.

The Hon. SCOTT FARLOW: Just to return to the Housing Delivery Authority, Ms Fishburn, I think you spoke about this in terms of some of the criteria with greenfield development.

KIERSTEN FISHBURN: Yes.

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The Hon. SCOTT FARLOW: Effectively, you can lodge greenfield applications, but to date have there been any greenfield applications that have been approved?

KIERSTEN FISHBURN: There definitely has been. I'd have to take on notice the number. I think I know where you're going with this. Maybe I'll give a little bit of context around some of the discussions and the thinking that might occur in the HDA. As you're probably aware, the Housing Delivery Authority was established with the intention of housing that could be delivered quickly into the system, mostly during the housing accord period and, importantly, that could be assessed in a short time in the department. We say 90 days in our hands, 275 days in total. Proponents have the gift to bring that down further, if they choose to work proactively. Some of the discussions that have occurred—and it's not just greenfields, but predominantly regional and rural—might be a really great proposal, but the infrastructure is not available to service it at this point in time, so it's simply not going to be delivered during the housing accord period; or it is a type of rezoning where there is complexity to the rezoning. We've recently made changes to make this more abundantly clear in the HDA criteria.

For example, agricultural land to residential land is a decision you would want to be quite cautious about. You'd want to make sure you were undertaking the right technical studies and it was a no regrets decision. That's not going to happen quickly. As a consequence, while there may be merit to it, it's not suitable for the HDA and that's why we say there are alternative pathways that are available to them. In regional and rural areas in relation to the enabling infrastructure, it's predominantly sewer and water that is the challenge. In those circumstances, planning and rezoning is better to go through council in the first instance because they're also the sewer and water provider. Did I answer your question? I think we've done this a fair few times now, Mr Farlow.

The Hon. SCOTT FARLOW: I think we've got pretty much all of it. You've got a fair level of intuition when it comes to some of my questions, thank you. This question might be for Ms Gibson with respect to Macquarie Park. Of course, we've seen the announcement today of a new high school for Macquarie Park, which is welcome. What the projected population increase for Macquarie Park over the next five, 10 and 20 years?

MONICA GIBSON: Could I please take that question on notice?

The Hon. SCOTT FARLOW: Yes, you can.

MONICA GIBSON: I have lots of information in my head and in my papers, but not details about the specific population growth in Macquarie Park.

The Hon. SCOTT FARLOW: I might put a lot of these on notice to you, to be fair, but this one you might have. What's the projected increase in housing in Macquarie Park under the TOD policy? I should clarify in that as well whether it doesn't just relate to the TOD policy but also relates to the further Macquarie Park rezoning as well.

MONICA GIBSON: Let me check to see if I can get the specific number for the Macquarie Park rezoning. That includes the area that we did through the TOD accelerated precincts. There have been a couple of other zonings in recent years around there. We also have set five-year housing targets for the Ryde local government area.

The Hon. SCOTT FARLOW: Eleven thousand six hundred—is that correct?

MONICA GIBSON: Very good.

The Hon. SCOTT FARLOW: Gold star. We can return to *Hard Quiz*, and Macquarie Park can be one of the locations or favourite topics.

MONICA GIBSON: That's right. Remember how these all used to go? Let me see if I can find this Macquarie Park TOD number. For each of the areas, when the zoning was finished last year, we documented what was the TOD number. So it was 9,600 new homes with the capacity for 100,000 jobs.

The Hon. SCOTT FARLOW: That's part of the TOD rezoning.

MONICA GIBSON: That's right.

The Hon. SCOTT FARLOW: What about the additional areas to be rezoned?

MONICA GIBSON: That included the stage one and the stage two.

The Hon. SCOTT FARLOW: What's the trigger that exists, or departmental benchmarks, with respect to the creation of a new school, whether it be a primary school or a high school? Is there a guideline that the department uses?

MONICA GIBSON: No. The planning for school and enrolment numbers, the type of school—whether it's a K-12 or a 7-12—are matters that the Department of Education is responsible for. We seek their advice about

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the type of school that they'd be proposing and when that might be required. Their information about enrolment numbers, the catchments they are planning for and then their school needs are ones that they are much better at providing us with the advice rather than us giving that direction to them.

The Hon. SCOTT FARLOW: What about in terms of other infrastructure? Do you model in terms of the additional needs of childcare or pre-kindergarten education, open space and road infrastructure as well in terms of those density targets?

MONICA GIBSON: There are some matters that we leave with the Department of Education in relation to some preschool work. They have a program for providing for some additional preschools. We leave that, again, with the Department of Education. When it comes to road upgrades, we seek advice from transport agencies. A lot of the modelling work about congestion and infrastructure upgrades for roads, heavy rail, metro also cycling and active transport comes from them. Sometimes we do that in partnership with them, depending on the local or State nature of those roadworks.

In relation to open space, that tends to be work that is prepared by our team. Again, we look at what might be some standards that relate to the amount of active and passive open space. We look at what is already there and how it's being utilised. We're looking for sports field-shaped sizes of land but also areas that might provide walking trails and tracks and areas for smaller playgrounds for younger kids, kick-around areas, skate parks and those sorts of things. There's a range of different mixes of open space needs that we would be considering when we're planning for a large precinct of the size and scale of Macquarie Park.

The Hon. SCOTT FARLOW: With respect to Macquarie Park, with the established \$520 million in the TOD accelerated precincts, how much is assigned to Macquarie Park?

MONICA GIBSON: We haven't outlined the specific number for Macquarie Park at this stage, but within the \$520 million allocated to the parks and open spaces as well as some other community infrastructure, that would include the delivery of a park in Macquarie Park.

The Hon. SCOTT FARLOW: Is that the \$228 million that the Federal Government provided? Or is that a separate—

MONICA GIBSON: No, it's within the \$520 million. That includes for each of the parks but not all of the \$520 million is for parks, if that makes sense. Some of it's for other community infrastructure.

The CHAIR: Can I throw very quickly to you, Secretary. This relates to compliance, but it's in relation to Hornsby council. Hornsby council recently resolved to introduce a new compliance enforcement policy, and part of that policy deals with the investigations of breaches of development consent conditions and plans that involve private certifiers. Council's new policy states that it will not investigate building works that are not in accordance with plans when a certifier has been appointed. Have you heard of anything like this?

KIERSTEN FISHBURN: That hasn't come across my desk yet, so I'm going to have to take that on notice. I haven't seen it. I have spoken to Hornsby council recently and they didn't raise it with me, so I'll take that on notice and see what information I can get.

The CHAIR: Thank you, because I think that it would be very concerning if there was literally some kind of enforcement hole in the entire system and would not send—

KIERSTEN FISHBURN: I don't want to take it out of context without having seen the document. In my experience, Hornsby are a good council, a responsible council—

The CHAIR: Very much so.

KIERSTEN FISHBURN: —so I want to read that myself and be able to come back with some interpretation of it.

The CHAIR: All right, thank you. In doing so, if it is the case that there is a compliance hole because of private certifiers—because you can understand how a council would, to some extent, want to not take on the responsibility. It's the age-old private certifier discussion. But if, in fact, they have done that, what does that mean in terms of compliance going forward and for the system?

KIERSTEN FISHBURN: Again, I'd only be speculating in the absence of it, but I understand why you would express concerns about that. Prima facie it looks like a gap, but I would be very surprised if that is the actual intention of what Hornsby council has done. That's not my experience of working with them as a council.

The CHAIR: Can I ask—I think this would be you, Mr Gainsford—about the EPA's guide for large emitters? I'm advised that key elements of the guide have not been followed for any of the coal expansions approved so far this year. Can you confirm in the assessment and determination of Mount Arthur, the HVO, Ulan

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and Tahmoor that there was no interim and long-term greenhouse gas goals set, no independent review of the proposed greenhouse gas mitigation plans and no independent reviews of offset plans? Does that sound right to you?

DAVID GAINSFORD: I must admit, Chair, that that doesn't sound right. You're referring there to, obviously, a number of projects that are on foot in terms of their assessment. We obviously seek advice from the EPA. You mentioned the EPA's guide for large emitters. As I understand it, obviously there's a trigger in terms of CO₂-equivalent emissions that is related to that. And that relates, as you would know, to environment protection licences for those projects. We seek a range of information associated with our assessment of greenhouse gas emissions and mitigation associated with those assessments, so I'd be very surprised, without knowing all the details of what you've just referred to, that we haven't done verification and the assessment that you've mentioned there.

The CHAIR: If this is the case and these haven't been done, is that something that you would be willing to look at and provide an understanding to us on why, if in the event that's the case and that these three things haven't happened—i.e., there's no interim and long-term goals set, no independent review of the mitigation plan and no independent review of the offset plans. If that isn't the case, could you advise as to why that would be the case?

DAVID GAINSFORD: I'm happy to take that on notice, Chair. It really doesn't sound right from my perspective. Obviously with coalmines that are actually in operation, as we've talked about in previous budget estimates, there's a whole requirement to be providing updates, in terms of yearly updates. There are three yearly independent audits that occur. We are constantly reviewing opportunities to reduce greenhouse gas emissions associated with those projects.

The CHAIR: Peabody's Metropolitan modification 4—I think public submissions may have closed for that. Peabody have claimed that the modification does not trigger the assessment requirements outlined in the guide—i.e., the guide for large emitters. Is that something that you're aware of? If so, is that the case? Is it really a project that doesn't trigger the guide?

DAVID GAINSFORD: Yes, Chair, my information is that you're correct—that the modification itself doesn't trigger the guide in terms of that 25,000 tonnes of CO₂-equivalent threshold.

The CHAIR: In terms of what the guide is capturing—I suppose I'm a bit surprised. The scope one emissions in 2024 for Peabody—that Metropolitan were the highest levels, that since 2016 the levels of emissions are so high. I think it was almost 700,000 tonnes of CO₂, so it doesn't seem to be making a whole lot of sense about when the guidelines kick in. Are the guidelines, in your view, in terms of the projects before the department—is the threshold the right threshold to be having an effect on requiring the emissions reductions?

DAVID GAINSFORD: Chair, these are not our guidelines; these are the EPA's guidelines, so I wouldn't be best placed to comment on that.

The CHAIR: I realise that. I think what I'm trying to say is, with the proposals that are coming to you, are most of them not triggering those guidelines? That, I suppose, is the question I'm trying to ask.

DAVID GAINSFORD: I'd have to take that on notice, Chair, in terms of which ones are triggering the guidelines, which ones aren't.

The CHAIR: Is it possible, with the ones that are currently in front of you, to provide us with the advice on which ones have triggered them and which ones haven't?

DAVID GAINSFORD: Yes, I'm happy to take that on notice, Chair.

The CHAIR: Thank you very much. Sorry, I feel like now I'm loading you up with a bunch of work. Can you please clarify what Roberta Ryan's role is in the New South Wales department in terms of the rollout of the Social Impact Assessment Guideline?

DAVID GAINSFORD: Specifically, Chair, Roberta Ryan's role, I'm actually not able to give you. Obviously, we've recently updated the Social Impact Assessment Guideline and produced those updates and publicised those updates. I'm not actually aware, and I'm happy to take it on notice, in terms of Roberta Ryan's role.

The CHAIR: The reason it's been raised with me is because Ms Ryan appeared as an expert witness in legal proceedings, and it was stated in those legal proceedings by the Chief Judge of the New South Wales Land and Environment Court—literally these words; it's in a public judgement:

Dr Ryan's evidence were flawed in methodology, coverage of issues and dependence on other expert evidence that is also flawed.

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It's been raised with me because it was such an important social impact case about coalmines. Somebody has asked me to raise with you whether she had a role in developing the social impact guidelines. If you could provide—

DAVID GAINSFORD: Not that I'm aware of, Chair, but I'd be happy to take it on notice.

The CHAIR: Can I go back to—I raised it with the Minister—Centennial Coal's discharge and the NorBE test. Where is that up to at the moment in terms of their application, in which they have foreshadowed that they want to be able to continue that discharge for up to four years?

DAVID GAINSFORD: As the Minister was talking about this morning, the discharges which were related to modification 11 for the Springvale project have obviously ceased. There is no current consent to allow for partially treated mine water to be discharged. I think what you're referring to is discussions that are ongoing at this point in time with the company and within government around mine water, which is accumulating within Springvale and also nearby mines. There hasn't been a finalised response to how that's going to be dealt with. I think you're alluding that there has been some discussion around a potential new modification to allow that. That's not something that's on foot at the moment. We haven't received modifications, but there are ongoing discussions that are happening with Centennial Coal.

The CHAIR: The development consent for the Springvale water treatment plant to handle Centennial Coal's waste describes the plant as a zero-discharge solution. That's just not the case, is it? That's a failed proposition in terms of what we're dealing with now?

DAVID GAINSFORD: My understanding, Chair—and, again, this would be more of a matter for the EPA—is that obviously the water treatment plan has been designed to meet its environment protection licence requirements. There would be stipulated types of water quality requirements that are associated with that environment protection licence. No doubt that's monitored and the EPA is actually monitoring responsiveness to that, so it would really be a matter for the EPA.

The CHAIR: If there is a further modification that comes, and I think that has been foreshadowed—I think the Minister was saying the NorBE guidelines had been updated. Where are we at with the NorBE test and guidelines?

DAVID GAINSFORD: I'm aware of some correspondence that's been sent to the Minister and I think to the Premier around the application of the NorBE test as it relates to applications and to modifications. The advice that I've received is that the NorBE test is applied to modifications, and it's certainly something that we take into consideration. But obviously we're talking a little bit hypothetically about a potential modification associated with this project.

The CHAIR: I turn to the Link Road forest and the State Government's decision to fast-track its rezoning for housing development under the State Significant Rezoning Policy. This is the Newcastle—Ms Gibson's nodding. Link Road forest is the 592 hectares of native forest straddling Newcastle Link Road immediately west of Wallsend. There doesn't seem to be any information available about how the panel decided to make Link Road Forest a State significant rezoning project. On a search, there are no minutes and no background. Is it possible to get copies of the reports, or are they publicly available and we just haven't found them?

MONICA GIBSON: The decisions about the site being identified and accepted as a State-led rezoning or through the State significant rezoning pathway should be on our website. If it's not, we'll make sure that that is there and we're happy to direct you to where that is. It is very early in the planning process in terms of our assessment of that work, so we haven't published any more technical information than the considerations that the panel made in recommending that this come into a State significant assessment pathway.

The CHAIR: The next steps for that would be?

MONICA GIBSON: Those technical studies. It would be those environmental investigations. The site also has a long history of mining, so we know that there are mine workings and mining activity there that will need to be understood from a geotechnical perspective. The site is also quite steeply sloping, so there are issues there. We've seen that with the development on nearby land that was also historically used for mining and the types of matters that were dealt with as that land developed. There are also really significant infrastructure issues—particularly transport infrastructure—in that area. The Link Road that you're referring to, which is the access point, is an area that currently has a lot of traffic congestion. At the moment in morning and afternoon peak hours that's quite a busy and congested area. It also includes understanding additional access points and improving the movement through that area and what would be required to be upgraded to support that; water, power and sewer as well to that area because it's quite a large estate; and the need to upgrade matters of school and health.

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It's not very far from John Hunter Hospital, which is just going through that finalisation of a nearly \$800 million upgrade. But local schools for that kind of growing area in the west of Newcastle and Lake Macquarie LGAs—so we expect that there would need to be new upgrades for schools there. So there's quite a lot of work to be investigated for that rezoning, and that will happen in partnership with the two councils, Lake Macquarie and Newcastle councils, the landowners and the surrounding community. It's a longstanding and very strategic environmental corridor nearby to that site and recently the department of planning made a zoning decision for an area at Minmi, which is sort of the next suburb over, where we came to a balanced decision about protecting a large area of that site into the green corridor as well as being able to achieve part of the site with a zoning for residential development because that was a suitable use for the site. So we'll be taking the same merits-based assessment to the Eden Estates area.

The CHAIR: Just with that, though, as I understand it, there was a gateway approval previously, and the department terminated it in early 2024 due to insufficient information. It seems like such a highly constrained, problematic potential development. I understand the absolute desire and need to be having most things on the table, but this one just strikes us as being particularly difficult. I'm also told that the original information from the developer didn't even assess or present material about koalas being present, despite it being core koala habitat and that it's also adjacent to Blue Gum Hills Regional Park, which is so valuable, as you say. So at this point, is it not one of those where actually the gateway to all of this is just a very perilous, dangerous gateway?

MONICA GIBSON: I've just had some information that says that the panel report is up on our website, so that is there with all of our other panel reports for State significant zoning decisions. The site is complicated and it is complex. And that's part of the reason for us to make it State significant, so that we can bring a team of planners, environmental scientists, infrastructure planners and urban designers—all of those experts—into this assessment process so that we can look at what is the best decision to be made here. We are not presuming that it is going to be 5,000 homes, and that is our goal, and therefore that is the only thing that's going to happen here. We need to go through this assessment process carefully to have the right information in front of us. We can also fund studies to be done if that information isn't already available from the proponent or from councils.

The CHAIR: Should the community assume that some high-level intense development is going to happen in that location?

MONICA GIBSON: The piece that I would say and the reason for this site to have been identified for a rezoning is that it is also in a very well-located part of the greater Newcastle area. It is in an area that is surrounded to the north, to the south and to the east by significant urban development. It is not isolated; it is not a remote site. There are a lot of services and established communities there. There is also significant pressure for more housing in the Hunter. Some of the fastest-growing local government areas are in the lower Hunter and around greater Newcastle. It is a very desirable place to live.

KIERSTEN FISHBURN: And both councils requested that the State look at this rezoning. It has the implicit support of councils for us to at least undertake the work, without making an assumption about what the final outcome will be.²

MONICA GIBSON: But we'll not be shortcutting any of the community consultation through this process. The community will have the same opportunity that would exist if this was being done locally. We're really aware that the community—and particular groups of the community—are very interested and will be following this closely. And we'll make sure that every step of the way they've got the proper opportunities.

KIERSTEN FISHBURN: Chair, we've got the response to a couple of questions Mr Farlow had, if you will indulge, first, Ms Hawyes and her friends at the speedway, and then Ms Gibson has some population data for you.

The CHAIR: Thank you.

MELANIE HAWYES: You queried a range of matters, so I just wanted to supplement my answers so that we can put those on record now. The Office of Sport issued a motor vehicle licence to the speedway, which authorises speedway racing. The licence would not necessarily need to be modified to allow recreational go-karting, which is our understanding of the activity they want to consider. If it were to be competition go-kart racing, that's a different consideration. We're working to understand exactly what they plan to do with respect to go-karting at the facility. You queried when we became aware that Mitch Biner had been appointed. That was on 28 July. The previous licence, you also said, was issued to Garry Willmington, the previous track manager. That's

² In [correspondence](#) to the committee dated 18 September 2025, Ms Kiersten Fishburn, Secretary, Department of Planning, Housing and Infrastructure, clarified their evidence.

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correct. It was actually issued, but to the speedway itself, even though it was addressed to Garry, so that licence is to the actual speedway rather than to the person.

You also talked about the catch fencing and some maintenance issues. My understanding of the advice I have now is that Speedway Australia inspected the site in June. They did identify issues with respect to improving the catch fencing. They agreed that it does meet their standards, but they suggested potential improvements regardless, which is fair enough. The track operators are working to improve those because it improves fan and competitor experience on the track. Their planning for the next season is well underway and it's scheduled at this stage to start in mid-October, which is in line with when previous seasons have started. I think that covers a range of matters that you raised with us.

MONICA GIBSON: And population projections—this is information that is publicly available about the population projections, so this isn't dwelling numbers but people. I'll give you the Macquarie Park area specifically, which includes the geographical catchment of Macquarie Park and Marsfield. In 2021 the population of that area was about 24,000 people. The projection in 2026 is for 30,000 people; 40,000 by 2031; 46,000 by 2036; and 51,000 by 2041.

KIERSTEN FISHBURN: I believe Mr Gainsford has an answer for Mr Barrett too.

DAVID GAINSFORD: Yes, Mr Barrett, a few questions which I took on notice. I think you asked about the number of renewable energy projects that are within REZs and outside of REZs. For those that have been approved by the department in terms of State significant, 34 per cent of those projects that have been approved so far are within a REZ and 66 per cent are outside of a REZ. Of the ones that are currently under assessment, we've got 49 per cent that are within a REZ and 51 per cent that are actually outside of a REZ. That includes all wind, solar, battery energy storage and pumped hydro. You also asked about how many compliance staff we've currently got. I was close. We've got 36.

The CHAIR: You need more.

DAVID GAINSFORD: We are looking to expand. We do have some additional funding to expand. We have 20 that are Sydney-based, three that are in Newcastle, four that are in Maitland, three that are in Wollongong, three that are in Murwillumbah and three that are in Queanbeyan. Hopefully those numbers add up. I think you also asked about the inspections, particularly with regard to renewable energy compliance inspections that we've done. Of the 51 that I mentioned before, 43 we would describe as proactive inspections, eight were reactive and, of the eight reactive ones, three were in relation to complaints and five of those eight were in regard to the department reviewing documents, including independent audits and what have you, that elicited those inspections.

The Hon. SCOTT BARRETT: Thank you. I want to turn to the Mid North Coast. I understand there's a 36-site retirement complex at Bellingen that's currently moving through the approval process from council at the moment. It's currently being held up because of incorrectly applied flame zone mapping and reporting. I just wonder what options they now have to challenge those maps when apparently the RFS has even conceded the information is incorrect?

KIERSTEN FISHBURN: Firstly, I'd have to take the context of that on notice. I'm not aware of every council development. My suggestion would be that the proponent contacts the Housing Taskforce. It's their job to work with interagency deliberations in the planning system. Or I'm happy if you provide the details to me and we'll make contact directly.

The Hon. SCOTT BARRETT: Can someone tell me how these reports are generated?

KIERSTEN FISHBURN: The RFS reports?

The Hon. SCOTT BARRETT: The RFS, yes.

KIERSTEN FISHBURN: You'd have to ask RFS that.

The Hon. SCOTT BARRETT: They're responsible for providing them?

KIERSTEN FISHBURN: They're responsible for providing their information, yes.

The Hon. SCOTT BARRETT: Have you got any intel as far as whether this might be a one-off thing or if it's a statewide problem?

KIERSTEN FISHBURN: It hasn't been raised to me, and generally when something is a systemic problem we're aware of it. Having said that, I am happy to ask my Housing Taskforce executive director whether this is something that has been coming up in their deliberations.

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The Hon. SCOTT BARRETT: Can I just ask one more question based on what you've told me? As far as your assessment process, how different is the process for a project that is within the REZ versus without the REZ?

DAVID GAINSFORD: Mr. Barrett, the assessment processes from a State significant perspective are exactly the same whether they're within the REZ or whether they're outside of the REZ. The only difference in terms of the fact that those projects are in a renewable energy zone is with regard to whether those generators are potentially connecting to renewable energy transmission lines that are being proposed in some cases, such as Central-West Orana by EnergyCo. But, from the department's perspective, the assessment is exactly the same.

The Hon. SCOTT FARLOW: Turning to some of the funding arrangements, when the Minister implemented or introduced the Housing and Productivity Contribution, it was outlined that there would be a billion dollars over 10 years—\$100 million per year—in grant funding to councils for local infrastructure. Has that commenced?

MONICA GIBSON: That was as the program was established and over time. There hasn't been a grant program established yet with councils from the housing and productivity fund.

The Hon. SCOTT FARLOW: So that has not commenced. Also, there's been indicated a \$200 million program for councils in helping to achieve their housing target. I noted one article—I think it might have been in *The Sydney Morning Herald* today—said that that was commencing today. Has that program started or commenced? What are the details around it?

MONICA GIBSON: That would be the Faster Assessments incentive grant program. We'll have more to say very shortly about that.

The Hon. SCOTT FARLOW: Okay, so it was a misreport that it was commencing today, was it? I haven't seen a media release.

MONICA GIBSON: It's not—

The Hon. SCOTT FARLOW: Watch this space.

MONICA GIBSON: Yes, it's not formally commenced.

The Hon. SCOTT FARLOW: We'll stick with you, Ms Gibson, and go back to your old stomping ground in the Hunter—the Broadmeadow place rezoning finalisation. The future transport corridor, I believe, has been reserved for the light rail through that project. How much of that rezoning is predicated on a light rail connecting Broadmeadow to Wickham?

MONICA GIBSON: The light rail connection is part of a number of transport options to support growing residential and jobs development in that area. It's also closely connected to the Broadmeadow heavy rail station. There are also a number of bus routes that go past the site and some of Newcastle's major road corridors, and probably the best inner city regional cycleway also goes through the site, so it's a very well serviced area. The light rail is something that, over time, might be able to also provide improved connectivity between the site and the Newcastle CBD, the beach and all the wonderful things in the Newcastle city centre.

The Hon. SCOTT FARLOW: So if that light rail wasn't commenced, the rezoning could go ahead in full.

MONICA GIBSON: That's right.

KIERSTEN FISHBURN: Mr Farlow just wanted to give you a chance to talk about Newcastle, Monica.

The Hon. SCOTT FARLOW: Indeed.

MONICA GIBSON: I appreciate that.

The Hon. SCOTT FARLOW: Everyone likes to go home, when it comes to these things. I might turn to the TOD allocation in terms of the Parks for People program. This was the \$228.2 million that was dedicated by the Federal Government with respect to Bankstown, Bella Vista and Kellyville, and I know we had some discussions about those previously. When will the first phase of these projects commence?

MONICA GIBSON: I think in some of my earlier answers this morning I mentioned that there is some work underway with Canterbury-Bankstown council about the open space there. We are in the early stages of working through the specific details of that with council—the design of the park and how that park would be built and delivered, including any land acquisition that might be required to support and enable that. Similarly, early discussions in the Kellyville and Bella Vista areas, as well as in the Hornsby area. They have all commenced some discussion with the relevant councils and landholders. In the case of Kellyville and Bella Vista, we've been

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speaking specifically with the landholders about what might be proposed. It's early stages, with the delivery of the parks planned to be there when the first residents are moving into those new areas.

The Hon. SCOTT FARLOW: In terms of those landholders, Mr Wendler, does that relate to Landcom in respect of any of those sites?

ALEX WENDLER: The landowner is Sydney Metro for the sites in Kellyville and Bella Vista, but we are working with Sydney Metro and we are having conversations with the department.

The Hon. SCOTT FARLOW: Okay, so Landcom is involved in those discussions as well?

ALEX WENDLER: Yes.

The Hon. SCOTT FARLOW: Hornsby was not one that was funded by the Federal Government as part of their \$228 million program, or at least wasn't a headline. Is that independent of that Federal money?

MONICA GIBSON: No. As I mentioned earlier today, the allocation that we have from the Commonwealth could assist beyond the parks that have been announced in Bankstown, Bella Vista and Kellyville. That will come down to the budget for those parks and what's available, and that may include Hornsby as well.

The Hon. SCOTT FARLOW: Have any discussions proceeded with Ryde, North Sydney, Lane Cove or Willoughby councils with respect to their TOD precincts and open space?

MONICA GIBSON: There have been discussions in all of the TOD accelerated precincts, including Strathfield and Canada Bay for the Homebush open space.

The Hon. SCOTT FARLOW: What other works are envisaged to be covered by that \$520 million funding, apart from parks?

MONICA GIBSON: The \$520 million allocation was for a combination of parks, which we think will be a significant portion of the \$520 million, and some additional community infrastructure. That program might include some local roadworks, it might include some active transport and it might include some public domain improvements.

The Hon. SCOTT FARLOW: We had a bit of discussion about dwelling caps in Rhodes. Ms Fishburn, I think you indicated there are other dwelling caps that exist in Sydney. One that I'm aware of is Penrith CBD.

KIERSTEN FISHBURN: That is correct.

The Hon. SCOTT FARLOW: And I believe the cap there is 4,050 dwellings.

KIERSTEN FISHBURN: Ms Gibson could probably recall, or we'll get the number for you.

MONICA GIBSON: Let me have a look. I should know off the top of my head.

KIERSTEN FISHBURN: That sounds pretty close to accurate.

MONICA GIBSON: Yes, and it's for a different reason.

The Hon. SCOTT FARLOW: Yes, I understand. Has there been any work done on revising that dwelling cap in Penrith?

MONICA GIBSON: We've had representations from Penrith council over quite a long period of time, in fact, about the issues that relate to the cap that's there. This relates to flooding and flood evacuation. There's an adaptive management framework that is in place and came into place at the time when there was an upzoning in Penrith CBD. It was for 4,050 dwellings. The council has been assessing and approving development, and issuing construction and occupation certificates in the CBD. They were aware that the pipeline of sites meant that they were getting close to that cap. They were asking for a review or to be able to take the steps that moved from the current cap under the adaptive management framework into the next levels of that cap. That would relate to some infrastructure as well as some operational matters relating to the evacuation of the Penrith CBD and the surrounds.

The Hon. SCOTT FARLOW: To the council's request, has there been any work done by the department to review that at all?

KIERSTEN FISHBURN: We certainly have had some discussions with the Reconstruction Authority about Penrith and council's aspirations. It particularly became apparent—we've had three HDA EOIs that we've refused on the grounds of the cap, so it clearly is an issue that we're alive to in government.

The Hon. SCOTT FARLOW: What other dwelling caps exist across Greater Sydney?

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MONICA GIBSON: There's probably a number that I am aware of and some that I'm not aware of, because some of them will be matters that are of State interest, where we will have a role in lifting those, and some might be matters where it's more between the council and an infrastructure provider. That could be Sydney Water. But I can tell you about the ones that I do know of. We had one in the Hills local government area for the showgrounds precinct.

The Hon. SCOTT FARLOW: This was one you revised a year ago or so.

MONICA GIBSON: It was one that we revised after advice from Education and Transport about the infrastructure that was being delivered or planned to be delivered in that area. We are also in active discussions with Wollondilly council about the staged release of land in the greater Macarthur area, particularly around Appin and areas there, and that relates to water and transport infrastructure.

The Hon. SCOTT FARLOW: If you could take any other dwelling caps on notice, that would be appreciated as well.

MONICA GIBSON: Yes, I'll give you some more examples.

KIERSTEN FISHBURN: We may not have capacity to access records of them all, if it's a council cap that's been put on.

The Hon. SCOTT FARLOW: I understand.

MONICA GIBSON: Sydney Science Park would be another one, which we've also answered some questions on earlier today.

The Hon. SCOTT FARLOW: While we remain out in Penrith—I always like to do these things geographically rather than in the order in my questions, which infuriates my staff—now that we've got settled airport maps, where is the rezoning at Luddenham at?

MONICA GIBSON: The airport maps are becoming more settled, but they are not completely settled yet, which continues—on behalf of the landowners in Luddenham—our disappointment with how this is progressing. There has been a little bit of change recently. I'm just getting my notes so that I can tell you the specifics of that change, which are hiding somewhere here for me in the lots of notes past all of these ones at Rhodes. Let me get past all of my Rhodes ones.

The Hon. SCOTT FARLOW: Don't worry. I'm still trying to find my questions in my folder on Luddenham as well, so we can look together.

MONICA GIBSON: The aircraft noise issue also relates to the exhibition of the master plan that the Western Sydney International Airport has prepared and that is currently on exhibition. That finishes next week. The Government is preparing a response to that master plan, and that will mean that there are still some matters of aircraft noise affecting the Luddenham community that we are unclear about and we're trying to get some clarity on through this master plan and make representations. Minister Scully has recently asked me and my team to establish a working group with the Australian Government to work through these airport matters. As part of the noise contours that are in the master plan, we would like to meet with the Commonwealth to go through the implications and to understand them more clearly.

We also want to understand the time frame, certainly on runway 2, because the master plan has only considered runway 1, and the residential restrictions that come with those noise contours, particularly around secondary dwellings and the residential restrictions that come with the secondary dwellings, are the matters that we also want to deal with as well as the continuing uncertainty for Luddenham and what might be future plans for the Luddenham village. The initial discussions with the Commonwealth were held in July, and that included representations from the airport as well as the longest acronym I've seen for an agency, which is DITRDCA, which—

The Hon. SCOTT FARLOW: It used to be DTIRIS; I remember that.

MONICA GIBSON: It's now something else.

KIERSTEN FISHBURN: They've added sports in there.

The Hon. SCOTT FARLOW: Lucky them.

MONICA GIBSON: That working group will be tasked with confirming the ongoing role of the noise contour in the New South Wales planning guideline and the impact of new information that's been released. We'll use that to inform our Luddenham village planning.

CORRECTED

The Hon. SCOTT FARLOW: Similarly, if I can turn to the precinct's Western Parkland City SEPP and the concerns around secondary dwellings, their prohibition and what has been put to me—I think we've discussed this before, even pools and the like that can't be constructed—is that also awaiting the finalisation of these noise contour maps, or is that a separate issue?

MONICA GIBSON: It has been. That is also part of the work for that working group: to have a look at those secondary dwellings beyond just the Luddenham area and in the area that goes down as far as the Wollondilly local government area and to look at what's happening there. We know that there is a private member's bill that looks to change that for Wollondilly.

The Hon. SCOTT FARLOW: With respect to—Mr Wendler, seeing you've been kept here to the end—the essential worker housing program, does that fall exclusively under your remit at Landcom?

ALEX WENDLER: Landcom has received an equity injection from the Government for \$450 million to build essential worker housing, BTR, and we have committed to 400 apartments. We have already announced 220 on the site at The Joinery in Annandale.

The Hon. SCOTT FARLOW: Are there any other sites that you've identified as part of the essential worker housing program to date?

ALEX WENDLER: Yes, we have a second site that has board approval, but we are not at a stage to be able to announce that site.

The Hon. SCOTT FARLOW: I take it that the Northern Rivers and South Coast build-to-rent projects aren't part of that envelope.

ALEX WENDLER: They are part of another program. We started with them. They were our regional pilots. The one in Bomaderry is under construction, as the Minister said this morning, and the one in Lismore will start construction in the next few weeks, during September. These are well ahead. We have contractors and we're starting construction, or we have started construction. The essential worker program—the metropolitan program—is a year behind. Therefore, we have identified the sites, and for one, The Joinery, we have already submitted the SSD application and the planning proposal. One follows the other program, but they are funded separately. One was funded with \$60 million. That was increased to \$65 million, and the second one with the \$450 million.

The Hon. SCOTT FARLOW: With respect, I think the Minister outlined before that the Cherrybrook proposal would be finalised next month.

ALEX WENDLER: Yes.

The Hon. SCOTT FARLOW: I understand Landcom had a transaction on one of your sites recently. Is that correct?

KIERSTEN FISHBURN: Can we just clarify that?

The Hon. SCOTT FARLOW: Okay.

KIERSTEN FISHBURN: It will be on exhibition next month. That's what the Minister said.

The Hon. SCOTT FARLOW: Apologies. Did Landcom recently undergo a transaction on one of your sites in that precinct?

ALEX WENDLER: Landcom is the development manager for Sydney Metro, and Sydney Metro is the landowner. We have that site on the market at the moment, as with many others. We have land for 2,000 homes on the market currently to offer that to private developers, and that is one of the sites where that process hasn't finished yet because we are waiting for the exhibitions of them.

The Hon. SCOTT FARLOW: Landcom is waiting for the exhibition before finalising that transaction.

ALEX WENDLER: That is correct, but it is quite progressed.

KIERSTEN FISHBURN: Mr Farlow, would you like to get those dwelling cap numbers? Chair?

The CHAIR: Yes, go for it.

MONICA GIBSON: There are quite a few places with dwelling caps. We've mentioned the Rhodes precinct today a couple of times. In Canada Bay there's a cap of 3,000. In Wollondilly, the Appin part precinct has a cap of 12,900 homes. Again in Wollondilly, the South East Wilton area has a cap of 3,600. There's a cap in the Leppington precinct in Camden, and it's specified on their local planning maps about what that maximum is. In Oran Park, again in Camden, that precinct is capped to 7,540 dwellings; in the Turner Road precinct, 4,020 dwellings. I've mentioned the Sydney Science Park, with its 3,400-dwelling cap, but Penrith also has caps

CORRECTED

on the Panthers site, at 850 dwellings. The adaptive management framework caps the Penrith CBD at stage one to 4,050 dwellings.

Northern Beaches Council has a different approach in the Warriewood Valley release area, where it caps it at one dwelling per 20 hectares of the site. Tamworth council has an urban release area that caps the dwelling yield there, and that's locally identified because of infrastructure. Wingecarribee council has a cap related to the Exeter quarry, where no more than 25 rural residential lots are allowed in that area, and that's to manage for environmental protections. They're the ones that we have been able to identify and that we would classify as caps.

The Hon. SCOTT FARLOW: Thank you. I very much appreciate the cap tour of New South Wales.

MONICA GIBSON: I'm very happy to give you a cap tour today.

The Hon. SCOTT FARLOW: Mr Wendler, I think you said earlier that you had the second right of refusal through the land audit process.

ALEX WENDLER: That's correct.

The CHAIR: I just want to refer back. I really am just hitting the newspapers at the moment, it seems to me. I never normally do this; it's not normally my primary source at all. I think this came up in Minister Kamper's estimates. There was an article by Anne Davies in *The Guardian* that was talking about the land audit and said Homes NSW had taken just three of the 55 sites and expressed interest in a further seven. Those 55 lots, assuming you may know which they are, are they all lands—aside from the Homes NSW ones—that you then got to assess and make a determination about?

ALEX WENDLER: How it works is that Homes NSW has the first right. They look at it, and they have to decide if they're interested or not. If they say no, it comes to us and then we do our due diligence. If we're interested, then there will be evaluation. I just would like to highlight—we talk about numbers of sites. Obviously, there are different sizes of sites. When I say we have acquired two, we have board approval for a third one, and we're going to the board for a fourth one, if you add the number of homes on all of them together, it's over 2,000 homes. While we are talking about only a small number of sites, they're big sites. That is quite important to note. We are, as well, undertaking due diligence. We have the right, so we're undertaking due diligence on sites that, again, have potential for more than 2,000 dwellings. It is significant what we're getting through the land audit. I know that the article was quite negative, but I think it is really a game changer for us.

The CHAIR: I wasn't necessarily making judgement about whether it was negative or positive. It was more just a bunch of numbers and, as you said, there is clearly more to it. In terms of the land that the audit may have presented Landcom with—and that you have said, "No, they're not suitable"—is there a kind of way of categorising in relatively simple terms why they're not suitable? Is it about the lack of ability to do big housing projects?

ALEX WENDLER: There are a number of reasons why we say no. On one hand, many are of too small a scale. Others are really not in the right location, so are not well located for us to do this big a housing development. The third category is if the valuation that Value NSW provides is something that is too much for what we can do with the site. Therefore it's not feasible, and then we have to pass on it as well.

The CHAIR: In terms of the view that they're not well located for Landcom purposes, what has been the main feature of not being well located?

ALEX WENDLER: A large number of the sites that we get through the land audit are small slivers of land all across the State. This is because it may be owned by Transport or by other agencies. They are theoretically suitable for housing. They may be used for housing, but they're only for a small number of dwellings. For us to really get involved, it needs to have a minimum size. Therefore, these are the sites that I mentioned that we're looking at.

The CHAIR: In the planning report—the really good planning inquiry that was undertaken by this Committee—

The Hon. SCOTT FARLOW: Give yourself a plug.

The CHAIR: Someone has to! It was incredibly good work. We travelled far and wide. One of the recommendations was recommendation 5. That was about the consideration of climate change within the planning system and the need to deliver development. The Government response was that it supported that recommendation in principle. The response provided an explanation of a lot of the things the system was already doing. It did say, in relation to ensuring that New South Wales is more resilient to a changing climate:

CORRECTED

The Plan includes actions to review the NSW land-use planning framework and ensure climate resilience is embedded in the decision-making process ... including reviewing the land-use planning requirements to better embed climate change risk and adaptation considerations in relation to urban heat, flooding, bush fire, and coastal hazards.

I'm curious if you are able to say—are you at a point of satisfaction where the plans and the settings are correct now, or are you still engaging in review around that?

KIERSTEN FISHBURN: We are still engaging in review on a number of factors in relation to land-use planning and strategic planning. I can't reveal any more in this particular meeting, but please be satisfied that we are conscious of this. We are conscious of the recommendations. It is a piece of work that is underway within the department.

The CHAIR: It sounds exciting.

KIERSTEN FISHBURN: I think it is, actually.

The CHAIR: Great. I'm not trying to delve, but is there some time frames around that work? Obviously it is ongoing; I get that. But is there some kind of time frame setting around the review work that is happening?

KIERSTEN FISHBURN: There are a number of programs of review and strategy setting that are occurring at the moment. They are likely to come out not all simultaneously but as staggered pieces of work. Some of the work that you've highlighted there is work, for instance, that we would do with the Reconstruction Authority, so we're beholden to their timelines in that instance. In terms of putting the right settings into land-use planning, that is something that Ms Gibson's team is actively looking at at the moment.

The CHAIR: In relation to that inquiry, recommendation 13 was a recommendation that was supported. That was about implementing statutory planning controls to mitigate urban heat and so on. I got some answers back recently to some questions about BASIX standards that included energy savings of \$381 per year for apartments. Is there work continuing in relation to those BASIX standards achieving the seven stars or higher? Is that something that—

KIERSTEN FISHBURN: We have a statutory review coming up quite soon, right, Mr Gainsford? I'll leave that to you.

DAVID GAINSFORD: Ms Fishburn is correct. There is a review of the BASIX standards and the Sustainable Buildings SEPP that will be coming up in the next 12 months or so. We'll be looking at those. Some of those seven-star standards are already in-built into the BASIX tool at the moment.

The CHAIR: Only 57 per cent of the developments that don't have to meet thermal standards are meeting that seven-star standard. Will the review capture trying to increase and improve? Is that part of the intention?

DAVID GAINSFORD: That will certainly be part of what we're looking at, Chair. As I think you're aware from previous discussions around BASIX, one of the tenets obviously is to look at the National Construction Code and other changes that—

The CHAIR: There will be no changes, apparently.

DAVID GAINSFORD: Yes, that's true. I realised that as I was saying it.

KIERSTEN FISHBURN: We haven't updated our notes since Friday, Chair.

DAVID GAINSFORD: We'll also be looking at current best practice standards. One of the things that we do do, as you're also aware, is to do a cost-benefit analysis associated with those standards. This will be part of the update work we do.

The CHAIR: Do you have any idea about what the direction will be given the national building standards are going to be placed on hold? Apparently we're not throwing the baby out with the bathwater—which the Coalition was going to do, I heard this morning. Those standards will be on hold. What will that actually mean in terms of—

KIERSTEN FISHBURN: I think we need a little bit of time to understand the implications of that following the decision around the construction code, because obviously any change to the BASIX standards needs to have a further implication into the construction code. It hasn't thrown our work out. We're still required to undertake that work, but we'll need to have a discussion about how we shape it.

The CHAIR: I accept you've got to have time. It would not be a desirable outcome of any review to not be able to progress good BASIX standards if a cost-benefit analysis said it's important to achieve those higher standards.

CORRECTED

KIERSTEN FISHBURN: I think that is the position of the department.

DAVID GAINSFORD: I think, Chair, that we've demonstrated in the past with regard to updates to the BASIX standards that there is clear evidence that in the majority of cases the costs are outweighed by the benefits. That's been a key feature of the work that we've been doing.

The CHAIR: Can I just ask about the department's assessment report and recommendations around the Redbank Power Station?

I'm just curious about why the assessment was limited to not making any views around the fuel source and the input source to that project. I read some serious concerns about the fact that it's reliant on the inputs of invasive native species and that that was coming through in relation to what's permissible under the self-assessable codes, but those codes are about to be reviewed and there may be changes to settings. Is there any nexus or opportunity for the assessment to include that likely change, and is that not relevant?

DAVID GAINSFORD: As you would be aware, the IPC is currently considering this development—the recommendation from the department that you refer to. The advice I've been given is that we did have some independent experts that assisted us with that assessment. Part of what they were doing was looking at potential changes to the way that those definitions of invasive native species might be considered in the future. The advice that was given to us and that we assessed—and we also had advice from the EPA—was that those things would not prevent the project proceeding and proceeding with the basis of the types of fuel sources that they were proposing to progress with. There was effectively sufficient fuel to continue to progress that application, even if there were changes to the definition.

The CHAIR: Was there any consideration with that proposal about if fuel sources dry up? It seemed to be one of those proposals, a bit like the waste to energy proposals. You've got a thing that generates energy as an output, and it just needs a constant fuel to source it. Was that something that was considered, or is that considered a commercial decision for the operator?

DAVID GAINSFORD: It is partly a commercial decision. As you would probably be aware, there's a long history to this application. In some of its original forms we had some considerable concerns about it, around the fuel sources that were being proposed. As I say, we did seek advice from the EPA and from some independent experts around those potential fuel sources. As you're aware, the proposal is to transition from those invasive native species to a biomass—a purposely grown fuel. Again, there was evidence that was provided as part of the information from the applicant that there was the ability to classify that as a fuel source under the EPA's definitions of waste fuels and that there was sufficient land that was available to grow those crops as well.

The CHAIR: To your knowledge, is this the only proposal of this nature in New South Wales, or are there other—

DAVID GAINSFORD: To my knowledge, this is the only example that I'm aware of.

The CHAIR: Do you have any intel about whether, if this gets off the ground, this might be something that would likely present anywhere else in the landscape?

DAVID GAINSFORD: Not to my knowledge. As far as I'm aware, we haven't received any other expressions of interest or suggestions of other projects.

The CHAIR: In terms of the EPA, I haven't had a close look at it, but did the EPA have any concern about it as a novel pollution source?

DAVID GAINSFORD: Obviously, if the IPC grants approval for it, it will need an environment protection licence. Any emissions that are associated with the project will be regulated through that process. The advice that we were seeking from the EPA and that the EPA provided as part of the assessment was really with regard to the types of fuel sources and the acceptability of those fuel sources. That was something that the EPA provided advice on as part of our assessment.

The CHAIR: Finally, on Redbank, is the project so significantly different to the one that was refused by council and then refused by the Land and Environment Court?

DAVID GAINSFORD: I don't have precise details with me about those exact different proposals that you're referring to. My understanding is that there were some changes made to the fuel sources that have been put forward, and it was particularly with regard to the use of the invasive native species and then moving on to a biomass fuel source. I think some of the original proposals were about making use of woodchips and waste materials.

The CHAIR: Logging residues.

CORRECTED

DAVID GAINSFORD: That's correct.

The CHAIR: So they're excluded from this particular project?

DAVID GAINSFORD: Our recommendation is very specific on the fuel sources that have been put forward as part of this application.

The CHAIR: The IPC is the decision-maker and will make a decision at some point?

DAVID GAINSFORD: That's correct. They've just recently held their public meeting, as you might be aware.

The CHAIR: It's over to you. We're nearly finished.

The Hon. ANTHONY D'ADAM: There might be Government questions, though.

The CHAIR: Of course. I can feel the Government questions pouring in from the side here.

The Hon. ANTHONY D'ADAM: Actually, there are not. Thank you all for your attendance. It has been very much appreciated.

The CHAIR: Thank you very much to all the Government officers for your attendance today. As always, the Committee secretariat will be in contact regarding any questions taken on notice or any supplementary questions. As you know, we are very grateful to you for your time and, of course, to all the people behind who do all the things.

KIERSTEN FISHBURN: They do all the work. Let's get that on the record.

The CHAIR: Planning is one of those details-heavy portfolios. We know that and appreciate everything you do. Thank you.

(The witnesses withdrew.)

The Committee proceeded to deliberate.