

#	Member	Question	Answer
1	<p><b>The Hon. ADAM SEARLE</b></p> <p><b>P2-3 of transcript</b></p>	<p><b>The Hon. ADAM SEARLE:</b> Okay. I have got with me a few documents from the Greater Sydney Commission, which seem to confirm that preliminary findings of the assurance review confirmed the commission's advice of May 2018 to pause new residential planning proposals and the further commencement of the Low Rise Medium Density Housing Code. Again, the considerations were limited coordination between local and State government, a lack of coordination of planning controls and a lack of infrastructure provision by the State Government. That theme seems to be quite up-front and centre, even in the final report of the Greater Sydney Commission of May 2019.</p> <p>The key issues seem to be the misalignment between the scale of development and the coordination provision of the necessary infrastructure. The four key recommendations were to maintain the existing pause on new residential planning proposals, maintain the delayed commencement of the Low Rise Medium Density Housing Code and pause the finalisation of any existing residential planning proposals in the Ryde LGA. That last one was for a period of 12 months or until the infrastructure lag had been completed. My understanding is that pause has now been lifted on the Ryde LGA. When, Minister, did the Government decide to lift that pause and what exactly has been lifted?</p> <p><b>Mr ROB STOKES:</b> The pause, as I understand the recommendations, was for a period of 12 months until the expiration of 12 months. Given that those conditions have been met, the pause was lifted in accordance with the advice received from the GSC.</p> <p><b>The Hon. ADAM SEARLE:</b> When was that decision taken?</p> <p><b>Mr ROB STOKES:</b> It was taken at the expiration of 12 months, in accordance with the advice of the GSC.</p> <p><b>The Hon. ADAM SEARLE:</b> Maybe I am not counting it right. I am looking at a document dated 31 May 2019 and 12 months has not quite elapsed. Was it from an earlier date, Ms Hill?</p> <p><b>Ms HILL:</b> That is a matter I think is best answered by Deputy Secretary Brett Whitworth.</p> <p><b>Mr WHITWORTH:</b> The pause is dated from 28 February 2019. The assurance recommendations from the Greater Sydney Commission came in two stages. The first stage was provided and made publicly available on 28 February 2019, so that is the date on which we have taken the 12-month pause as being from.</p> <p><b>The Hon. ADAM SEARLE:</b> Okay. Did you inform Ryde LGA that the pause was going to be lifted from 28 February?</p> <p><b>Mr ROB STOKES:</b> Again, my understanding is that that is the case. I am happy to get details on notice.</p> <p><b>The Hon. ADAM SEARLE:</b> Please.</p>	<p>I am advised:</p> <p>The Minister for Planning and Public Spaces wrote to the Mayor of Ryde notifying Council of the conclusion of the pause on the assessment of lodged planning proposals.</p>

<p>2</p>	<p>The Hon. MARK PEARSON</p> <p>P8-9</p>	<p><b>The Hon. MARK PEARSON:</b> The koalas that are in the areas that we are referring to in southern Sydney that the Campbelltown Council and the community generally are wanting to protect. We met with them late last year and it was of serious concern then. As you say that your department and yourself are reactive and proactive surely the catastrophic events, even if they have not touched this particular area, must be in the equation of consideration for this planning development now, is it not?</p> <p><b>Mr ROB STOKES:</b> Yes, and I accept the premise of your question. Obviously that colony in south- western Sydney has always been important, but it becomes even more important in the light of the devastation elsewhere in the State. Certainly, the proactive planning, as I mentioned, involved the Greater Macarthur 2040 plan. Also, the ongoing work to develop the Cumberland Plain Conservation Plan that I understand will be exhibited later this year.</p> <p><b>The Hon. PENNY SHARPE:</b> Yes. It is still not finalised.</p> <p><b>Mr ROB STOKES:</b> The beauty here in relation to that is the question related to how we are taking into account the impact of recent bushfires. The fact that that plan is being finalised enables that to take place.</p> <p><b>The Hon. MARK PEARSON:</b> Can you elucidate as to how? How is the department taking that into account? How are you taking into account the recent catastrophic fires when we are looking at this development? Have you changed aspects of the development to better protect the koalas as a consequence?</p> <p><b>Mr ROB STOKES:</b> Just for the purposes of specificity, which development are you referring to?</p> <p><b>The Hon. MARK PEARSON:</b> The development of south Sydney.</p> <p><b>The CHAIR:</b> Gilead.</p> <p><b>The Hon. PENNY SHARPE:</b> Gilead was not a good marketing exercise.</p> <p><b>Mr ROB STOKES:</b> In relation to Figtree Hill certainly specifically the environment Minister and myself have commissioned the chief scientist to review the biodiversity protections in place in that area in anticipation that there may well be a planning proposal submitted for the project known as Gilead stage two. That has not been submitted. So at this stage there is time to undertake that work. I understand the deadline for that research to be done is 30 April, if my memory serves me correctly. I refer you to the deputy secretary for more information on that point.</p> <p><b>The Hon. MARK PEARSON:</b> Maybe you could take that on notice. Coming back to something else you said. You seem to be quite comfortable and take refuge in the notion that the bush comes back quickly after a fire. Do you know how long a tree takes to grow to become a habitat that a koala can rely upon?</p> <p><b>Mr ROB STOKES:</b> Apologies if my comments were open to misinterpretation. I am not suggesting all of the bushland will recover but certainly recovery can start straight away. Certainly elements of the areas that have been burnt will take many, many decades to fully recover.</p>	<p><b>Deadline for review of biodiversity protections</b></p> <p>I am advised:</p> <p>The Chief Scientist's review of biodiversity protections in place for Figtree Hill is due to conclude on 30 April 2020.</p> <p><b>Do you know how long a tree takes to grow to become a habitat that a koala can rely upon?</b></p> <p>I am advised:</p> <p>Time taken for koala habitat to recover depends on fire severity.</p> <p>The amount of time that it takes for trees to regenerate and be used by koalas can be as soon as 3-6 months but it also depends on the following factors:</p> <ul style="list-style-type: none"> <li>○ how severe the fire was;</li> <li>○ how badly burnt the trees were;</li> <li>○ whether there is rainfall after the fire to promote regeneration; and</li> <li>○ the proximity of koalas to recolonise the area.</li> </ul> <p>For example, following the January 1994 fire in remnant coastal forest in Port Stephens, regeneration of the forest began immediately following the fires and within three months koalas were seen among the epicormic growth. This regeneration was likely aided by the rainfall that occurred after the fires and by the variation in fire intensity across the site.</p> <p>However, it can take many years for some plant communities to fully recover from a fire. Plants most vulnerable are those that can only regenerate from seed. These plants are usually killed by fire and regenerate from seeds stored on the plant or in the soil.</p>
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		well as to recognise that development within that area was limited by flooding. But in the case of Thompsons Creek, a decision was taken to expand that area beyond the one in 100 chance per year flood to identify the opportunities for both bushland and recreational activity in and around the aerotropolis core.	
4	<b>The Hon. PENNY SHARPE</b>  P12	<p><b>The Hon. PENNY SHARPE:</b> Minister, in terms of biodiversity offsetting through the process for Western Sydney Airport and the area, can you guarantee that areas that are not currently protected will double up and be included as offsets? It will be new offsets rather than if an area is already identified and has been used as an offset that it will not then be able to be used twice?</p> <p><b>Mr ROB STOKES:</b> I will answer that specifically on notice because I would need to get some advice in relation to that. But certainly the Western Sydney Airport precinct is 11,000 hectares, it is a vast area. A lot of it is, frankly, quite degraded peri-urban land and there are some real opportunities for rehabilitation and re-greening. So I am actually quite excited about the opportunities not just to preserve what is left—</p> <p><b>The Hon. PENNY SHARPE:</b> If you can also provide us with the number of hectares you think are going to be re-greened, I would be very interested in that too.</p> <p><b>Mr ROB STOKES:</b> That is certainly something that we are actively looking at how we can best achieve and that will be settled through the planning process, which obviously, as the deputy secretary has already indicated, will become more granular over time.</p>	<p>I am advised:</p> <p>The Cumberland Plain Conservation Plan (the Plan) will not "double count" existing biodiversity offsets. Under the Plan, biodiversity stewardship sites and new public reserves will provide in perpetuity protection for new lands.</p> <p>Existing offset sites, that is, sites that have been protected to offset the impacts from current development, will not count towards offsetting the biodiversity impacts from new development in Western Sydney.</p> <p>The Plan will offset the impacts on Western Sydney's threatened plants and animals from development in the Aerotropolis.</p> <p>Biodiversity offsets are being developed in accordance with the Biodiversity Assessment Method set under NSW Biodiversity Conservation Act.</p>
5	<b>The Hon. PENNY SHARPE</b>  P15	<p><b>The Hon. PENNY SHARPE:</b> They are existing leases; that is nothing new. Are you able to tell us how much money has been invested in Callan Park in the last financial year? You can take it on notice. That is fine.</p> <p><b>Ms O'MARA:</b> I am happy to take that on notice and come back to you.</p>	<p><b>How much money has been invested in Callan Park in the last financial year?</b></p> <p>I am advised:</p> <p>In the 2019/20 Financial Year, the Department of Planning, Industry and Environment (the Department) has a budget of \$2.5 million for the precincts in Callan Park managed by the Department. Operational expenditure is allocated to onsite operations, including essential grounds maintenance, public safety upgrades, contracted security services and future planning.</p> <p>NSW Health, as site owner, has funding to manage several precincts in Callan Park. I encourage you to seek an answer from the Minister for Health and Medical Research.</p>
6	<b>Mr DAVID SHOEBRIDGE</b>  P16	<p><b>Mr DAVID SHOEBRIDGE:</b> Minister, are you aware of the community campaign to prevent the land clearing for development that has come from the community of Manyana on the South Coast?</p> <p><b>Mr ROB STOKES:</b> I am not aware specifically of that movement but I am certainly aware of urban development pressures around Manyana, Bendalong, Cunjurong Point and that community, yes.</p> <p><b>Mr DAVID SHOEBRIDGE:</b> Are you aware that after the terrible fires over the summer that ripped through the national park the fire was only stopped right at the edge of Manyana and Cunjurong Point?</p> <p><b>Mr ROB STOKES:</b> I am very well aware.</p> <p><b>Mr DAVID SHOEBRIDGE:</b> Are you aware that the only intact woodland for kilometres around after the fires that the community very much loves and respects—the only intact bushland—is now slated for clearing for a subdivision? Are you aware of those basic facts?</p>	<p>I am aware of the subdivisions raised by Mr Shoebridge.</p> <p>I am advised:</p> <p>Two residential subdivisions at Manyana were originally approved in 2008 by the then Minister for Planning the Hon. Frank Sartor MP and in 2010 by the then Minister for Planning, the Hon. Tony Kelly MP, being Cunjurong Point Road and Manyana Drive respectively. Further information regarding these projects is available on the NSW Government's website, the planning portal at: <a href="https://www.planningportal.nsw.gov.au/major-projects">https://www.planningportal.nsw.gov.au/major-projects</a></p>

		<p><b>Mr ROB STOKES:</b> In relation to specifics, I certainly am familiar with the area. I am happy to take on notice any specific questions or you can ask me now.</p>																																											
7	<p><b>Mr DAVID SHOEBRIDGE</b></p> <p><b>P18</b></p>	<p><b>Mr DAVID SHOEBRIDGE:</b> I am not against the commitment, just to be clear. Does your department have a database of large-scale subdivision development approvals across the State? Do you have a sense of where they are, how many have been activated, how many are sitting on the books waiting to go?</p> <p><b>Mr ROB STOKES:</b> There certainly are registers of approvals, but I will refer you to Mr Ray in relation to the specifics.</p> <p><b>Mr RAY:</b> Mr Shoebridge, obviously the department has a database of its own approvals. The ePlanning initiatives over the last few years have enabled and will enable a database of all council approvals to be gathered over time. My feeling—I might have to come back to you. I will seek some information in the meantime, and I will have to come back to you a bit later on today to actually determine whether we—I do not think we have a comprehensive database of subdivisions across the State. We probably do not have the information completely about which ones have been acted on or which ones have been partly acted on, or which ones have not been acted on. If I can get that information during the day I will come back to you on that.</p> <p><b>Mr DAVID SHOEBRIDGE:</b> Thank you, Mr Ray. Minister, one</p>	<p><b>What information does the Department collect on subdivisions across the State?</b></p> <p>I am advised:</p> <p>The following information is collected through an annual survey of councils across NSW. This provides a high level summary of the approvals issued by councils and private certifiers. It does not include State Significant approvals.</p> <table border="1"> <thead> <tr> <th rowspan="2">Financial year</th> <th colspan="3">Development Applications involving subdivision</th> <th colspan="3">Modification Applications involving subdivision</th> <th rowspan="2">Complying Development Certificates – issued for subdivision</th> <th rowspan="2">Subdivision Certificates issued</th> </tr> <tr> <th>Approved</th> <th>Refused</th> <th>Total DAs</th> <th>Approved</th> <th>Refused</th> <th>Total Modification Applications</th> </tr> </thead> <tbody> <tr> <td>Financial year 2017-18</td> <td>2867</td> <td>112</td> <td>2979</td> <td>947</td> <td>7</td> <td>961</td> <td>556</td> <td>5134</td> </tr> <tr> <td>Financial year 2016-17</td> <td>2734</td> <td>109</td> <td>2843</td> <td>975</td> <td>20</td> <td>995</td> <td>432</td> <td>5542</td> </tr> <tr> <td>Financial year 2015-16</td> <td>2770</td> <td>18</td> <td>2850</td> <td>861</td> <td>12</td> <td>873</td> <td>319</td> <td>4608</td> </tr> </tbody> </table> <p><b>Does the Department keep a comprehensive list of subdivisions across the state?</b></p> <p>I am advised:</p> <p>The NSW Land Registry Services (part of the Department of Customer Service) is responsible for maintaining the subdivision data for the state.</p> <p><b>Does the Department know which subdivisions have and have not been acted upon?</b></p> <p>I am advised:</p> <p>Subdivision Certificates are issued upon completion of subdivision works. The number of subdivision certificates issued by councils and private certifiers is outlined above, note that it does not include State Significant approvals.</p>	Financial year	Development Applications involving subdivision			Modification Applications involving subdivision			Complying Development Certificates – issued for subdivision	Subdivision Certificates issued	Approved	Refused	Total DAs	Approved	Refused	Total Modification Applications	Financial year 2017-18	2867	112	2979	947	7	961	556	5134	Financial year 2016-17	2734	109	2843	975	20	995	432	5542	Financial year 2015-16	2770	18	2850	861	12	873	319	4608
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8	<p><b>Mr DAVID SHOEBRIDGE</b></p> <p><b>P19-20</b></p>	<p><b>Mr DAVID SHOEBRIDGE:</b> Minister, what is the current progress of the implementation of the medium density housing code? Is it applicable in Ryde?</p> <p><b>Mr ROB STOKES:</b> A couple of things: Firstly, the medium density housing code is now in force across most of New South Wales and most local government areas. There are around I think 40 councils—</p> <p><b>Mr RAY:</b> It is 45.</p> <p><b>Mr ROB STOKES:</b> There are 45 councils where it has been deferred at the request of those councils. Those deferrals will conclude on 1 July. Those deferrals were sought by</p>	<p>I am advised:</p> <p>Twenty-one councils have lodged planning proposals with the Department.</p> <p><b>Councils with finalised planning proposals:</b></p> <ul style="list-style-type: none"> <li>• Camden Council</li> <li>• Campbelltown City Council</li> <li>• Central Coast Council</li> <li>• Georges River Council</li> <li>• Sutherland Shire Council</li> <li>• Randwick City Council</li> </ul>																																										

councils that wished to receive a deferral to enable them to prepare a planning proposal where they felt that the operation of the code in the context of their R2 zone and the permissible uses in their R2 zone would have unintended consequences. I have certainly listened to those concerns and provided now a couple of deferrals to give councils time to bring forward planning proposals. With those councils that have done what they have asked for the opportunity to do, we in good faith are progressing those proposals. I understand six of those have been finalised.

My frustration is some of the councils that said, "We want a deferral so we can plan a planning proposal" have not prepared a planning proposal. In relation to those councils, ultimately something cannot be deferred indefinitely. For those councils that thought they had a better way to achieve the objective of a greater diversity of housing supply, we are certainly progressing on those proposals.

**Mr DAVID SHOEBRIDGE:** Which are the six councils that have a planning proposal—I was not quite sure what stage you said that planning proposal was at? Which are the—

**Mr ROB STOKES:** My understanding is it is finalised.

**Mr DAVID SHOEBRIDGE:** —six councils and where are those planning proposals up to?

**Mr RAY:** Mr Shoebridge, those six councils have had planning proposals that are made. They have made local environmental plans [LEPs] so they are absolutely completed.

**Mr DAVID SHOEBRIDGE:** Which are they?

**Mr RAY:** I can tell you they are Camden, Campbelltown, the Central Coast, Georges River, Randwick and Sutherland. Actually, there is another one, which was Lane Cove—which was the first. So there are actually seven.

**Mr DAVID SHOEBRIDGE:** And those councils will be excluded from the medium density housing code by reason of that?

**Mr RAY:** Each planning proposal is being crafted by each council individually to address their particular concerns. Some of the planning proposals relate to the permissibility of certain of the development types in the medium density code in the R2 zone. Others relate to questions about larger minimum lot sizes for those development types. They will not be totally excluded from the code but they have been given the opportunity to make amendments to their underlying planning controls to ameliorate the perceived impacts of the code.

**Mr DAVID SHOEBRIDGE:** Can you give us the status of the other 39 councils on notice?

**Mr RAY:** Could I just say that only 21 councils in total have actually lodged a planning proposal.

**Mr DAVID SHOEBRIDGE:** Can you give us that list?

**Mr RAY:** Yes, I can give you that.

**The Hon. ADAM SEARLE:** Mr Ray, of the 45, are the seven part of the 45 or is the 45 plus—

**Mr RAY:** Yes. No, the seven are part of the 45.

- Lane Cove

**Councils with planning proposals lodged with the Department:**

- Burwood
- Byron Shire
- City of Canada Bay
- Cumberland City
- Kiama Municipal
- Northern Beaches
- Penrith City
- Shoalhaven City
- The Hills Shire
- Tweed Shire
- Wingecarribee Shire
- Wollondilly Shire
- Woollahra Municipal
- Yass Valley

*\*Sutherland Shire Council has lodged a second planning proposal*

*\*\*City of Parramatta has lodged a planning proposal to harmonise its LEPs which includes harmonising minimum lot sizes for dual occupancies.*

**Twenty-four councils are yet to submit a planning proposal:**

- Bathurst Regional
- Bayside
- Bellingen Shire
- Blue Mountains City
- Coffs Harbour City
- Hawkesbury City
- Hilltops
- Hornsby Shire
- Hunters Hill
- Inner West
- Liverpool City
- Mid-Coast
- Mid-Western Regional
- Moree Plains Shire
- Mosman Municipal
- City of Ryde
- Shellharbour City
- Snowy Monaro Regional
- Strathfield
- City of Sydney
- Tamworth Regional
- Upper Lachlan Shire
- Willoughby City
- Wollongong City

		<p><b>The Hon. ADAM SEARLE: Okay.</b> That takes it down to 38. How many of those 38 have got planning proposals in the works?</p> <p><b>Mr RAY:</b> There are another 14 planning proposals in the works where a gateway determination has been issued by the department. That is 21 overall. Doing the arithmetic, there are another 24 councils that have not brought forward a planning proposal even though they have now been given—we are 21 months into the deferral. I might just also say that within the first 12 months there were a number of councils—Lane Cove actually brought forward a planning proposal but there were three other councils that actually decided to adopt the code without making any changes. They had the deferral for 12 months, but at the end of that 12 months they indicated to the department that they did not require any further deferral and so they were included in the code on 1 July 2019.</p> <p><b>The Hon. ADAM SEARLE:</b> I am happy to receive on notice the list—I think you said it was 21 from which you had not received planning proposals?</p> <p><b>Mr RAY:</b> It was 24.</p>	
9	<p><b>The Hon. ADAM SEARLE</b></p> <p><b>P21</b></p>	<p><b>The Hon. ADAM SEARLE:</b> Where are you up to in terms of your communication with those 24 councils? I am mindful that a lot of councils are pretty flat strapped with their planning staff. Attracting and retaining qualified planning staff is difficult. A lot of councils' planning departments are under real pressure. Responding to the medium density housing code would be an additional pressure. They may not have been sufficiently resourced to be able to do this as well as redoing their LEPs, for example. Are you still proposing to continue with the implementation of the medium density housing code for those 24 councils from 1 July? Are you proposing to change the medium density code in any way?</p> <p><b>Mr ROB STOKES:</b> A couple of things: Firstly, the code was substantially consulted on over a long period of time. It was then introduced and then there were requests for deferrals that were acceded to. There were requests for further deferrals that also were acceded to, remembering that many of these councils have also been the beneficiary of a \$2.5 million grant to enable them to undertake the work to complete their local strategic planning statements and their LEP within an agreed time frame. We identified the resourcing constraints that some of these councils are under and provided them the resources to do it. We concede that there is a great amount of planning work that we are asking councils to do right now. But the reason is we are transitioning from what was a much more reactive planning system to a much more strategic planning system.</p> <p>Ultimately, while I accept that councils are really under the pump at the moment to produce new comprehensive LEPs based on the best available data through their local strategic planning statements, on the other side of that effort there will be a much more regular review of LEPs, which means that the planning effort will be lower because it will not be this dramatic effort once every couple of decades. Instead there will be iterative change every five years.</p> <p><b>The Hon. ADAM SEARLE:</b> And, again, will you proceed with the full implementation of the medium density code from 1 July unchanged?</p> <p><b>Mr ROB STOKES:</b> Yes, of course, with the caveat that we have provided many opportunities for councils to raise their concerns. We have also provided them and I have eyeballed several councillors to say, "Absolutely I hear that you have raised concerns. By all means put in a planning proposal and we will progress that planning proposal and work with you to get a reasonable outcome." Those opportunities have been provided on multiple occasions. There have been some councils that I am</p>	<p>I am advised:</p> <p>The following councils have written to the Department of Planning, Industry and Environment indicating a preference for an exclusion from or variation to the Low Rise Medium Density Housing Code but have not yet lodged a formal planning proposal to change their existing planning controls:</p> <ul style="list-style-type: none"> <li>• Blue Mountains</li> <li>• Hornsby</li> <li>• Mid-Western Regional</li> <li>• Mosman</li> <li>• Shellharbour</li> </ul>

		<p>concerned have said, "No, we want a deferral because we want to do a planning proposal." They have said that on numerous occasions and they still have not prepared a planning proposal. To those councils I have to say we have given you ample opportunity. But at the end of the day—</p> <p><b>The Hon. ADAM SEARLE:</b> Is that a big proportion of the 24 or is it a small proportion of the 24?</p> <p><b>Mr ROB STOKES:</b> I am not sure off the top of my head.</p> <p><b>The Hon. ADAM SEARLE:</b> I am happy for you to answer that on notice as well.</p> <p><b>Mr ROB STOKES:</b> Yes.</p>	
<p>10</p>	<p><b>The Hon. MARK PEARSON</b></p> <p>P26</p>	<p><b>The Hon. MARK PEARSON:</b> We have had evidence when we questioned the environment Minister and others about this very issue, when we actually looked at this bill very specifically, and it was conceded that the bill clearly limits the discretion and the capacity for a court to consider what might just happen to something we dig up out of the ground in another part of the world and how the treatment of that thing may contribute or otherwise to the atmosphere or to global warming.</p> <p><b>Mr ROB STOKES:</b> With respect, Mr Pearson, I do not accept that characterisation of the bill.</p> <p><b>The Hon. MARK PEARSON:</b> So what was the purpose of the bill?</p> <p><b>Mr ROB STOKES:</b> The bill was quite clearly directed toward the issue of development consents, where a court tribunal or the consent authority is minded to approve a development and then is considering conditions of consent to that approval. What matters are reasonable for those conditions of consent to relate to? It does in no way limit the capacity of a consent authority to approve or refuse a project based on concerns, as you mentioned, about the—</p> <p><b>The Hon. MARK PEARSON:</b> But it certainly limits the scope of consideration for that court and it specifically does that, does it not?</p> <p><b>Mr ROB STOKES:</b> No, it does not. No, there is nothing in the bill that limits the range of matters that a consent authority can have regard to in making a determination whether to approve or refuse an application.</p> <p><b>The Hon. MARK PEARSON:</b> So why do you think so many environment groups, individuals and the mining industry are opposed to it?</p> <p><b>Mr ROB STOKES:</b> You would have to ask them. The various issues that have been raised depend upon the perspective of the stakeholder. But certainly I think it is in the public interest to provide clarity about those sorts of matters for which conditions of development consent can be attached. There is a long history of authority in the High Court of Australia. For example the Temwood decision, Justice McHugh's decision there, relates to effectively the range of matters for which it is reasonable to make a condition of development consent. I need to emphasise here it is important for the Committee to recognise and realise that if a consent authority were minded to approve a matter, subject to them being satisfied that they could condition that development a particular way—if it is very clear to that body which conditions are reasonable, it is</p>	<p>I am advised:</p> <p>The Department of Planning, Industry and Environment has not received a project application for the Yarra Bay cruise terminal proposal and therefore has not issued Secretary's Environmental Assessment Requirements.</p>

		<p>always open to them to refuse an application if they do not think that they can satisfactorily condition its impacts.</p> <p><b>The Hon. MARK PEARSON:</b> Unfortunately the evidence does not support that view. Let us move on to another subject. Yarra Bay—the development proposal there for a cruise terminal. Where is that up to?</p> <p><b>Mr ROB STOKES:</b> I will refer you to the deputy secretary.</p> <p><b>Mr RAY:</b> I can only speak from the planning function within the department. As far as I am aware we have not received a proposal and I do not think we have even issued environmental assessment requirements, <b>but I would just have to check that.</b></p>	
11	<p><b>The Hon. PENNY SHARPE</b></p> <p><b>P29</b></p>	<p><b>The Hon. PENNY SHARPE:</b> We were talking about Camden—a very nice place. I want to know what the projects are for housing in Camden for the next five to 10 years. Are you able to provide that? I know that you will.</p> <p><b>Mr ROB STOKES:</b> I think that is probably best provided on notice, unless one of the deputy secretaries wants to.</p> <p><b>Ms HILL:</b> I can provide the housing targets for the next—the five-year housing targets. The Hon. PENNY SHARPE: Whatever way you measure it, that is great.</p> <p><b>Ms HILL:</b> Sure. But in terms of the actual realisation of that supply, there may be more detailed information that the department has.</p> <p><b>Mr WHITWORTH:</b> We can take that and come back to you this afternoon with an advice.</p> <p><b>The Hon. PENNY SHARPE:</b> Great.</p> <p><b>Mr WHITWORTH:</b> That will be pulling that information out of the population projections that we published.</p> <p><b>The Hon. PENNY SHARPE:</b> Thank you, I would appreciate that. I am trying to get a handle on it. I am aware that there are significant projections for housing growth in the Camden area over the next five to 10 years. I want to understand how, within that planning, the heritage protection of particularly the Camden township is being taken into account.</p> <p><b>Mr WHITWORTH:</b> The majority of the housing that is likely to occur in the Camden area—Camden is an area that is transforming from a peri-urban area into very much an urban area. We have very much seen the shift of the focus of both housing and commercial activity from the traditional Camden town centre to places like Narellan town centre and now to Oran Park. The growth centres planning that we have going on at the moment with development potential at places like Oran Park, the draft planning that was released for Lowes Creek Maryland—it sees very much all of that housing growth typically in those areas. I would have to come back to you on any specific measures in the Camden centre itself but I do know from memory that there are a number of heritage conservation areas in its local environmental plan.</p>	<p><b>What is the population projection for Camden for the next five years?</b></p> <p>I am advised:</p> <p>The 2019 Population Projections indicate that the population of Camden is estimated to increase by 227,500 people between 2016 and 2041, from 80,250 to 307,750.</p> <p><b>What are the housing targets for Camden for the next five years?</b></p> <p>I am advised:</p> <p>Development approvals are on track to deliver over 12,000 dwellings in the period 2016 to 2025 and that Local Housing Strategies prepared by local councils will use past completions to inform the 6-10 year (2021/22 to 2025/26) housing target.</p> <p>The current housing pipeline for 2019/20 to 2023/24 is approximately 10,900 dwellings.</p> <p>In the Greater Sydney Commission assurance letter to Camden Council, Council has been requested to show how it can meet an indicative draft range for 6-10 year housing targets for the period 2021/22 to 2025/26 of 10,000 – 12,500 dwellings as part of its Local Housing Strategy.</p> <p><b>How is heritage protection of the Camden township being taken into consideration?</b></p> <p>I am advised:</p> <p>The Camden town center is identified as a heritage conservation area under the <i>Camden Local Environmental Plan (LEP) 2010</i>. The LEP includes heritage conservation controls under clause 5.10 of the <i>Environmental Planning and Assessment Act 1979</i>. As part of the LSPPS work – Council has committed to undertaking a heritage review and visual analysis in contract as an accelerated council.</p>

<p>12</p>	<p>The Hon. ADAM SEARLE</p> <p>P30</p>	<p><b>The Hon. ADAM SEARLE:</b> Are you familiar with the sale of 4 Stewart Avenue, Newcastle West?</p> <p><b>Mr ROB STOKES:</b> Off the top of my head no, apologies.</p> <p><b>The Hon. ADAM SEARLE:</b> It is a property that was valued on 1 July 2018 by the Valuer General as being worth \$2.855 million. It was sold to Doma Interchange Office Pty Ltd apparently for \$10. Can you confirm whether that is in fact the sale price?</p> <p><b>Mr ROB STOKES:</b> I am very happy to get you specifics on notice, unless the secretary has anything to add at this point.</p> <p><b>Mr BETTS:</b> We will take it on notice unless we can get that information for you and report back in this afternoon's session.</p> <p><b>The Hon. ADAM SEARLE:</b> The managing director of the company that bought the property has been described by your colleague Andrew Constance, the transport Minister, as his old-time, old university mate. There is an agreement by the State Government to be an anchor tenant for the property when it is redeveloped. I think there is an intention to move government agencies into that property. Are you aware of that proposal?</p> <p><b>Mr ROB STOKES:</b> No, I am not.</p> <p><b>The Hon. ADAM SEARLE:</b> It looks like the Government has sold the land to a company, the company will redevelop it and the Government will be the tenant.</p> <p><b>Mr ROB STOKES:</b> I am not aware of the nature of the transaction but I am sure we can get you that information as Mr Betts said either this afternoon or on notice.</p> <p><b>The Hon. ADAM SEARLE:</b> If that is not the correct sale price, I would like to know what the sale price is and to the extent that you can what the full arrangement is. Relating to ePlanning, ePlanning was meant to be finished by the end of 2019 but it is still ongoing. Will councils have to pay for this mandated ePlanning system that your Government wants them to adopt by this year?</p> <p><b>Mr ROB STOKES:</b> Firstly, ePlanning offers great opportunities for councils and for government in terms of transparency around DA processes. In relation to the plans to use a single platform I will refer you to the secretary.</p> <p><b>Mr RAY:</b> At the moment the Government makes no charge for ePlanning. As part of the announcement to make ePlanning mandatory, the Government has asked us to look at ways in which we could make that a self-funding exercise or whether that is possible or not. We are in the process of looking at options and there is nothing that I can really say beyond that at the moment.</p>	<p><b>4 Stewart Avenue, Newcastle West</b></p> <p>I am advised:</p> <p>4 Stewart Avenue is a site in Newcastle known as The Store site.</p> <p>The Store transaction with Doma Group is not a direct land sale. Hunter Central Coast Development Corporation entered into a contract for the sale and development of The Store site. As part of this transaction, Doma Group is delivering a bus and coach interchange on behalf of the NSW Government.</p> <p>The planned mixed-use development also includes a commercial office tower, residential and other commercial elements as well as landscaping and a public domain.</p> <p>The part of the site that will facilitate the commercial office tower has now been transferred to Doma Group. The remaining parts of the site that will be transferred to Doma Group will trigger a payment which is commercial-in-confidence. This presents a multi-million cost saving while also facilitating a multi-faceted, multi-modal and mixed-use outcome, in line with the Newcastle Urban Renewal Strategy.</p> <p>The NSW Government has pre-committed to commercial space to be developed by Doma Group. The Property NSW lease will house a number of co-located agencies in a Hub including a number of Government agencies. This commitment provides certainty of the NSW Government's ongoing commitment to Newcastle with a lease of 10 years.</p> <p><b>ePlanning charges</b></p> <p>I am advised:</p> <p>To date there has been no charge to any local government body for use of the ePlanning services.</p>
<p>13</p>	<p>The Hon. ADAM SEARLE</p> <p>P30</p>	<p><b>The Hon. ADAM SEARLE:</b> Minister, can I ask you to respond to three things because my time is about to expire. There are three things I would like you to take on notice.</p> <p><b>Mr ROB STOKES:</b> Yes.</p> <p><b>The Hon. ADAM SEARLE:</b> First, councils currently have a range of individual commercial arrangements—</p>	<p>I am advised:</p> <p>To date no Council that has adopted the ePlanning digital services has raised a concern regarding their contractual obligations with the Department of Planning, Industry and Environment.</p> <p>The total cost of the ePlanning program for the current and last financial years are provided below:</p>

		<p><b>Mr ROB STOKES:</b> There are about five or six platforms out there.</p> <p><b>The Hon. ADAM SEARLE:</b> They have commercial arrangements in place that mandating this would cut across. Secondly, I am informed that of the back systems, or back-office arrangements, that would need to be put in place by councils there are only four current providers. They are worried about price gouging by those four if ePlanning became mandated. The third thing is that the current ePlanning system as it stands does not capture all the information that a lot of councils currently require under their planning instruments. Even once an ePlan is lodged through the portal, councils would then still have to make physical contact with the proponents and collect the rest of the data. It does not seem to really match the whole purpose of automating this system.</p> <p><b>Mr ROB STOKES:</b> By way of quick reply: I will provide more detail on notice but these are all issues that the Government is actively considering.</p> <p><b>The Hon. ADAM SEARLE:</b> And the total costs of ePlanning last financial year and the current financial year?</p> <p><b>Mr ROB STOKES:</b> Sure. We will give you information on notice.</p>	<table border="1"> <thead> <tr> <th>Financial Year</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>2019-20 (year to date – ending February 2020)</td> <td>\$6,021,027</td> </tr> <tr> <td>2018-19</td> <td>\$13,290,000</td> </tr> </tbody> </table>	Financial Year	Amount	2019-20 (year to date – ending February 2020)	\$6,021,027	2018-19	\$13,290,000
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2019-20 (year to date – ending February 2020)	\$6,021,027								
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14	<p><b>The CHAIR</b></p> <p><b>P31</b></p>	<p><b>The CHAIR:</b> I refer back to the koala SEPP again. I am just trying to get some clarification on it. Firstly, with the guidelines that are on public exhibition at the moment, the standards within the guidelines, are they mandatory or not? How are the guidelines applied?</p> <p><b>Mr RAY:</b> The guidelines are caught up in the State environmental planning policy so they will provide the more detailed approach to how people must prepare both koala plans of management and development applications. My understanding is that compared to the previous State Environmental Planning Policy No. 44, this guideline is much more comprehensive and much more detailed than the previous material that was available to individual applicants who had to make a development application and also to councils that decided to make a koala plan of management.</p> <p><b>The CHAIR:</b> Do you know how many hectares of land the new SEPP will apply to?</p> <p><b>Mr RAY:</b> I do not have that figure. I can investigate and try to come back to you today.</p> <p><b>The CHAIR:</b> I will put a few of those on notice to you in terms of that request for more specific information.</p> <p><b>Mr RAY:</b> Yes, sure.</p>	<p><b>Are the Guidelines mandatory?</b></p> <p>I am advised:</p> <p>Yes, the <i>State Environmental Planning Policy (Koala Habitat Protection) 2009</i> (Koala SEPP) sets out that Council must take the Guidelines into account before granting development consent and Council must prepare a Koala Plan of Management in accordance with the Guidelines.</p> <p>The Guidelines are applied by councils when assessing development applications and preparing Koala Plans of Management, they are used by landholders who might want to challenge the application of the Koala SEPP to their land and they are used by the Department of Planning, Industry and Environment to assess Council Koala Plans of Management submitted by Council for the Secretary's approval.</p> <p><b>How many hectares of land does the koala SEPP apply to?</b></p> <p>I am advised:</p> <p>For development applications, the Koala Development Application Map applies to 6,368,644.50 hectares of land. The map applies to lots over 1 hectare within this mapped area.</p> <p>The Site Investigation Area Map applies to 24,874,389.23 hectares of land. Councils can prepare a Koala Plan of Management that identifies core koala habitat only on the area included in the map.</p>						
15	<p><b>The Hon. ADAM SEARLE</b></p> <p><b>P33</b></p>	<p><b>The Hon. ADAM SEARLE:</b> How much is lost to evaporation?</p> <p><b>Mr RAY:</b> Evaporation and other causes, 820 megalitres a day. That is more than 100 times.</p> <p><b>The Hon. ADAM SEARLE:</b> Of which 130 is leaks in the water infrastructure. Is that right?</p> <p><b>Mr RAY:</b> I would have to check the particular amount but that sounds reasonable. At the moment the independent expert panel found that the amount of water losses was</p>	<p>I am advised by Sydney Water:</p> <p>The leakage from Sydney Water infrastructure is approximately 130 megalitres a day.</p>						

		not sufficient to in any way compromise WaterNSW to supply water in the catchment. They were not of a magnitude that was in any way compromising that. The recommendations are broadly consistent with the longstanding precautionary approach that has been adopted with the regulation of mining in the catchment over the past many years.	
16	<b>The Hon. ADAM SEARLE</b>  P35	<p><b>The Hon. ADAM SEARLE:</b> Awaiting that body of work, is it still the case that no new development applications for mining in the special areas will be determined?</p> <p><b>Mr RAY:</b> Yes, that is the case. I think there is an application for an extension of Dendrobium. That will not be progressed until the Government has responded to the independent expert panel.</p> <p><b>The Hon. ADAM SEARLE:</b> Just to be clear—we do not know whether moratorium is the right word—no new applications, but also that affects modifications and extensions?</p> <p><b>Mr RAY:</b> Just to be very clear, the statement is no new development applications. I do not know that we have a modification. I would have to check on whether there is a situation where there would be a modification, but the consideration of longwalls under already approved mines are not included in that statement.</p> <p><b>The Hon. ADAM SEARLE:</b> Maybe you need to take this on notice. It would be useful to know exactly what is covered by the pause or the moratorium, or how we want to determine it, and the mechanism by which that is effected. How does the department or how does the Government—what do you do if someone comes along and makes an application?</p> <p><b>Mr RAY:</b> At the moment the department would not progress that application to a situation where we would issue an assessment report. We have made it very clear to the mining companies involved that that is the circumstance and, as Mr Betts said, the response is under active consideration within government and ultimately a decision will be made on that in due course.</p>	<p>I am advised:</p> <p>There are currently two development applications under assessment by the Department of Planning, Industry and Environment (the Department) – the Russell Vale Extension Project and the Dendrobium Extension Project.</p> <p>The Department has informed the applicants for these projects that they will not be determined until the NSW Government has provided a response to the recommendations of the Independent Expert Panel into Mining in the Catchment.</p>
17	<b>The Hon. ADAM SEARLE</b>  P35	<p><b>The Hon. ADAM SEARLE:</b> Turning now to the issue of waste to energy issues in terms of the way they are dealt with in the planning system we have at the moment—obviously there was the Dial A Dump proposal in Western Sydney, I think there is now a proposal from a company called Cleanaway. How many waste to energy style applications or projects are currently before the planning system or on their way to the planning system?</p> <p><b>Mr BETTS:</b> I am happy for Mr Ray to answer that one if he can, or we may need to take this on notice.</p> <p><b>Mr RAY:</b> No. It is just alluding me. There are a number and there is the Cleanaway proposal. I think that that was not particularly helpful.</p> <p><b>The Hon. ADAM SEARLE:</b> The Cleanaway proposal or the note?</p> <p><b>Mr RAY:</b> Sorry about that, Mr Searle.</p> <p><b>Mr BETTS:</b> We can come back to that.</p>	<p>I am advised:</p> <p>The Department of Planning, Industry and Environment (the Department) has one active State significant development application that was recently publicly exhibited:</p> <ol style="list-style-type: none"> <li>1. Mount Piper Power Station Energy Recovery Project (SSD 8294), proposal by EnergyAustralia and Re.Group.</li> </ol> <p>The Department has issued the Planning Secretary's Environmental Assessment Requirements for three other SSDs:</p> <ol style="list-style-type: none"> <li>1. Botany Cogeneration Plant (SSD 10373), proposed by SUEZ.</li> <li>2. Western Sydney Energy and Resource Recovery Centre (SSD 10395), proposed by Cleanaway Operations.</li> <li>3. Agriwaste Energy from Waste Facility (SSD 8893), proposed by Agriwaste Energy Pty Ltd.</li> </ol> <p>One other SSD application is under appeal in the NSW Land and Environment Court:</p> <ol style="list-style-type: none"> <li>1. Eastern Creek Energy from Waste Facility (SSD 6236), proposed by The Next Generation. A Class 1 merit appeal lodged was on 14 January 2019.</li> </ol>

		<p><b>The Hon. ADAM SEARLE:</b> Perhaps I could change it up a little bit. I understand waste to energy is obviously a part of the energy mix in continental Europe, for example. But hold that thought; we will come back to it.</p>	
<p>18</p>	<p><b>The CHAIR</b></p> <p>P35-36</p>	<p><b>The CHAIR:</b> I want to turn to a couple of questions in relation to the SEPP70 and affordable housing contribution schemes. Firstly, how many New South Wales councils do you know have prepared affordable housing schemes? While you are trying to find that answer, what support does the Government currently provide local councils to prepare the affordable housing contribution scheme?</p> <p><b>Mr RAY:</b> I would have to check the figures. There are only about four or five that have been prepared under SEPP 70. There was an amendment to the SEPP, I think in late 2018, which made it easier from a regulatory point of view to enter the scheme, and the department has been working with councils on proposals. There is a proposal from the City of Sydney. I think there is also a proposal from Randwick, but I would have to get you more details on that. We have been working with the commission and developing a feasibility model. Obviously, feasibility is a very important part of imposing any contribution regime, and we have been working with councils on developing that model. I am happy to get you more details on that.</p> <p><b>The CHAIR:</b> Does that also include providing assistance to councils to amend their LEPs so that they are able to use SEPP 70? What does that assistance look like?</p> <p><b>Mr RAY:</b> There is a number of people in the department that will work with councils and also through the Greater Sydney Commission to work together to progress those proposals.</p> <p><b>The CHAIR:</b> Do you know whether there is a backlog of requests?</p> <p><b>Mr RAY:</b> I do not know that there is a backlog of requests, but I will have to see if I can get some further information for you.</p> <p><b>The CHAIR:</b> If you could take on notice specifically the concrete measures that the department is taking to provide support to local councils to prepare those schemes.</p> <p><b>Mr RAY:</b> Yes.</p>	<p><b>How many councils have prepared schemes?</b></p> <p>I am advised:</p> <p>Four councils have submitted five planning proposals (PP) to amend Local Environmental Plans (LEPs) to implement an affordable housing contribution scheme under SEPP 70 -</p> <ul style="list-style-type: none"> <li>• Ryde Council's PP is currently being assessed by the Department of Planning, Industry and Environment (the Department) for gateway determination.</li> <li>• Canada Bay Council's PP is currently being assessed for gateway determination.</li> <li>• Randwick Council's PP (which is a part of the Kensington to Kingsford Town Centre Planning strategy) has been submitted to the Department for finalization.</li> <li>• City of Sydney Council has prepared two PPs for Affordable Housing Contribution Schemes to be referenced in their LEP: <ul style="list-style-type: none"> <li>○ The first PP is to amend the City of Sydney LEP and is currently with the Department for finalisation</li> <li>○ The second PP is to amend the Green Square LEP and is currently being assessed for gateway determination</li> </ul> </li> </ul> <p><b>What support does the Government currently provide councils to prepare schemes?</b></p> <p>I am advised:</p> <p>The Department of Planning, Industry and Environment (the Department) has prepared a Guideline for developing affordable housing contribution schemes:</p> <p>The guideline will ensure consistency in the way schemes are prepared and give greater clarity to communities and developers about how affordable housing contributions will be levied.</p> <p>The Department has developed an affordable housing viability tool (the SEPP 70 Tool). The SEPP 70 Tool provides a consistent and transparent method for all councils to test and develop an affordable housing contribution rate as part of an affordable housing contribution scheme. It will also be used in the assessment and justification of a planning proposal to include or refer to an affordable housing contribution scheme in a local environmental plan. The Department has offered training of the SEPP 70 Tool to councils and is currently being arranged.</p> <p><b>Is there a backlog of requests?</b></p> <p>I am advised:</p> <p>The Department of Planning, Industry and Environment is working with councils to progress their planning proposals and to ensure their proposed affordable housing contribution schemes are consistent with the Greater Sydney Commission's policy for affordable housing contributions.</p> <p><b>What concrete measure has the Department taken to provide support to local councils?</b></p> <p>Please refer to the above response.</p>

19	<p><b>The CHAIR</b></p> <p><b>P36</b></p>	<p><b>The CHAIR:</b> My next lot of questions is in relation to the affordable rental housing SEPP. As a result of the affordable rental housing SEPP, do you know the number of affordable rental dwellings made available?</p> <p><b>Mr RAY:</b> I do not think I have got those numbers with me at the moment. I would have to provide you with those details. Do you have a date range or a particular period that you are interested in or is it just overall?</p> <p><b>The CHAIR:</b> Overall. I will get you some questions on notice in relation to how many of these dwellings will revert to market rentals this year. Do you have that figure now?</p> <p><b>Mr RAY:</b> No, I do not have that information but I can get that information.</p> <p><b>The CHAIR:</b> And the over the next period.</p>	<p><b>How many affordable rental dwellings have been made available as a result of the Affordable Rental Housing SEPP since the instrument was made?</b></p> <p>I am advised:</p> <p>This data is held by councils which are responsible for assessing and determining development applications for affordable rental housing under the provisions of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>.</p> <p><b>How many affordable rental dwellings will revert to market rentals this year?</b></p> <p>I am advised:</p> <p>Data on the number of dwellings that will convert to private market rental under National Rental Affordability Scheme (NRAS) has been obtained from the Australian Department of Social Services (DSS) NRAS Quarterly Performance Report, (31 December 2019).</p> <p>DSS is responsible for the administration of the NRAS in consultation with the Australian Taxation Office and the Departments of Treasury, and Finance and Deregulation.</p> <p>The DSS report indicates that there are currently 5,652 NRAS dwellings tenanted or available for rent in NSW. There are also 395 NRAS incentives allocated where the dwellings were not delivered by the developer.</p> <p>The table below indicates the number of properties that will no longer attract an NRAS incentive in the calendar year.</p> <p>NSW NRAS allocations ceasing by calendar year</p> <table border="1" data-bbox="1516 951 2392 1104"> <thead> <tr> <th>2020</th> <th>2021</th> <th>2022</th> <th>2023</th> <th>2024</th> <th>2025</th> <th>2026</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>271</td> <td>380</td> <td>457</td> <td>605</td> <td>1,140</td> <td>1,186</td> <td>2,008</td> <td><b>6,047</b></td> </tr> </tbody> </table> <p><i>Data Source</i> <a href="https://www.dss.gov.au/housing-support-programs-services-housing-national-rental-affordability-scheme/december-2019-nras-quarterly-performance-report">https://www.dss.gov.au/housing-support-programs-services-housing-national-rental-affordability-scheme/december-2019-nras-quarterly-performance-report</a></p>	2020	2021	2022	2023	2024	2025	2026	Total	271	380	457	605	1,140	1,186	2,008	<b>6,047</b>
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271	380	457	605	1,140	1,186	2,008	<b>6,047</b>												
20	<p><b>The Hon. PENNY SHARPE</b></p> <p><b>P36-37</b></p>	<p><b>The CHAIR:</b> And the over the next period. In relation to the five million trees target that the Government has within the Greater Sydney area by 2030, how are you measuring progress for those trees planted and trees living, if you like, by 2030?</p> <p><b>The Hon. PENNY SHARPE:</b> Not dead.</p> <p><b>The CHAIR:</b> What is the measurement that you are using? How is progress against that target being measured?</p> <p><b>Mr BETTS:</b> I will ask Ms O'Mara to give you all the detail on that.</p> <p><b>Ms O'MARA:</b> We have a website where people can register their trees. But we also measure canopy. We measure it two ways: trees that are planted but also the net number of trees and that is measured by EES and we use that data to assess how it is going.</p> <p><b>The CHAIR:</b> When you say people can register their trees, are you talking about local councils or Landcare groups?</p> <p><b>Ms O'MARA:</b> Yes. We count basically any tree that is planted in Greater Sydney. For example, the councils that we fund under five million tree target we require them to register the trees on the website. Anyone who plants a tree in their backyard can go</p>	<p>I am advised:</p> <p>The Department of Planning, Industry and Environment (the Department) uses two key measures to track tree planting in Greater Sydney.</p> <p>The first is the 5 million tree online tree counter.</p> <p>The second is a percentage measurement of Greater Sydney's tree canopy that is prepared by the Department's Energy, Environment and Science (EES).</p> <p>The first report on Greater Sydney's tree canopy was published in 2019. EES is collecting a second round of canopy data in 2021. This provides sufficient time to provide more reliable data about canopy change.</p>																

		<p>onto the website and register it. We would encourage them to do that because we know that really to achieve an increase in canopy it needs to be trees in peoples' backyards, street trees, trees on State Government land. So it is important that we target lots of different ways of meeting that target because really it is about the right tree in the right place. There is a big focus through that priority, for example, on how to engage citizens in planting trees. I am not sure if you have read the research that came out from Macquarie University in the last week or so which looks at how important it is in achieving a canopy target that some of those trees are on private land.</p> <p><b>The CHAIR:</b> I assume that areas like Cumberland Plain and all of that area is Greater Sydney?</p> <p><b>Ms O'MARA:</b> Greater Sydney, yes.</p> <p><b>The CHAIR:</b> Do you subtract from this website to which you are referring the trees that are cut down?</p> <p><b>Ms O'MARA:</b> That website tracks how many trees are planted and then as I said we also measure canopy across the city. That would look at has there been an increase or decrease overall?</p> <p><b>The Hon. PENNY SHARPE:</b> Will it pick up the trees that have been lost in the recent storms?</p> <p><b>Ms O'MARA:</b> For example, yes.</p> <p><b>The Hon. PENNY SHARPE:</b> What is the delay on that? Earlier we had that terrible storm, all the trees came down. How long will it take before that actually shows up in your measurements?</p> <p><b>Ms O'MARA:</b> I will have to check how often we measure canopy. It is basically through the Urban Vegetation Cover to Modified Mesh Block dataset that basically is done by the Environment Energy and Science Department. That dataset is publicly available on the seed online database.</p> <p><b>The Hon. PENNY SHARPE:</b> How often is it done?</p> <p><b>Ms O'MARA:</b> I do not know. <b>I will have to take that on notice.</b> I will find out and come back to you but it is not obviously done by my team. It is done by EES. We can check and provide that information.</p>	
21	<p><b>The Hon. PENNY SHARPE</b></p> <p><b>P40</b></p>	<p><b>The Hon. PENNY SHARPE:</b> There is a particular issue with Riding for the Disabled at Fernhill. The issue is that basically they can no longer operate. They were on land that was previously provided by planning—I do not know in what iteration or what particular name—which is at Samuel Marsden Road in Orchard Hills. Basically it is flooded and unusable, so Riding for the Disabled in western Sydney in that area is currently inoperable. They are aware that there was a discussion paper going on about Fernhill. My question is whether there has been or could be discussions about relocating Riding for the Disabled to Fernhill so they can continue to operate, given that they cannot at the moment.</p> <p><b>Ms O'MARA:</b> <b>We might need to take that one on notice,</b> but happy to try and get an answer today if we can.</p> <p><b>The Hon. PENNY SHARPE:</b> That would be great. The other issue is that they are not even mentioned in relation to future use options. With the talk about equestrian events,</p>	<p>I am advised:</p> <p>The Office of Strategic Lands (OSL) within the Department of Planning, Industry and Environment own and manage the Fernhill Estate (Estate).</p> <p>The future use options for the Estate were on public exhibition earlier this year, with the exhibition period ending on Friday 3 April 2020.</p> <p>During the public exhibition period, the OSL made contact directly with the Director and Executive Officer of the Riding for the Disabled (RDA NSW), Ms Jan Pike, and encouraged the organisation to make a submission or comment on the possible future uses of the Estate, including advising OSL on RDA NSW's business requirements and needs. OSL left a phone message and emailed the RDA NSW state office with the resources and link to the public exhibition page.</p>

		<p>my understanding is that they are for profit. I know it is niche, but it is a very important issue for people in that area. If you could get back to me about that, that would be great.</p> <p><b>Mr WHITWORTH:</b> The discussion paper closes on 3 April. Obviously the department, through the Office of Strategic Lands, would be happy to receive submissions. The advice that I have is that there has been no discussions with us yet, but more than happy if they want to make contact, that we can arrange for conversations.</p>	
22	<p><b>The Hon. PENNY SHARPE</b></p> <p>P41</p>	<p><b>The Hon. PENNY SHARPE:</b> For New South Wales there are multi-use dwellings. In terms of cranking it up in New South Wales, where would you be looking at doing that?</p> <p><b>Mr RAY:</b> I think at this stage we are broadly looking at the dwelling types that it applies to now. It would be bringing that into uniformity with a higher standard across the country. I would have to check to see whether we were going to look to extend it to other types of dwellings. I will try and get some information back to you—</p> <p><b>The Hon. PENNY SHARPE:</b> <b>Can you take that on notice?</b></p> <p><b>Mr BETTS:</b> In terms of comparisons—and this is relevant to the questions from Ms Faehrmann earlier—BASIX supplies a savings target to all energy consumed in residential buildings, not just heating and cooling energy, which accounts for only about 25 per cent to 40 per cent of household carbon emissions. New South Wales is the only jurisdiction that is enforcing those standards.</p>	<p>I am advised:</p> <p>BASIX applies to buildings that contain one or more dwellings. There are currently no plans to extend BASIX to other building types.</p>
23	<p><b>The CHAIR</b></p> <p>P44</p>	<p><b>The CHAIR:</b> I wanted to ask a question about the Dunmore sand extraction down at Minnamurra. Boral have a proposal to mine sand down there, the Dunmore Lakes Sand Extraction Project Modification 2. Is someone familiar with that?</p> <p><b>Mr BETTS:</b> I am sure that Mr Ray can shine a light on that.</p> <p><b>The CHAIR:</b> I am sure that Mr Ray can. Firstly I understand the planning Minister wrote to the Clerk of the Legislative Council in December last year in response to a petition that was tabled. In that response it said the proposal had received 149 objections from the local community and that the department would therefore be referring the application to the IPC for determination. Would anything have changed to that decision, that it is going to be referred to the IPC?</p> <p><b>Mr RAY:</b> I might have to seek further information on that one because one of the recommendations to be implemented from the Productivity Commissioner's review of the Independent Planning Commission was to change the basis on which matters were sent to the IPC.</p>	<p>I am advised:</p> <p>In March 2020, the NSW Government amended the <i>State Environmental Planning Policy (State and Regional Development)</i> to reflect the recommendations of the NSW Productivity Commissioner's review of the Independent Planning Commission (the IPC), including a recommendation that modifications to State significant developments should no longer be referred to the IPC for determination.</p> <p>These applications that were intended to be referred to the IPC prior to the Productivity Commissioner's review of the IPC are being considered as to whether they will continue to be referred to the IPC or determined under delegation by a representative Department.</p>
24	<p><b>The CHAIR</b></p> <p>P44-45</p>	<p><b>The CHAIR:</b> I understand that the application to modify the Dunmore sandmining quarry was put in nine months ago. Within that time I have been told by the local community that there has been four different planning officers with carriage of that proposal. Is that quite common for there to be that many changes with a project in terms of planning officers having carriage of it and liaising with the community on a project?</p> <p><b>Mr RAY:</b> I would say that four does seem a large number in that time frame. That would not be a usual occurrence. There might be one or two because there are often personnel changes. People leave, people go to different parts of the department. It may well be that there are a number of people that are working together on the proposal. It might not mean that there have been four separate people. There might have been a more senior person involved. People might have been not there, on holiday for a period</p>	<p>I am advised:</p> <p>It is not unusual for multiple officers with different expertise and experience to be involved in the assessment of a single application.</p> <p>In this case, two additional officers have been involved in the assessment of the application as a result of staff changes within the Department of Planning, Industry and Environment (the Department).</p> <p>Importantly, all the officers involved in assessing the application work in the same branch (i.e. the Resource Assessment's Branch) and are managed by a single Director.</p> <p>The community can be assured that there will be no loss of rigor in the assessment of the proposed modification, and all relevant legislative matters and the issues raised in submissions will be carefully considered by the Department.</p>

		<p>and someone else has stepped in to make the inquiry. I just do not know the particular circumstances of a case. I will look into that for you in more detail. Normally four separate people in nine months would be quite unusual.</p> <p><b>The CHAIR:</b> It would be good if that could be looked into. There is a lot of disquiet and distress in the local community in relation to this proposed project. There has also been a fair bit of discrepancy in the reports that have taken place in relation to that site. I have seen the site myself. It is by no means a modification in terms of a simple expansion. It is a completely new site, a very environmentally sensitive site right next to the Minnamurra River, and it will destroy quite a number of habitat trees in an endangered ecological community on that site. There have also been dissenting reports in relation to the Aboriginal heritage on that site. I understand someone has suggested that an Aboriginal massacre has occurred on that site and they are concerned now that without this going to the Independent Planning Commission it is not going to receive the thorough independent assessment that it ordinarily would have. What assurances can you provide to the community?</p> <p><b>Mr RAY:</b> What I can say is that all the matters you have raised in the question, I will undertake to look at all those particular issues you have raised.</p>	
25	<p><b>The CHAIR</b></p> <p>P46</p>	<p><b>The CHAIR:</b> Yes, so how many decisions to refer projects to the IPC do you think will be changed as a result of that Productivity Commissioner's report?</p> <p><b>Mr RAY:</b> I would have to take that on notice, I do not have the exact numbers, but there will be a number of them.</p>	<p>I am advised:</p> <p>As a result of implementing the recommendations of the NSW Productivity Commissioner, there are seven development applications and 22 modification applications currently in the planning system that could now be determined under delegation by a representative of the Department of Planning, Industry and Environment (the Department) instead of the Independent Planning Commission (the IPC). These applications that were intended to be referred to the IPC prior to the Productivity Commissioner's review of the IPC are being considered as to whether they will continue to be referred to the IPC or determined under delegation by a representative Department.</p> <p>The same legislative and policy requirements still apply to the assessment of these applications, and where applicable, the Department will be undertaking further consultation to ensure the decision-maker fully understands the concerns of the local community and other stakeholders prior to making a final decision.</p>
26	<p><b>The CHAIR</b></p> <p>P46</p>	<p><b>The CHAIR:</b> In other words, if the Minister wrote to the Clerk of the Legislative Council and said that the department will be referring the proposal to the IPC then it will be referred to the IPC, because that was in December last year and the Productivity Commission did not hand down its findings into the IPC until late January or early February. The Clerk was told that the department "will be referring", so are you suggesting that the Minister's letter to the Clerk in December last year is going to be changed because, as I think you just said, Mr Betts, it will still be referred?</p> <p><b>Mr BETTS:</b> My understanding is that it will not be referred to the IPC, but I do not want to mislead the Committee, so I should take that offline and check that.</p> <p><b>The CHAIR:</b> This particular project?</p> <p><b>Mr BETTS:</b> Correct. If the recommendations of the Productivity Commissioner have been accepted, if that has now been crystallised through the implementation of new delegations, those delegations will apply unless the Minister chooses otherwise. But let us take it offline so that I do not mislead the Committee inadvertently and I will clarify the position for you in relation to that specific development application.</p> <p><b>The CHAIR:</b> Is there something specific about this development application that is different from others?</p>	<p>Please refer to the answer to Question on Notice 23.</p>

		<p><b>Mr BETTS:</b> No.</p> <p><b>Mr RAY:</b> No. The letter of the Minister—</p> <p><b>The CHAIR:</b> You can understand my concern here.</p> <p><b>Mr RAY:</b> Sure.</p> <p><b>The CHAIR:</b> I have been approached by members of the public who are rather alarmed at what they heard from the planning officer in charge of this who said it is now being considered by delegated authority, yet the Clerk was told something different in December.</p> <p><b>Mr BETTS:</b> It is delegated authority regardless. It is whether it is delegated to the IPC or delegated to the department to manage. It will be managed in accordance with the standard protocols which exist at the time, and post the Productivity Commissioner's review that would involve being handled by the department. But if you want crystal clarity on that, <b>I am happy to take it offline and confirm that separately on notice.</b></p>	
27	<p><b>The Hon. ADAM SEARLE</b></p> <p>P48</p>	<p><b>The Hon. ADAM SEARLE:</b> Okay. Can you update the Committee as to the key features of the VPA and how that might differ from where it had been in draft form?</p> <p><b>Mr WHITWORTH:</b> The VPA was executed as per the exhibited draft.</p> <p><b>The Hon. ADAM SEARLE:</b> There are no changes?</p> <p><b>Mr WHITWORTH:</b> There were no changes. My understanding based on the advice that I have is that it was a \$133 million voluntary planning agreement and it had a number of different components. There was the dedication of land for the school site. There was dedication of land for the extension of the Spring Farm Parkway. There was also a cash contribution that was coming in at an earlier point.</p> <p><b>The Hon. ADAM SEARLE:</b> How much?</p> <p><b>Mr WHITWORTH:</b> <b>I would have to take the element of the cash contribution on notice.</b></p> <p><b>The Hon. ADAM SEARLE:</b> Please.</p>	<p>I am advised:</p> <p>There is an existing cash contribution of \$12.125 million. In accordance with the agreement there is to be an additional payment, estimated at \$1.58 million for land relating to the Spring Farm Parkway.</p> <p>The response stated that it was a \$133 million voluntary planning agreement, however, the actual figure is \$113.125 million.</p>
28	<p><b>The Hon. ADAM SEARLE</b></p> <p>P49-50</p>	<p><b>The Hon. ADAM SEARLE:</b> In the previous year's annual report there was a line item for total current liabilities. I think we had some discussion about what had explained the increase from 294 to 655, I think.</p> <p><b>Mr BROGDEN:</b> I think we replied to you in—</p> <p><b>The Hon. ADAM SEARLE:</b> You did.</p> <p><b>Mr BROGDEN:</b> We did.</p> <p><b>The Hon. ADAM SEARLE:</b> I could not find a single line item in the current annual report that crystallised total current liabilities in a single line item.</p> <p><b>Mr BROGDEN:</b> <b>I will come back to you.</b></p>	<p><b>Total current liabilities</b></p> <p>I am advised by Landcom:</p> <p>Refer to Page 71 of the FY2019-20 Annual Report – titled <i>Statement of Financial Position</i>.</p> <p>Total Current liabilities appear as their own separate line and equal to \$394,067,000.</p> <p><b>Cost of sales</b></p> <p>I am advised by Landcom:</p> <p>As per Page 70 of the 2019-20 Annual Report, Cost of Sales in the 2019-20 Financial Year is \$189,747,000 and in the 2018-19 Financial Year it was \$502,712,000, so Cost of Sales this year has reduced not increased.</p> <p>Landcom's results will fluctuate depending on the timing of completion of projects and the timing of settlements. In the 2018-29 Financial Year, there were three large projects that settled (Lachlan's Line, Menangle Park and</p>

		<p><b>The Hon. ADAM SEARLE:</b> If you could do that on notice, that would be good. Landcom is still going to be returning \$200 million to the Government in tax equivalent payments this year. Is that correct?</p> <p><b>Mr BROGDEN:</b> The annual report refers to the dividend for FY19 and it—</p> <p><b>The Hon. ADAM SEARLE:</b> There are two things, are there? There is the tax equivalent payment and then there is the dividend.</p> <p><b>Mr BROGDEN:</b> Correct—to a total of \$214 million.</p> <p><b>The Hon. ADAM SEARLE:</b> So they are totalling \$214 million.</p> <p><b>Mr BROGDEN:</b> Correct, yes. Yes, I can see how you might read that.</p> <p><b>The Hon. ADAM SEARLE:</b> Yes, I just wanted to see that it is 200-odd; it is not 400.</p> <p><b>Mr BROGDEN:</b> Yes, sorry. It is a fair point. It is 200 plus 14 to equal 214. Correct.</p> <p><b>The Hon. ADAM SEARLE:</b> Okay. Are you able to tell the Committee what is Landcom's current total assets at the present time, then in the current financial year, roughly?</p> <p><b>Mr BROGDEN:</b> We talk more in terms of projects. I will get you that number in the next little while, but we are running at the moment with 30 projects across, mostly, metropolitan Sydney.</p> <p><b>The Hon. ADAM SEARLE:</b> The cost of sales in the annual report show that the cost of sales is a proportion of sales revenue.</p> <p><b>Mr BROGDEN:</b> What page are you referring to, Mr Searle?</p> <p><b>The Hon. ADAM SEARLE:</b> In 2018. I think it was page 70.</p> <p><b>Mr BROGDEN:</b> Okay, 2018.</p> <p><b>The Hon. ADAM SEARLE:</b> But the cost of sales this year has jumped. Can you indicate why? I am happy for you to take that on notice.</p> <p><b>Mr BROGDEN:</b> Sure, I will take it on notice.</p>	<p>Green Square), two of which were superlot transactions (Lachlan's Line and Menangle Park), meaning there were higher revenues and costs of sales in that year, compared to the 2019-20 Financial Year.</p>
29	<p><b>The Hon. ADAM SEARLE</b> P50</p>	<p><b>The Hon. ADAM SEARLE:</b> Employee and related expenses—again, they seem to have increased considerably in the current annual report. I think it has gone up from \$16 million to \$24 million.</p> <p><b>Mr BROGDEN:</b> I will take that on notice.</p>	<p>I am advised by Landcom: 2018-19 Financial Year included a one off recovery from Urban Growth Development Corporation related to providing services during the transition from UrbanGrowth NSW to Landcom.</p> <p>2019-20 Financial Year included one-off costs related to a restructure of the business. If these items were removed, normalised salaries and wages would have been approximately \$20m in both financial years 2018-19 and 2019-20.</p>
30	<p><b>The Hon. ADAM SEARLE</b>  P50-51</p>	<p><b>The Hon. ADAM SEARLE:</b> Okay, I understand that. We have discussed the dividend. How many projects do you still have current?</p> <p><b>Mr BROGDEN:</b> Thirty.</p> <p><b>The Hon. ADAM SEARLE:</b> What is the time frame for delivering those?</p>	<p>I am advised by Landcom: See Attachment A. Please note that the estimated completion dates provided are approximate only and subject to change.</p>

		<p><b>Mr BROGDEN:</b> They vary enormously, Mr Searle. Yes, they vary enormously. I can go through them one by one, if you like.</p> <p><b>The Hon. ADAM SEARLE:</b> I am happy for you to give a list on notice, if that would be preferable.</p> <p><b>Mr BROGDEN:</b> Yes, that would save time.</p> <p><b>The Hon. ADAM SEARLE:</b> Yes, that is good.</p>																															
31	<p><b>The Hon. ADAM SEARLE</b></p> <p>P51</p>	<p><b>The Hon. ADAM SEARLE:</b> In terms of the annual report, in terms of the—I think it is at page 89— "Other provisions – non current", what do they relate to?</p> <p><b>Mr BROGDEN:</b> Page 89 of the 2019 report? The Hon. ADAM SEARLE: Yes.</p> <p><b>Mr BROGDEN:</b> Note 18, "Provisions"?</p> <p><b>The Hon. ADAM SEARLE:</b> Yes.</p> <p><b>Mr BROGDEN:</b> And down to (c) "Other provisions - current"?</p> <p><b>The Hon. ADAM SEARLE:</b> Yes.</p> <p><b>Mr BROGDEN:</b> I will need to come back to you on the details of those.</p>	<p>I am advised by Landcom: See Note 18, <i>Provisions</i> on Page 89 of the 2019-20 Annual Report (In 000's)</p> <table border="1"> <thead> <tr> <th>(c) Other provisions – current</th> <th>FY19-20</th> <th>FY18-19</th> </tr> </thead> <tbody> <tr> <td>Provision to complete projects</td> <td>113,314</td> <td>171,087</td> </tr> <tr> <td>Provision for rebates</td> <td>925</td> <td>1,229</td> </tr> <tr> <td>Provision for dividend to NSW Treasury</td> <td>200,000</td> <td>200,000</td> </tr> <tr> <td><b>Total</b></td> <td><b>314,239</b></td> <td><b>372,316</b></td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>(d) Other provisions – non current</th> <th>FY19-20</th> <th>FY18-19</th> </tr> </thead> <tbody> <tr> <td>Provision to complete projects</td> <td>37,243</td> <td>51,505</td> </tr> <tr> <td>Provision for rebates</td> <td>145</td> <td>779</td> </tr> <tr> <td>Make good provision</td> <td>475</td> <td>524</td> </tr> <tr> <td><b>Total</b></td> <td><b>37,863</b></td> <td><b>52,808</b></td> </tr> </tbody> </table>	(c) Other provisions – current	FY19-20	FY18-19	Provision to complete projects	113,314	171,087	Provision for rebates	925	1,229	Provision for dividend to NSW Treasury	200,000	200,000	<b>Total</b>	<b>314,239</b>	<b>372,316</b>	(d) Other provisions – non current	FY19-20	FY18-19	Provision to complete projects	37,243	51,505	Provision for rebates	145	779	Make good provision	475	524	<b>Total</b>	<b>37,863</b>	<b>52,808</b>
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32	<p><b>The Hon. ADAM SEARLE</b></p> <p>P51</p>	<p><b>The Hon. ADAM SEARLE:</b> How many band 1s does DPIE have?</p> <p><b>Mr BETTS:</b> I can take that on notice or I can source it and let you know in a few minutes.</p> <p><b>The Hon. ADAM SEARLE:</b> Okay. I am happy for you to take this on notice.</p> <p><b>Mr BETTS:</b> Sure.</p> <p><b>The Hon. ADAM SEARLE:</b> How many band 1s do you have, band 2s and band 3s? I think you are the only band 4 in DPIE. Is that correct?</p> <p><b>Mr BETTS:</b> I hope so, yes—unless there is something they have not told me.</p>	<p><i>Answered in transcript p52:</i></p> <p><b>Mr BETTS:</b> Mr Searle, I can just tell you that if we exclude contingent labour and casuals, then the headcount within the department measured as full-time equivalent was 10,373.8 as at 31 December. In terms of the senior executive grades, 382 at band 1; 80 at band 2; 23 at band 3; and, as you said, one at band 4.</p> <p><b>The Hon. ADAM SEARLE:</b> That is a pretty comprehensive answer. In relation to the efficiency dividends across the cluster, I think you gave some evidence on the last occasion that it was \$85 million.</p> <p><b>Mr BETTS:</b> I think 81.4.</p> <p><b>Mr SMITH:</b> Yes, it is 81.</p>																														
33	<p><b>The Hon. ADAM SEARLE</b></p> <p>P52</p>	<p><b>The Hon. ADAM SEARLE:</b> Indeed. Mr Brogden, in terms of the same questions for your organisation—I am not just talking about the executive; I am talking about the whole organisation—you are the only band 4? Is that right?</p> <p><b>Mr BROGDEN:</b> Correct.</p> <p><b>The Hon. ADAM SEARLE:</b> How many band 3s exist in the whole organisation?</p> <p><b>Mr BROGDEN:</b> Six.</p> <p><b>The Hon. ADAM SEARLE:</b> How many band 2s?</p>	<p>I am advised by Landcom: As at 31 March 2020, Landcom has 22 staff at the equivalent Band 2 and 26 staff at the equivalent Band 1.</p> <p>Below is the breakdown of Landcom's NSW State Government Executive Band equivalents for the whole organisation:</p> <table border="1"> <thead> <tr> <th>Band Range Equivalents</th> <th>Range</th> <th>Current No of Employees</th> </tr> </thead> <tbody> <tr> <td>Band 4</td> <td>&gt; \$441,200</td> <td>2</td> </tr> </tbody> </table>	Band Range Equivalents	Range	Current No of Employees	Band 4	> \$441,200	2																								
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		<p><b>Mr BROGDEN:</b> One.</p> <p><b>The Hon. ADAM SEARLE:</b> How many band 1s?</p> <p><b>Mr BROGDEN:</b> One.</p> <p><b>The Hon. ADAM SEARLE:</b> Just one? Is that the one referred to in the annual report?</p> <p><b>Mr BROGDEN:</b> Yes.</p> <p><b>The Hon. ADAM SEARLE:</b> That is in the executive positions, but what about outside the executive positions?</p> <p><b>Mr BROGDEN:</b> No, outside the executive positions—</p> <p><b>The Hon. ADAM SEARLE:</b> What about equivalents?</p> <p><b>Mr BROGDEN:</b> To the best of my knowledge, that deals with all the staff in bands. But I will clarify that for you.</p> <p><b>The Hon. ADAM SEARLE:</b> Yes, if you could take that on notice that would be good.</p> <p><b>Mr BROGDEN:</b> Yes, happy to.</p>	<table border="1"> <tr> <td>Band 3</td> <td>\$313,052 - \$441,200</td> <td>6</td> </tr> <tr> <td>Band 2</td> <td>\$248,851 - \$313,051</td> <td>22</td> </tr> <tr> <td>Band 1</td> <td>\$174,507 - \$248,850</td> <td>26</td> </tr> </table>	Band 3	\$313,052 - \$441,200	6	Band 2	\$248,851 - \$313,051	22	Band 1	\$174,507 - \$248,850	26
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34	<p><b>The Hon. ADAM SEARLE</b></p> <p>P53</p>	<p><b>The Hon. ADAM SEARLE:</b> I know you have tried to minimise job losses but how many jobs have had to be let go or deleted from the organisation?</p> <p><b>Mr BETTS:</b> The majority of the jobs that have gone have been senior executive jobs. I might even say over 50 senior executive positions have been cut so far. In terms of award staff the number is pretty minimal in the scheme of things. I could take that on notice if you want.</p> <p><b>The Hon. ADAM SEARLE:</b> If you could take on notice how many jobs have gone, where they have gone from and how many are to go in the current financial year in total?</p> <p><b>Mr BETTS:</b> It will be a pretty small number. I meet on a regular basis with the unions, the Australian Workers Union and the Public Service Association of NSW, and we share this information pretty openly with them. I am very committed to making sure that they are consulted before any changes in structure are instigated, period, but also where there might be any impact on jobs.</p>	<p>I am advised:</p> <p>The Department of Planning, Industry and Environment remains committed to operating within its budget and achieving the savings required by the NSW Government. It has sought to preserve employment where possible, and reductions in headcount have resulted from natural attrition and targeted executive-level terminations where roles were either duplicated across incoming departments and agencies or no longer required in the new department.</p>									
35	<p><b>The Hon. ADAM SEARLE</b></p> <p>P53</p>	<p><b>The Hon. ADAM SEARLE:</b> You talked about rephasing projects. How many projects have had to be cancelled?</p> <p><b>Mr BETTS:</b> Mr Smith may have some specifics on that.</p> <p><b>Mr SMITH:</b> We would have to take that on notice.</p> <p><b>The Hon. ADAM SEARLE:</b> I would like to know, and I am happy if you do take this on notice, how many have been put on hold, how many have been cancelled and how many have been, I think your term was rephased. The time frame has changed, is that what that means?</p>	<p>I am advised:</p> <p>The diverse nature of the cluster means that there are divergent business, ICT and capital projects. As a result of the diversity of these projects they are initiated, staged and managed in different ways throughout the Department of Planning, Industry and Environment (the Department) at all levels of the business.</p> <p>The Department is also reviewing its essential activities considering recent responses required to the COVID - 19 outbreak to prioritise activities that best support the NSW community.</p> <p>As a result of the diversity of project management methods and current re-examination of activities a complete list of project deferrals across the Department is not able to be produced.</p>									

36	<p><b>The Hon. JOHN GRAHAM</b></p> <p>P54</p>	<p><b>The Hon. JOHN GRAHAM:</b> I was intending to resume some questions about the Campbell's Stores property at The Rocks. Firstly, since the last estimates your officials have briefed me after that meeting. I just wanted to place on record my thanks for that briefing. I had some additional questions and also wanted to have some of that information on the public record. That was the purpose of my questions. The head lease has now been lodged. It commenced in March 2019. When we spoke last time it should have been lodged in mid-November. I think it was only lodged this month. Can you tell us what the reason for the delay was?</p> <p><b>Mr BETTS:</b> The head lease could not be registered until the subdivision plan had been finalised and registered with the City of Sydney and that in turn required an agreement to be reached with Ausgrid regarding an existing caveat and future easements across the site for the provision of services. Ausgrid provided the letter of consent to Place Management NSW, the former Sydney Harbour Foreshore Authority, on 31 January this year. The Land Registry Service [LRS] was provided with that letter on 3 February, so just three days later. Place Management NSW agents lodged the leases with LRS on 21 February 2020. Place Management NSW is now working with LRS to finalise the registration of the lease on the title imminently.</p> <p><b>The Hon. JOHN GRAHAM:</b> So it still has not been registered?</p> <p><b>Mr BETTS:</b> We are still working on it but that is expected to be imminent.</p> <p><b>The Hon. JOHN GRAHAM:</b> I am only asking this because it has been so delayed. When you say imminent, what do you—</p> <p><b>Mr BETTS:</b> I might come back to you on notice on that one.</p>	<p>I am advised:</p> <p>As part of registration processes, the Land Registry Services (LRS) may issue requisitions requiring the provision of information.</p> <p>Place Management NSW is currently responding to requisitions issued by LRS. LRS will then proceed to further examine the leases and then determine registration.</p> <p>The LRS are unable to provide a date for registration until this process is complete.</p>
37	<p><b>The Hon. JOHN GRAHAM</b></p> <p>P54</p>	<p><b>The Hon. JOHN GRAHAM:</b> There has been a number of subleases I understand. One of those was to Matt Williams, which was to operate a venue at Campbell Stores. There was some publicity about the fact that one of his restaurants was in administration over at Bondi. Can you give us any background on this sublease given that the subleases are notified to Property NSW.</p> <p><b>Mr BETTS:</b> No, I can take that on notice as to the specifics of that sublease. I can also talk to you if you are interested about the way in which the lease operates in terms of the sanctions available to Place Management NSW.</p> <p><b>The Hon. JOHN GRAHAM:</b> I think that would be useful.</p>	<p>I am advised:</p> <p>There is a sublease at Campbell's Stores with Groundswell Hospitality Limited for The Catch Restaurant. Groundswell Hospitality is not in administration. A restaurant connected to a principal of Groundswell was previously in administration however they have traded out of administration.</p>
38	<p><b>The Hon. JOHN GRAHAM</b></p> <p>P54-55</p>	<p><b>The Hon. JOHN GRAHAM:</b> Thank you, that is very helpful. We talked previously about the number of existing complaints. Could you update the Committee about the status of those?</p> <p><b>Mr BETTS:</b> Which complaints are you talking about specifically?</p> <p><b>The Hon. JOHN GRAHAM:</b> I asked last time and in the subsequent meeting about some complaints that have been referred to publicly about the negotiations in the lead-up to the lease. I understand that those now have been lodged as formal complaints following the discussion we had last time where the department was aware of those issues but was of the view they had not been put as formal complaints.</p> <p><b>Mr BETTS:</b> I might take that on notice, if I may. I do not have that information at my fingertips.</p>	<p>I am advised:</p> <p>Two formal complaints were received by Place Management NSW. As the complaints were centered on disputes between the lessee and sublessees regarding the negotiation of leases, Place Management NSW advised the complainants of their option to commence mediation of the matter through the retail tenancy specialists at the Office of Small Business. As far as the Department of Planning, Industry and Environment is aware, both complainants have chosen not to have their matter mediated.</p> <p>No other formal complaints have been received.</p>

		<p><b>The Hon. JOHN GRAHAM:</b> If it is helpful. One of those was in relation to the issues raised by Nino Zoccali. There were a number but—</p> <p><b>Mr BETTS:</b> I am afraid I am not across that detail but I promise to come back to you.</p> <p><b>The Hon. JOHN GRAHAM:</b> No worries. Have there been any new complaints lodged formally with the department?</p> <p><b>Mr BETTS:</b> I will have to take that on notice if I may.</p>																																			
39	<p><b>The Hon. JOHN GRAHAM</b></p> <p>P55</p>	<p><b>The Hon. JOHN GRAHAM:</b> You have spelt out a range of the potential things that will constitute a breach of the terms of the lease. One of the possibilities if there is a significant breach and you work through those steps is to actually have this lease handed back to the Government. That is an option?</p> <p><b>Mr BETTS:</b> Ultimately termination is an option.</p> <p><b>The Hon. JOHN GRAHAM:</b> Understood. Given the complaints that have been made, given some of the issues which have been raised down there, some of which are probably yet to reach complaint status, is the agency comfortable that the operator is solvent? They have certainly been paying their rent on time. Do you have any concerns given that is a term of the lease?</p> <p><b>Mr BETTS:</b> I should certainly take that on notice. I am not aware of any concerns.</p>	<p>I am advised:</p> <p>Prior to the emergence of the COVID-19 virus, Tallawoladah had met its rental payments. The virus has now closed all restaurants in Australia, including those at Campbell's Stores.</p> <p>Place Management NSW will work with its tenants including Tallawoladah to understand and respond to the crisis in coming months.</p>																																		
40	<p><b>The Hon. ADAM SEARLE</b></p> <p>P56</p>	<p><b>The Hon. ADAM SEARLE:</b> In relation to page 89 of the annual report under "(c) Other provisions—current" provision to complete projects is \$113.314 million and then the next one, (d), is \$37.243 million. Could you take on notice which projects they relate to?</p> <p><b>Mr BROGDEN:</b> Yes, of course.</p>	<p>I am advised by Landcom:</p> <table border="1"> <thead> <tr> <th>Project</th> <th>\$M</th> </tr> </thead> <tbody> <tr> <td>Menangle Park</td> <td>29.4</td> </tr> <tr> <td>Edmondson Park</td> <td>37.9</td> </tr> <tr> <td>Oran Park</td> <td>23.3</td> </tr> <tr> <td>Renwick</td> <td>12.4</td> </tr> <tr> <td>Lachlan's line</td> <td>12.0</td> </tr> <tr> <td>Macarthur Heights</td> <td>10.3</td> </tr> <tr> <td>Spring Farm East Village</td> <td>6.5</td> </tr> <tr> <td>Newbrook (Airds)</td> <td>6.0</td> </tr> <tr> <td>Green Square</td> <td>3.7</td> </tr> <tr> <td>Bunya</td> <td>2.2</td> </tr> <tr> <td>Newleaf (Bonnyrigg)</td> <td>2.1</td> </tr> <tr> <td>Sanctuary</td> <td>1.1</td> </tr> <tr> <td>Caddens</td> <td>1.0</td> </tr> <tr> <td>The Ponds Stage 4</td> <td>1.0</td> </tr> <tr> <td>All other projects</td> <td>1.7</td> </tr> <tr> <td></td> <td>150.6</td> </tr> </tbody> </table>	Project	\$M	Menangle Park	29.4	Edmondson Park	37.9	Oran Park	23.3	Renwick	12.4	Lachlan's line	12.0	Macarthur Heights	10.3	Spring Farm East Village	6.5	Newbrook (Airds)	6.0	Green Square	3.7	Bunya	2.2	Newleaf (Bonnyrigg)	2.1	Sanctuary	1.1	Caddens	1.0	The Ponds Stage 4	1.0	All other projects	1.7		150.6
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41	<p><b>The Hon. ADAM SEARLE</b></p> <p>P56</p>	<p><b>The Hon. ADAM SEARLE:</b> Looking back, was this money expended? If so, was the budget met or were there some variations?</p> <p><b>Mr BROGDEN:</b> Yes.</p> <p><b>The Hon. ADAM SEARLE:</b> This is the 2019 financial report so I assume it is reporting backwards.</p> <p><b>Mr BROGDEN:</b> Yes.</p>	<p>I am advised by Landcom:</p> <p>Landcom projects are completed over long timeframes, so we do not expend the provisions listed under <i>Other provisions</i> in the 2019-20 Annual Report, all within one year.</p> <p>As at February 2020, of the \$150.6m listed in <i>Other provisions</i> in the 2019-20 Annual Report, we have expended \$85.5m.</p>																																		

		<p><b>The Hon. ADAM SEARLE:</b> This is what happened, I assume. Were there any variations?</p> <p><b>Mr BROGDEN:</b> We will come back to you.</p> <p><b>The Hon. ADAM SEARLE:</b> That would be appreciated.</p>	
42	<p><b>The Hon. ADAM SEARLE</b></p> <p>P57</p>	<p><b>The Hon. ADAM SEARLE:</b> Since we last discussed this issue—and I am not going to get into the nitty-gritty; that was done last year—the Legislative Council carried a number of Standing Order 52 applications. There was a struggle over privilege. That privilege was waived.</p> <p><b>Mr BROGDEN:</b> Correct.</p> <p><b>The Hon. ADAM SEARLE:</b> Subsequent to that the draft reports were obtained by the Legislative Council and of course privilege was again lifted from that. I have an excerpt of the draft report which I am happy to provide to you. I was hoping Ms Lee would be here but I accept it was late notice.</p>	There is no question to answer.
43	<p><b>The Hon. ADAM SEARLE</b></p> <p>P57-58</p>	<p><b>The Hon. ADAM SEARLE:</b> Yes, indeed. The Treasury secretary indicated that he did not see the drafts himself. It is just a matter of record that the draft is quite different to the final report. There was some media commentary subsequent to budget estimates last year. A comment was provided by a spokesperson for Landcom who indicated that the changes were made in line with legal advice. Was that information Landcom obtained from Treasury or is that something that Landcom itself was aware of?</p> <p><b>Mr BROGDEN:</b> I was not a party to either of the reports so I cannot answer that.</p> <p><b>The Hon. ADAM SEARLE:</b> That is okay. Can you take that on notice and come back as to whether this is Landcom information or whether it was derived from Treasury?</p> <p><b>Mr BROGDEN:</b> Yes, we can.</p> <p><b>The Hon. ADAM SEARLE:</b> I will, through the Committee, provide a copy of the draft report to you but I would like to direct a question to Ms Lee as to whether or not she received the drafts.</p> <p><b>Mr BROGDEN:</b> Are you happy for that to be answered—</p> <p><b>The Hon. ADAM SEARLE:</b> On notice.</p> <p><b>Mr BROGDEN:</b> And through the Landcom answer?</p> <p><b>The Hon. ADAM SEARLE:</b> Of course.</p> <p><b>Mr BROGDEN:</b> Okay. Thank you.</p>	<p>I am advised by Landcom:</p> <p>Ms Telfer of NSW Treasury and Ms Lee of Landcom were jointly in receipt of legal advice about the investigation.</p> <p>Ms Lee received the draft reports from Wentworth Advantage and provided them to NSW Treasury.</p>
44	<p><b>The Hon. ADAM SEARLE</b></p> <p>P59</p>	<p><b>The Hon. ADAM SEARLE:</b> On the last occasion there was some conversation I think I had with the Minister around the legislation around the Landcom board. I think the legislation says, "There shall be a board of seven." The Act also provides for a constitution. I think the constitution indicates that a smaller number is okay. And I think the answer through supplementary questions was the constitution is not inconsistent with the Act and therefore Landcom never having had seven directors it seems was</p>	<p>I am advised:</p> <p>Matters regarding the appointment of the Board of Landcom are a matter for the shareholder Ministers.</p>

		<p>okay. Is this something on which you have received advice from your counsel, Mr Hebron?</p> <p><b>Mr BETTS:</b> I would have to take that on notice.</p> <p><b>The Hon. ADAM SEARLE:</b> I am happy for you to do so.</p>	
45	<p><b>The Hon. ADAM SEARLE</b></p> <p>P59</p>	<p><b>The Hon. ADAM SEARLE:</b> Again this is not in the SOC Act; this is in the Landcom Act itself. I think Minister Stokes is the Minister with carriage of that legislation. And again I am not trying to be difficult about this but the Act says very clearly, "There shall be a board of seven," not "up to" seven. And it appears to never have been seven and so the constitution that provides for a lower number does seem to me to legally be inconsistent with the governing Act. I would just like to have some assurance that you have actually received specific advice from your legal counsel on that matter. I am happy for you to take it on notice.</p> <p><b>Mr BETTS:</b> Okay. Sure. No problem.</p>	<p>I am advised:</p> <p>Matters regarding the appointment of the Board of Landcom are a matter for the shareholder Ministers.</p>
46	<p><b>The Hon. ADAM SEARLE</b></p> <p>P60</p>	<p><b>The Hon. ADAM SEARLE:</b> Are you able to indicate whether the Richmond River Beef Producers Association was one of those stakeholders or have you received any representations from them about the SEPP?</p> <p><b>Mr RAY:</b> I do not have that information with me. I am happy to take that on notice.</p>	<p>I am advised:</p> <p>Minister Marshall received a letter from the Richmond River Beef Producer's Association about the Koala Habitat Protection State Environmental Planning Policy and associated Guideline. This was forwarded to Minister Stokes for a response.</p> <p>A response was supplied on 4 March 2020.</p>
47	<p><b>The Hon. ADAM SEARLE</b></p> <p>P60</p>	<p><b>The Hon. ADAM SEARLE:</b> Okay. Have there been any representations made to Minister Stokes about the SEPP from the agriculture Minister, Mr Marshall, that you are aware of?</p> <p><b>Mr RAY:</b> I may have to take that on notice.</p> <p><b>The Hon. ADAM SEARLE:</b> Again, this is not a gotcha moment—just a question.</p> <p><b>Mr RAY:</b> There could well have been.</p> <p><b>The Hon. ADAM SEARLE:</b> Okay. That is fine. If so, could you tell us when it was received and the nature of what it was about?</p> <p><b>Mr RAY:</b> Yes.</p> <p><b>The Hon. ADAM SEARLE:</b> In terms of consultation before the SEPP was made, what consideration was given to any impact on farm water infrastructure that might be occasioned by the SEPP? Is that something you can answer today or do you want to take that on notice?</p> <p><b>Mr RAY:</b> I would have to take that on notice. I am not aware of that particular aspect or that particular issue but it could well have been considered in either the consultation that was carried out when the original proposal was exhibited for public comment or it could even be raised more recently in the consultation on the guidelines.</p>	<p>I am advised:</p> <p>Minister Stokes received a letter from Minister Marshall on 24 February 2020. Minister Marshall requested the Department facilitate briefings with interested MPs, which have now taken place.</p> <p>There was also a request in the letter about ensuring Local Land Services is consulted during the development of Koala Plans of Management and that landholders should have a pathway to dispute proposed core koala habitat on their land.</p> <p>A response letter was sent from Minister Stokes to Minister Marshall on 4 March 2020 addressing the above matters, including confirmation that the Koala Habitat Protection Guideline includes a consultation role for Local Land Services during the preparation of Koala Plans of Management, and a process for landholders who wish to contest proposed core koala habitat, or the Koala Development Application Map in the State Environmental Planning Policy.</p>