

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Monday, 29 August 2022

Examination of proposed expenditure for the portfolio areas

PLANNING, HOMES

UNCORRECTED

The Committee met at 9:30.

MEMBERS

Ms Sue Higginson (Chair)

The Hon. Mark Pearson (Deputy Chair)

The Hon. Mark Buttigieg

Ms Cate Faehrmann

The Hon. Rose Jackson

The Hon. Aileen MacDonald

The Hon. Shayne Mallard

The Hon. Mick Veitch

MEMBERS PRESENT VIA VIDEOCONFERENCE

Mr Justin Field

PRESENT

The Hon. Anthony Roberts, *Minister for Planning, and Minister for Homes*

* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

The CHAIR: Welcome to the initial public hearing of Portfolio Committee No. 7- Planning and Environment for the inquiry into budget estimates 2022-2023. Before I commence, I acknowledge the Gadigal people of the Eora nation, who are the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past, present and emerging and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us here today. I welcome Minister Anthony Roberts and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Planning and Homes.

Before we commence I will make some brief comments about the procedures for today's hearing. Today's hearing is being broadcast live via the Parliament's website. The proceedings are also being recorded and a transcript will be placed on the Committee's website once it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded they must take responsibility for what they publish about the Committee's proceedings. All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness can only answer if they have more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take questions on notice and provide an answer within 21 days.

If witnesses wish to hand up documents, they should do so through the committee staff. Minister, I remind you and the officers accompanying you, that you are free to pass notes and refer directly to your advisers seated at the table behind you. Finally, can I please remind everybody to turn off their mobile phones or turn them to silent for the duration of the hearing. All witnesses are to be sworn in prior to giving evidence. Minister Roberts, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. I remind Mr Michael Cassel that you do not need to be sworn in as you have been sworn in at an earlier budget estimates hearing before this Committee.

Mr CLAY PRESHAW, Executive Director, Energy Resources and Industry Assessment, Department of Planning, Industry and Environment, affirmed and examined

Mr STEPHEN O'DONOGHUE, Director, Resource Assessments, Department of Planning and Environment, affirmed and examined

Mr TIM RAIMOND, Deputy Secretary, Strategic Land Use Planning, Department of Planning and Environment, affirmed and examined

Mr ALEXANDER WENDLER, CEO, Landcom, sworn and examined

Mr MARCUS RAY, Group Deputy Secretary, Planning & Assessment, Department of Planning and Environment, affirmed and examined

Mr SIMON NEWPORT, Acting Chief Executive, NSW Land and Housing Corporation, sworn and examined

Mr DAVID GAINSFORD, Deputy Secretary, Development Assessment, Department of Planning and Environment, affirmed and examined

Mr BRETT WHITWORTH, Deputy Secretary, Planning Policy, Department of Planning and Environment, affirmed and examined

Mr SHAUN SMITH, Group Deputy Secretary, Corporate Services, Department of Planning and Environment, affirmed and examined

Mr LEON WALKER, Deputy Secretary, Property and Development, Department of Planning and Environment, affirmed and examined

The CHAIR: Today's hearing will be conducted from 9.30 a.m. to 12.45 p.m. We will have a 15-minute break at 11:00 a.m. We are joined by the Minister in the morning. In the afternoon we will hear from departmental witnesses from 2.00 p.m. to 5.15 p.m. and we will have a 15-minute break at 3.30 p.m. During these sessions there will be questions from the Opposition and the crossbench members only. If required, an additional 15 minutes is allocated at the end of the morning and afternoon sessions for government questions. Thank you very much all of you for your attendance today. We will begin with questions from the Opposition

The Hon. ROSE JACKSON: Minister, are you familiar with the Premier's Priorities?

Mr ANTHONY ROBERTS: Yes, I am.

The Hon. ROSE JACKSON: Are you familiar with the Premier's Priority of 50 per cent women in senior executive leadership by 2025?

Mr ANTHONY ROBERTS: Yes, I am.

The Hon. ROSE JACKSON: How do you feel that you are going on that, considering the departmental representatives—all of whom I am sure are fine gentlemen—

Mr ANTHONY ROBERTS: Thank you.

The Hon. ROSE JACKSON: —that you have brought along today?

Mr ANTHONY ROBERTS: I don't employ departmental staff. I will pass that to Mr Cassel.

The Hon. ROSE JACKSON: You are responsible though. You are the cluster lead in the Department of Planning and Environment, aren't you, Minister?

Mr ANTHONY ROBERTS: That is correct, last time I had a look.

The Hon. ROSE JACKSON: My understanding is that at the very least the cluster lead Minister is responsible for the secretary. Do you not have any cause for pause about the fact that your department is so obviously failing to get anywhere close to that Premier's Priority? Does that concern you?

Mr ANTHONY ROBERTS: Well, can I say I reject the premise of the question. Are you asking me to get involved in the appointment of public servants?

The Hon. ROSE JACKSON: No. The Premier has set a priority that 50 per cent of people in senior executive positions in the public service should be women by 2025. In 2022 you have not brought a single woman with you as a departmental representative this morning.

Mr ANTHONY ROBERTS: Are you saying that I should get involved in the appointment of public servants?

The Hon. ROSE JACKSON: No. I'm saying you should ensure that your department is at least partly on track. Have you ever had a conversation with Mr Cassel about it? "Mr Castle, this is a priority that the Premier has set. I see that we don't appear to be anywhere close to meeting it. What are you doing about it?" Have you had that conversation?

Mr ANTHONY ROBERTS: No. I want to make it clear: Are you asking me to get involved in the appointment of public servants?

The Hon. ROSE JACKSON: No. I am asking you to be accountable for the fact that your department is completely failing to meet the Premier's Priority. That is what I'm asking you, to be accountable.

Mr ANTHONY ROBERTS: I reject the premise, but I will ask the person responsible for the cluster to answer that.

MICHAEL CASSEL: Thank you, Minister. I didn't do the invite list for today for witnesses. Obviously, this looks extremely unaligned to the Premier's Priorities. But I can assure you, of the senior executives, 48.2 per cent—so roughly 50 per cent—of senior executives in the department of planning are female. And my leadership team is 40/60.

The Hon. ROSE JACKSON: In terms of your direct reports, Mr Cassel—

Mr ANTHONY ROBERTS: Can you just—through me, please.

The Hon. ROSE JACKSON: Minister, how many direct reports does Mr Cassel have?

Mr ANTHONY ROBERTS: Mr Cassel?

MICHAEL CASSEL: I just need to count through them. I think it is around 10, at this point in time, but we are in the midst of changing that. Some of them report directly to me, others through another deputy secretary. But on the leadership team there is approximately 40/60.

The Hon. ROSE JACKSON: In terms of your direct reports, Mr Cassel, how many of them are women?

MICHAEL CASSEL: There would be five, at this point in time.

The Hon. ROSE JACKSON: We might come back to this line of questioning in the afternoon. Thank you for at least acknowledging it is not a good look. Minister, last week at estimates the Treasurer would not rule out further privatisation. Will you rule out the privatisation of Landcom?

Mr ANTHONY ROBERTS: I'm unaware of any discussions with respect to the privatisation of Landcom. Can I ask Alex?

ALEXANDER WENDLER: I'm not aware of any discussions or conversations about that.

The Hon. ROSE JACKSON: Good. I also wanted to ask, Minister, about the comments that were made recently by Minister Stokes. Did you have a conversation with Minister Stokes, by the way, before he announced in the newspaper that his view was that there should be a 30 per cent target for affordable and diverse housing on public land? Were you looped in to that contribution that he made in the newspaper recently?

Mr ANTHONY ROBERTS: I'd have to take that on notice.

The Hon. ROSE JACKSON: It is a pretty straightforward question, though. He was in the newspaper saying he thought it should be government policy that there's a 30 per cent target for affordable and diverse housing—which is pretty squarely, I would think, in your portfolio. I'm asking you did he talk to you about it before he was in the newspaper saying that?

Mr ANTHONY ROBERTS: I think any conversations that Mr Stokes and I have always had around this area is how we increase the amount of social and affordable housing within new developments.

The Hon. ROSE JACKSON: Do you agree, then, with Minister Stokes that it should be government policy that 30 per cent of developments on government land should be affordable and diverse housing? Do you agree with that?

Mr ANTHONY ROBERTS: I think that would be certainly a target that we would look at. But I might ask Mr Newport if there is any through the Land and Housing Corporation [LAHC].

The Hon. ROSE JACKSON: It is not, though. Fair enough, Mr Newport. But is it the Government's policy that 30 per cent of housing on government land is affordable and diverse housing? It's not currently government policy, is it, Mr Newport?

SIMON NEWPORT: I can only speak to Land and Housing Corporation. Certainly, the larger estate renewals, we do target 30 per cent social and affordable.

The Hon. ROSE JACKSON: Yes, that's the Communities Plus model development of Land and Housing Corporation assets, isn't it?

SIMON NEWPORT: Yes, that's the renewal model.

The Hon. ROSE JACKSON: That wasn't what Minister Stokes was talking about. Minister Stokes was talking about the redevelopment of any government land for housing, and it should have a 30 per cent target for affordable and diverse housing. Do you agree with that?

Mr ANTHONY ROBERTS: I certainly don't disagree with it.

The Hon. ROSE JACKSON: Is this an announcement today? Is this now government policy? This is quite a big deal if this is now being announced as government policy. That's quite a substantial development.

Mr ANTHONY ROBERTS: No, I'm not going to be announcing any new policy today.

The Hon. ROSE JACKSON: So you and Minister Stokes both think that it should be policy that 30 per cent of housing on government land should be affordable and diverse housing. You both believe that, but it's not government policy and you're not going to announce it.

Mr ANTHONY ROBERTS: I'm not announcing anything today that I'm aware of—or that you're aware of. I might announce something a little bit later on.

The Hon. ROSE JACKSON: Minister Stokes, in his thought bubble in the newspaper, acknowledged that this would be quite a big deal for the TAHE, who is one of the largest property developers in New South Wales now. If you agree with him that this is what the policy should be, have you raised that with TAHE? Are you pursuing it with them? Is this a discussion that you are having with them, at the moment, to implement what you believe the policy should be?

Mr ANTHONY ROBERTS: What I will say is the department may or may not be looking at ways to increase the amount of social housing on government land.

The Hon. ROSE JACKSON: But that's my question. Are you? You may or may not, but my question is are you doing that? That's the point of budget estimates: I ask if you are doing that, and then you tell me.

Mr ANTHONY ROBERTS: Have I had discussions with my department with respect to increasing the yield of social and affordable housing in developments? Yes, I have had many discussions with them. That may have resulted in some work being done on that in the meantime.

The Hon. ROSE JACKSON: So has it resulted in some work being done on that? You say it may have. I'm asking you, explicitly, has it resulted in work being done on that?

Mr ANTHONY ROBERTS: Mr Ray?

MARCUS RAY: Ms Jackson, the department always is looking at issues like affordable housing. And, yes, the department is looking at various matters in relation to affordable housing, as the Minister has said. My understanding of Minister Stokes' comments is that it was to start a discussion about that particular matter—of the potential for there to be 30 per cent on government sites. And, obviously, it has been successful because we are talking about it here today. But the current policy is the policy that was brought forward a few years ago by the Greater Sydney Commission, now the Greater Cities Commission, which was talking about 5 per cent to 10 per cent on the uplift. Yes, the department is currently doing work, but there's nothing that I can add to what the Minister says by way of announcement. But I do think that my understanding of the article was Minister Stokes was trying to start a discussion about more affordable housing and more affordable housing on public land.

The Hon. ROSE JACKSON: It is just that I feel like, being in opposition, I start discussions. If you are in government, you actually do things. That's the difference, in a way. That's the opportunity that you have that I don't have, which is that I can talk about things; you can do things. So are you going to do that? As Mr Ray has said, there's a current policy. A different policy has been put on the table by your colleague. Are you going to do it?

Mr ANTHONY ROBERTS: Do I disagree with what Minister Stokes raised? No, I don't. Do I think there are opportunities to move forward in this area? Yes, I do. And, in the fullness of time, there may be announcements around that.

The Hon. MARK BUTTIGIEG: Have you had any discussions with the Treasury or the Premier's department about this?

Mr ANTHONY ROBERTS: I'd have to take that on notice. Not personally. But I'm certainly very much aware that certainly Treasurer Kean would be open to suggestions about developing more social and affordable housing. But Landcom also is now being directed, and I will ask Landcom to—

ALEXANDER WENDLER: Yes. Thank you. We have received a new statement of priorities from Minister Roberts, a few weeks ago, and this has been adopted by the board. We have a target that we have had since 2021 for 10 per cent affordable housing and 15 per cent diverse housing. This has been now amended so that we have 10 per cent for affordable housing, 15 per cent for diverse housing in metropolitan areas, and in regional areas we have a new target of 20 per cent affordable housing, growing—this is up to 2025, and then with a target of 30 per cent from 2025, subject to market conditions. Therefore, just to clarify, today we already have—this is what Landcom is doing—10 per cent plus 15 per cent. This is what we are doing with all our developments since 2021.

The Hon. ROSE JACKSON: Would you be able to table that new statement of ministerial priorities?

ALEXANDER WENDLER: Yes, very happy to do that.

The Hon. ROSE JACKSON: That would be excellent. Minister, I understand there is a new MOU between the Land and Housing Corporation and Crown Lands. Is that correct, Mr Newport? Minister, through you, is that correct?

SIMON NEWPORT: Yes.

The Hon. ROSE JACKSON: Does the 30 per cent target for affordable and diverse housing that Minister Stokes has flagged and Minister Roberts supports—does that apply to that MOU?

SIMON NEWPORT: I'd have to take that on notice. I'm not aware of the specifics of that at this stage.

The Hon. ROSE JACKSON: That would be useful. I wanted to ask also, Minister, about the announcement in relation to the building energy efficiency that you and the Treasurer made recently—today. I understand it's in the newspaper. How different is what you have outlined with the Treasurer from the content of the Design and Place SEPP? Is it different at all? Sorry, the Design and Place SEPP that you cancelled within a very short period of time after becoming Minister. Sorry, the Design and Place SEPP that I'm referring to is the one that Mr Stokes developed that you cancelled. How different is your announcement today from that?

Mr ANTHONY ROBERTS: No, no. It was never cancelled; it was just not proceeded with. It was out on exhibition. But what you are talking about with respect to the new building sustainability controls that were introduced today in the Sustainable Buildings SEPP, that will support sustainable supply of housing. That helps New South Wales meet its targets on reducing greenhouse gas emissions. This has involved updates to BASIX standards for new residential development. Those standards for energy and thermal performance have been updated to reflect our COAG commitments and align with proposed changes—

The Hon. ROSE JACKSON: Yes, I can read your press releases too, Minister.

Mr ANTHONY ROBERTS: Excellent. Thank you.

The Hon. ROSE JACKSON: I'm asking you, what is the difference between that and the Design and Place SEPP that you cancelled, that Minister Stokes had been working on for some time? What is the difference? Is there any difference between them?

Mr ANTHONY ROBERTS: I will ask Mr Whitworth.

BRETT WHITWORTH: Thank you, Minister. The Sustainable Buildings SEPP continues the sustainability provisions from the Design and Place SEPP. The Design and Place SEPP had a number of elements to it. The sustainability provisions for sustainable buildings being residential and, for the first time, the introduction of non-residential sustainable building controls were part of that package. But I think we've always identified that design is important, that there were always elements of the work that we were going to continue. We are continuing on, for example, with the manual for local design review panels to ensure that there is consistency of process there.

I have talked about the importance of good practice urban guidance. Most importantly, though, we have introduced the Sustainable Buildings SEPP that helps us to achieve a 7 per cent to 11 per cent reduction in greenhouse gas emissions. These updates to BASIX will help reduce emissions by another 150,000 tonnes per year, and it gives us the opportunity to make sure that the design, construction, operation of buildings make a substantial contribution to the Government's net zero energy policy and the achievement of a 50 per cent reduction by 2030 and the net zero outcomes by 2050.

The Hon. ROSE JACKSON: My understanding is that the agreement in relation to these building sustainability changes had a range of potential times in which they would be introduced. You have selected October next year, which is some time away and, in fact, my understanding is it's the longest possible time you could have chosen to have them introduced. So if this is so important, as you have said and as Mr Whitworth has said—hurrah, happy days—why is it going to take so long to implement them?

Mr ANTHONY ROBERTS: Can I say, New South Wales has led the way with respect to good design standards that reduce our carbon emissions and footprint. I take the advice of my department, who seek advice, obviously, from industry—the people who actually build the homes. I would suggest that the reason being is it is giving industry lead time to be able to change. We are experiencing incredibly difficult supply chain issues. We are experiencing difficulties actually getting tradespeople to build homes, and increasing costs. With respect to that, we have a lot of pressure on a lot of our home builders at the moment in this difficult period, trying to stay afloat. But I will ask Mr Whitworth why—

The Hon. ROSE JACKSON: What has happened—

BRETT WHITWORTH: Sorry, Ms Jackson. I just think it's important because we also had an announcement from the national building Ministers last Friday, where every State has committed to that October 2023 time frame, which is an important part of making sure that we can transition in the changes to that trajectory to net zero across the nation. It also gives us the opportunity to ensure that the development industry can factor the necessary changes to achieve seven-star house designs, for example, or the introduction of the new non-residential standards into not just their design but also working with the necessary supply chains to ensure that the materials are built into the supply chain process.

The Hon. ROSE JACKSON: Mr Whitworth, it's my understanding that if States wanted to introduce these changes prior to October 2023, they would be entitled to do that. There is nothing stopping the New South Wales Government from implementing part or all of that agreement earlier. Minister, to you, this has not come out of nowhere. Minister Stokes did a substantial body of work in the development of the Design and Place SEPP, which Mr Whitworth has acknowledged. A number of these elements were included in that body of work. That was then paused. A range of these elements have now come back. None of this is new. All of this has been worked through with industry for a substantial period of time and you have still opted for the longest possible time frame for implementation. If it is so important, why not do it sooner?

Mr ANTHONY ROBERTS: Firstly, can I say that we have not only met the requirements federally, we have exceeded them. I mean, under our BASIX we will continue to mandate a water savings target, and New South Wales is the only jurisdiction doing that. I think the need for a national coordinated approach is critical. That's why, again—homes don't get built in a week, unfortunately. We are coming close to doing that with some of our builders, but certainly I think having a measured approach, together with industry, in a difficult time and a coordinated approach across the Commonwealth in order to achieve these outcomes is worth the wait.

Ms CATE FAEHRMANN: Morning, Minister.

Mr ANTHONY ROBERTS: Good morning.

Ms CATE FAEHRMANN: I will continue on that line of questioning, as we are there. What is the difference between what you have announced in *The Sydney Morning Herald* this morning, or what I have got in *The Sydney Morning Herald*, and what Federal Minister Ed Husic announced on Friday? What exactly is the difference?

Mr ANTHONY ROBERTS: It's a national approach. Is there any difference, Mr Whitworth?

BRETT WHITWORTH: The announcement on Friday was the agreement of the building Ministers across the different States to the delivery of that net zero trajectory. Every State then has the option as to how they can introduce it, whether it is through the National Construction Code and the adoption of the National Construction Code in October 2023, or whether it's through more discrete changes to their individual planning or building controls. In New South Wales we have continued the tradition of using the BASIX approach. The BASIX approach is something that was introduced first in 2004. It gives us not just flexibility, but it also incorporates best

practice in terms of not just the design but also how supply chains can link and also the delivery of innovation into the design process for the—

Ms CATE FAEHRMANN: Is it proposed that this apply to all buildings?

BRETT WHITWORTH: The BASIX and the residential applies to all residential buildings. There are differentials between alts and adds—alterations and additions—and new builds. We have also for the first time applied sustainability principles and indices in terms of thermal performance, water use and also an understanding—

Ms CATE FAEHRMANN: What about commercial developments?

BRETT WHITWORTH: For commercial—

Ms CATE FAEHRMANN: I do understand that potentially there was a larger list to which this seven-star rating applies, including things like shopping centres that were ultimately taken out of that list. Do you know about that, Minister?

Mr ANTHONY ROBERTS: I will ask Mr Whitworth.

BRETT WHITWORTH: We had originally identified, as the options for larger—

Ms CATE FAEHRMANN: Is there a reason why shopping centres were taken out, Mr Whitworth? That is the question.

BRETT WHITWORTH: There's a time frame adjustment process, and it's not to say that they won't be brought in into the future. We are using the NABERS process, which is an accepted verification pathway. That NABERS process is very much in place for existing commercial buildings as an opt-in process. What we're doing is mandating that use, and we're also mandating the requirement that every development identify the materials—

Ms CATE FAEHRMANN: Just quickly, in terms of things like shopping centres—

BRETT WHITWORTH: Sorry, I think it's important—

Ms CATE FAEHRMANN: But I will get onto another issue in a minute.

BRETT WHITWORTH: But you're asking me questions and then you're not letting me answer.

Ms CATE FAEHRMANN: No, I did. This is the first time I've interrupted you actually, so I am letting you answer. The question around shopping centres—you said "down the track". Could you be more specific because I understand there's a bit of developer pushback. Urban Taskforce, for example, is dead against shopping centres being included, and perhaps they were in the original list. When will shopping centres be included in this?

BRETT WHITWORTH: I'm not going to make a commitment to that time frame. What the materials that we release will make clear is that there will be a trajectory where we bring all forms of development into the process. Again, it's important to understand having the right materials and the—

Ms CATE FAEHRMANN: That's fine. We can deal with that later this afternoon. I've got the Minister here. Minister, will you commit to ensuring that all buildings and big developments, including shopping centres, ultimately have this seven-star rating?

Mr ANTHONY ROBERTS: I'll take the advice from my department when it comes up.

Ms CATE FAEHRMANN: Minister, in relation to the Design and Place SEPP and the scrapping of it, what discussions did you have with Urban Taskforce around the scrapping of that Design and Place SEPP before you scrapped it?

Mr ANTHONY ROBERTS: I'd ask you to refer to my diary, which is publicly disclosed.

Ms CATE FAEHRMANN: You met with them. So what discussions did you have?

Mr ANTHONY ROBERTS: We probably would've discussed a number of things. But I refer to my diary disclosures.

Ms CATE FAEHRMANN: Your diary disclosures are one thing; you're now before a budget estimates committee where I'm asking you what you discussed in that meeting. Yes, your diary does disclose that you met with them. What did you discuss? Clearly they had lobbied you relentlessly, by the looks of emails—you and your department and senior officials at this table—about scrapping the Design and Place SEPP. What discussions did you personally have with Tom Forrest about it?

Mr ANTHONY ROBERTS: There would've been discussions, certainly broad discussions, about the planning issues, as I have with all my stakeholders. They certainly, together with a number of stakeholders, raised concerns about potential costs to the building of new homes.

Ms CATE FAEHRMANN: Was one of those Harry Triguboff at Meriton, who, I understand, had also contacted you?

Mr ANTHONY ROBERTS: Again I refer to my diary disclosures. But certainly there was broad consensus across industry that this was going to not just provide additional confusion at the time but it would add potential costs to the build, as opposed to the BASIX. Where cost of living to this Government is critical, the introduction of BASIX would probably reduce the cost to a household by about \$1,000 a year. There was broad concern that the other parts of the SEPPs were potentially going to add a considerable amount to the build. I wasn't satisfied that enough modelling had been done with respect to moving forward with those in the current market conditions, having been given by the Premier a priority as part of his direction to me to increase the number of homes being built in New South Wales and their level of affordability.

Ms CATE FAEHRMANN: Yes, you've said that publicly. Why did you decide to announce the scrapping of the SEPP, which I understand was on 5 April, at a private lunch hosted by Urban Taskforce with a room full of developers?

Mr ANTHONY ROBERTS: Can I say the SEPP was never scrapped; it was not proceeded with. It was out for consultation. My department, my one source of truth, were able to again collate the number of submissions that we had—

Ms CATE FAEHRMANN: Minister, why did you decide not to proceed with the Design and Place SEPP at a room full of developers at an Urban Taskforce lunch?

Mr ANTHONY ROBERTS: Why wouldn't I announce it at a lunch where we had 200 or 300 industry people who were going to be directly involved with this and affected?

Ms CATE FAEHRMANN: Why did you then decide not to release the speech that you gave at that lunch?

Mr ANTHONY ROBERTS: I never decided not to release—if you're talking about this crazy conspiracy that there was some sort of secret speech to a room of 200 or 300 people with media present that was videoed and then uploaded to a website, that doesn't sound like a very secret—you might try to call it a secret—

Ms CATE FAEHRMANN: With respect, Minister, I also have emails that have been circulated within your department, including one that said that the speech wasn't for public distribution that was circulated to people like the chief architect, who, in an internal email on 6 April, says, "Why can't this be for distribution when it was a public lunch? I have no idea. Nuts." It's pretty nuts, isn't it?

Mr ANTHONY ROBERTS: I think you're speculating here on what a departmental liaison officer might say. Having looked at this, I think what that individual was referring to was a set of talking points that went into the speech itself. We don't release speeches publicly until we actually fact-check them and make sure everything I said—because I don't often follow the speech word by word.

Ms CATE FAEHRMANN: Then why didn't you put out a media release on the day that you had chosen not to go ahead with the Design and Place SEPP if this was something that you wanted to broadcast to the world? You didn't release the speech, you did it at a private developers' lunch, and then you didn't put out a media release to that effect.

Mr ANTHONY ROBERTS: I don't release speeches before I make a speech. Certainly there was a media release, I'm sure—I will take it on notice—that should've followed very shortly afterwards.

Ms CATE FAEHRMANN: Minister, given all of the consultation for 18 months or two years, as I understand, and the level of stakeholder involvement in the Design and Place SEPP, which was way more than just the developer lobby, as I understand it, do you think it's appropriate that you then come in as a new Minister and the only people who you really inform about this are developers?

Mr ANTHONY ROBERTS: Can I make it clear again that when I was appointed Minister for Planning and Minister for Homes in December of last year, the Premier made it very clear that my priority was to deliver a greater pipeline of homes that were to be more affordable. The Design and Place SEPP had gone on public exhibition. There were numerous concerns from both industry and the community that this policy would add to the cost and complexity of building new homes. This increase in costs would ultimately be passed on, of course, to the new home buyer. After the exhibition period concluded, I took into account all submissions and advice from the department and made the decision not to proceed with all the elements within the SEPP.

I remain committed, as I've said, in achieving the New South Wales Government's Net Zero Plan to have 50 per cent of emissions by 2030 and zero emissions by 2050. In keeping with this target and the necessity to address the impacts of climate change, I made the decision to implement the sustainability and environmental aspects of the Design and Place SEPP, which we've done through the Sustainable Buildings SEPP. I want to make it quite clear here, there were no new policies in the Design and Place SEPP relating to fire and flooding. We have existing policies requiring flood and fires to be considered in development applications, and that remains in force.

The CHAIR: Thank you, Mr Pearson?

The Hon. MARK PEARSON: Thank you very much, Chair.

Mr ANTHONY ROBERTS: Just further, I've just been informed, we did issue a media release on Tuesday 5 April.

The Hon. MARK PEARSON: Thank you, Minister. I want to take us to the issue of the protection or otherwise of wildlife and their habitat when there is a development about to be undertaken. I will use the Mirvac development in the Penrith area as an example, where it was approved for 252 apartments and 160 houses across 25.87 hectares at Coonara Avenue, West Pennant Hills. They are now currently busy removing 3,000 trees. Can the Minister confirm that Mirvac is required to comply with a fauna management plan when clearing native vegetation that is likely to or could cause a displacement or harm of native animals?

Mr ANTHONY ROBERTS: Mr Ray?

MARCUS RAY: Mr Pearson, I understand that that's a council assessed development by the Hills council with a determination, I think, by either the local planning panel or a regional planning panel. I don't have the particular conditions in front of me and that's really a matter for the administration of the local council. But obviously the approval went through a stringent planning process with the council and it was determined by an independent panel. There are a range of conditions on that application but I don't have that information with me as to what the particular controls are in relation to looking after the animals that might be affected by the clearing. There are a range of general practices and specific things that the department looks at when it is putting conditions on but I don't—

The Hon. MARK PEARSON: And are those conditions separate to what the local council has to—

MARCUS RAY: No, Mr Pearson. Sorry, I was just saying on other matters, not this matter. The department has no role over that particular development concerned so the details are really a matter for the Hills council.

The Hon. MARK PEARSON: I will keep pressing this particular line because the issue of responsibility flows backwards and forwards across several departments on these animal protection and environment issues. So there is a particular public concern about the fauna management plan, euthanasia protocol, with a provision that allows an onsite ecologist to assess and euthanise injured wildlife if "deemed unlikely to survive travelling to the vet." It is a fact that the area has six vet clinics and the closest is West Pennant Hills. Minister, why is a large developer like Mirvac being given greater leeway for killing wildlife than wildlife carers that are required under the New South Wales Code of Practice for Injured, Sick and Orphaned Protected Fauna to arrange for fauna to be assessed by a veterinarian or experienced fauna rehabilitator within 24 hours of rescue? So we have one set of rules for wildlife carers and another set of rules for an ecologist which has been appointed by a developing company.

Mr ANTHONY ROBERTS: Mr Ray?

MARCUS RAY: Mr Pearson, I understand that the information before me is that there are conditions that do require the appointment of that ecologist and the fauna management plan, but I don't have that next level of detail down.

The Hon. MARK PEARSON: So you will take on notice then?

MARCUS RAY: I can take it on notice.

The Hon. MARK PEARSON: Okay, thank you.

MARCUS RAY: But, again, it's really a question for The Hills Shire Council.

The Hon. MARK PEARSON: That's the fauna management program which is meant to be protecting wildlife but I think we need to have a look at another very important legislation, which is the Prevention of Cruelty to Animals Act, which is a criminal Act. In that Act it says, "A person"—which would include a company—"that injures, distresses, kills or harms an animal unnecessarily, unjustifiably and unreasonably is committing a criminal

offence." Minister, can you advise whether any development application by a developer for housing or anything else is exempt from the Prevention of Cruelty to Animals Act?

Mr ANTHONY ROBERTS: I'll ask Mr Ray; he'll know the answer.

MARCUS RAY: Mr Pearson, so the provisions of the Prevention of Cruelty to Animals Act obviously apply in their own terms. There wouldn't be anything that could be done through a development application or a development consent that would affect whether or not a criminal offence had been committed under that other Act. They're two separate pieces of legislation. There's nothing that could actually be done through the development consent that would affect the question of whether a crime had been committed under the prevention of cruelty to animals legislation.

The Hon. MARK PEARSON: So there is no stated exemption in any of the regulations or legislation pertaining to development which gives an exemption to any criminal act, including the Prevention of Cruelty to Animals Act, is that what you're saying?

MARCUS RAY: No, I wouldn't go so far as that. I think there are some provisions in relation to biodiversity conservation which certain circumstances might be a defence to certain criminal acts where there's been an approval but not in relation to the prevention of cruelty to animals legislation.

The Hon. MARK PEARSON: That actually goes to my next question. My understanding is that a development application may be exempt from the Biodiversity Conservation Act, which doesn't allow unnecessary, unjustifiable harm to wildlife. But there are exemptions to that Federal legislation, is that correct? Is that your understanding?

MARCUS RAY: Look, I'd have to take that on notice, Mr Pearce.

The Hon. MARK PEARSON: But you're not aware of any exemptions to the Prevention of Cruelty to Animals Act?

MARCUS RAY: I'm not aware of any exemptions, but it could be because of my imperfect knowledge, Mr Pearce.

The Hon. MARK PEARSON: You have very good knowledge and I don't expect you to be across all legislation and all jurisdictions. I think I'm happy to leave it there.

The Hon. ROSE JACKSON: Minister, you were advised in December last year that additional funding is urgently needed given the Land and Housing Corporation's unsustainable funding arrangements. What did you do about that?

Mr ANTHONY ROBERTS: Well, first of all I spoke to the Land and Housing Corporation. Then I spoke to my secretary and then we lobbied for money in—I've got to say what is one of the greatest housing levels of funding that I think this State has ever seen. It's been generational.

The Hon. ROSE JACKSON: What funding are you referring to? I've read the budget. There's \$300 million in there for maintenance, which was better than zero dollars. I don't think that that was what they were referring to when they advised you that additional funding is urgently needed given the Land and Housing Corporation's unsustainable funding arrangements. So you lobbied for money and you got \$300 million for maintenance, is that what happened?

Mr ANTHONY ROBERTS: It's our goal to ensure that everyone has a home in New South Wales, no matter their circumstances or income or wherever you are in New South Wales. This is an historical problem that we needed to overcome. Can I just say for the record the lowest annual dwelling completions of the last 20 years were in 28-29 when others were in power. In fact, the previous Government left us with the lowest number of new dwellings per capita anywhere in the nation. As a result, there has been a significant disparity between the demand for new homes, the number being built—

The Hon. ROSE JACKSON: You've given him the wrong note. He's talking generally about housing. I'm trying to ask about social housing. That's the housing the Government provides.

Mr ANTHONY ROBERTS: Can I just, Chair, finish?

The CHAIR: Yes.

Mr ANTHONY ROBERTS: So in 2012 we acted swiftly to increase the supply of social housing in the State. Our community housing providers have grown from delivering some 68 new dwellings in 2012 to some almost 3,300 last year and that sector alone is expected to contribute an additional 3,000 social and affordable homes over the next four years.

The Hon. ROSE JACKSON: I have asked you a question about advice that you were given in December last year that urgent funding was required as at December 2021, given the Land and Housing Corporation's unsustainability funding arrangement. What did you do about that?

Mr ANTHONY ROBERTS: We lobbied for additional funding and support.

The Hon. ROSE JACKSON: Okay, look, I actually give you credit. I assume you did that. I assume you did go to the ERC and say, "I have been told by these guys that the funding arrangement is unsustainable", and the \$300 million for maintenance, was that the result of your lobbying, just to be clear, that was what came out of that?

Mr ANTHONY ROBERTS: The importance of maintenance, as you'd be very aware, and that is as part of our fleet, some of our fleet is, well, of course it's aging, but the importance of—

The Hon. ROSE JACKSON: It is generally referred to as stock, but that's okay. Some of the stock is ageing.

Mr ANTHONY ROBERTS: Thank you for picking me up on that but I will refer to it as our fleet. So, LAHC property is already managed by community housing providers. We are providing assistance. Now there is greater flexibility in the scale of redevelopment projects that we put forward.

The Hon. ROSE JACKSON: Mr Newport, when you advised the Minister—when the Land and Housing Corporation advised the Minister, that your funding arrangements were unsustainable and that additional funding was urgently needed, were you referring to \$300 million for maintenance or was it a broader problem that you were trying to bring to his attention?

SIMON NEWPORT: I am sure you are aware that I have only been appointed in the last two weeks so I can't speak to something that took place in December last year.

The Hon. ROSE JACKSON: Do you think that the Land and Housing Corporation's funding model is unsustainable?

SIMON NEWPORT: I think self-funding can be challenging at times. There are a couple of points I would like to make though: the future financial year by 2023 and beyond is only part of it, that in the last two years land and housing has been about \$1.3 billion. That is a significant investment. So, looking forward, there are still funds to be delivered on that. We do have a stock of around 62 billion now. So, there is no question that we also have to look and see how we can make best use of that, but I am certainly happy to concede that it is a challenging model, yes.

The Hon. ROSE JACKSON: In the same brief that was provided to you, Minister, in December 2021, it stated that the Land and Housing Corporation's ability to deliver future directions for social housing and Communities Plus, which are the sort of key policy frameworks for the delivery of social housing, the Land and Housing Corporation's capacity to deliver them had "materially changed" since the approval of the business case in 2016. What is that material change?

Mr ANTHONY ROBERTS: This document to which you are referring to is?

The Hon. ROSE JACKSON: It is—

Mr ANTHONY ROBERTS: Just to assist us in providing an appropriate answer.

The Hon. ROSE JACKSON: Incoming Minister's brief, December 2021. I am happy to provide a copy to you.

Mr ANTHONY ROBERTS: No, I would have it.

The Hon. ROSE JACKSON: I am referring to page 40, "Land and Housing Corporation's strategic priorities are from the New South Wales Government's Future Directions for Social Housing in NSW policy and Communities Plus Program, noting that the Land and Housing Corporation's ability to deliver the program"—those being the core programs under which social housing is delivered in New South Wales—"has materially shifted since the approved business case 2016". What is the material shift?

Mr ANTHONY ROBERTS: Yes. I will ask Mr Cassel who was with LAHC at the time, but I would assume we had some issues with planning approvals at the time. Of course, I think together with most of the construction industry, we had those same COVID issues. We had issues around supply costs, supply chain, actually getting tradespeople to do the job. So, there could have been some shift—I am happy to tell you where we are going to from here. But Mr Cassel, do you want to outline that?

MICHAEL CASSEL: Yes, thank you Minister. From memory—it is a while ago; I have dealt with a few things since then—I believe it was around the yields that were originally predicted. Waterloo would have been a classic example where we had been negotiating with the city for almost four years and still couldn't get the yield that we originally thought. So, the original business cases had a higher number of dwellings than what they were, and a lower number of dwellings means a lower return, hence a lower financial viability.

The Hon. ROSE JACKSON: Thank you, Mr Cassel. The original business case was premised on 23,000 dwellings by 2025. At the end of 2021 I understand that 1,996 new dwellings, nett additional dwellings, had been delivered. I mean, that is a substantial change. I mean, we are nowhere near delivering 23,000 dwellings under that policy by 2025, are we, Minister?

Mr ANTHONY ROBERTS: Mr Cassel?

MICHAEL CASSEL: In simple, no, I don't think those numbers will be met. There has been a lot of things that have occurred since then that have disrupted the delivery of that program and based on the continuing lower yields, I think that program will struggle. But what has happened since then, as Simon pointed out previously, is there has been a significant capital injection into LAHC. It has been rewarded for continually delivering with continued stimulus money and that will go a long way to reshaping those outcomes. Sorry, if I could just add too, when you talk about actual homes open and the number that are in construction or are waiting development consent, I think that will be a big delta between the 1,093 and the actual number.

The Hon. ROSE JACKSON: It would need to be an astronomical delta to get anywhere close to 23,000 but that's okay.

MICHAEL CASSEL: I have already acknowledged that the program was struggling.

The Hon. ROSE JACKSON: Yes, thank you. Minister, considering that acknowledgement, and it has been obvious for some time—Communities Plus was announced some years ago—that the original predictions were not going to be met. Are you going to update those predictions? Is there going to be a revision of this because this is still the policy framework under which the Land and Housing Corporation is operating. We know it is not going to get there. Are you going to update those plans so that we have a realistic sense of what the Land and Housing Corporation is going to be able to do?

Mr ANTHONY ROBERTS: I will ask Mr Newport.

SIMON NEWPORT: The answer is yes, clearly a reforecast will be required.

The Hon. ROSE JACKSON: When is that likely to happen, Mr Newport?

SIMON NEWPORT: The budget reforecast is typically done just before Christmas of each year.

The Hon. ROSE JACKSON: We can expect that before Christmas this year there will be an updated forecast for the number of dwellings to be delivered by 2025 under Communities Plus?

SIMON NEWPORT: Yes.

The Hon. ROSE JACKSON: I look forward to that. I wanted to ask a few questions about the flood inquiry. Minister, the last time that we met at estimates you came in and indicated to us that you had instructed Mr Cassel to do an inquiry into land planning and land use in the context of floods. Was that inquiry that you said that you had instructed Mr Cassel to initiate, the Mary O'Kane and Mick Fuller inquiry? Was that the same thing?

Mr ANTHONY ROBERTS: That's what it moved into.

The Hon. ROSE JACKSON: It rolled into that.

Mr ANTHONY ROBERTS: It rolled into that.

The Hon. ROSE JACKSON: Okay. You weren't even at the announcement of the flood inquiry report, which seems odd considering that you told us you initiated it.

Mr ANTHONY ROBERTS: No, it was rolled into something larger than planning. Planning has played a role all the way through this, but I think certainly as we moved from the response to the recovery side, we have had a significant role to play all the way through that inquiry. We stood up people immediately to assist in the whole-of-government response to it. In fact, Mr Whitworth is the co-chair of the task force, or was until it was again rolled into the—

BRETT WHITWORTH: The Northern Rivers Reconstruction Corporation work, yes.

Mr ANTHONY ROBERTS: Do you want to run through—

BRETT WHITWORTH: Certainly, Minister. I mean, the O'Kane-Fuller inquiry has given the Government 28 recommendations, and the Government has accepted all of them either in principle or in full. The Government is already moving to introduce and implement those recommendations. There have already been announcements about a phased program to migrate people off the highest risk areas of the Lismore flood plain and other Northern Rivers flood plains through a significantly expanded land swap and voluntary house purchase scheme. There has been the creation of a Community First Responder program, including an Aboriginal First Responder program to address the needs of First Nations people. There has been the announcement of the establishment of the permanent statewide reconstruction body, dedicated to reconstruction and preparedness, with legislation to be introduced by the end of the year. The Northern Rivers Reconstruction Corporation has been up and running since 1 July and has undertaken a number of activities, including continuing to provide for temporary housing, engaging with the local councils and also starting to talk about potential additional housing supply options in the Northern Rivers.

The Hon. ROSE JACKSON: Thank you for that, Mr Whitworth. I wanted to ask about the Hawkesbury-Nepean because, as you can see from Mr Whitworth's response, much of the focus has been in Lismore and the Northern Rivers, and that's completely valid. But the flood report makes a number of comments and findings, in relation to the risk of flooding in the Hawkesbury-Nepean, that have quite significant ramifications for, for example, the work of the Greater Cities Commission, in terms of future development in Sydney. What is DPE's role in implementing and acting on those findings to ensure that we don't have, for example, 40,000 people at risk of flooding in the Hawkesbury-Nepean by 2024, which is what the flood report says will occur if development goes ahead without future mitigation?

Mr ANTHONY ROBERTS: The Hawkesbury-Nepean Valley presents flood risks that are unique, compared to anywhere, probably, else in Australia. For more than a decade, planning policy has dictated that any new development should be above the one-in-100 flood chance per year level. Of course, tragically, many of the houses affected by the 2022, 2021, and 2020 flooding events in the Hawkesbury-Nepean are in places that were developed before the policy was introduced. This Government has currently published—we have a dedicated flood management strategy for the Hawkesbury-Nepean. The Resilient Valley, Resilient Communities strategy was released in 2017. Its aim was to improve the valley's resilience through an integrated package of flood mitigation, road upgrades, enhancements to flood warning and evacuation systems and land use planning changes. As part of that suite of actions, the department published a flood-prone-land package in July of 2021. That was aimed to improve those communities' resilience to flooding, by providing a consistent framework—

The Hon. MARK BUTTIGIEG: Minister, this report says that there's risk of further flooding by 2040, to affect 40,000 people, if development goes ahead without further mitigation, not historical mitigation. What's the plan going forward?

Mr ANTHONY ROBERTS: The package aims to improve communities' resilience to flooding by providing a consistent framework that councils can apply to set development controls appropriate to their areas. Infrastructure NSW, Transport for NSW and regional flood evacuation models, as well, will assist to inform transport and land use planning decisions. From that, rezonings—

The Hon. ROSE JACKSON: Are you going to do anything—

Mr ANTHONY ROBERTS: I'm coming to it.

The Hon. ROSE JACKSON: —about the potential massive development that could go ahead on Sydney's flood plains, which will expose tens of thousands of people to flood risk? Have you had any conversations with the Greater Cities Commission about this?

Mr ANTHONY ROBERTS: As you would be aware, rezonings in the Hawkesbury-Nepean Valley have also been paused since March of '21. Our next steps in relation to the strategy, including decisions about rezonings for residential development, need to await the outcomes of the independent inquiry into flooding. Mr Ray—

The Hon. ROSE JACKSON: Hold on. That note needs updating because, of course, we have that independent inquiry. That's what we're asking about. That has happened.

The Hon. AILEEN MacDONALD: Can he finish the question?

Ms CATE FAHRMANN: He's got the wrong answer.

Mr ANTHONY ROBERTS: We are responding to that.

The Hon. ROSE JACKSON: I'm asking specifically about what you are going to do about future development in western Sydney, specifically the Hawkesbury-Nepean, but also Camden and Campbelltown.

There are other areas that are impacted. Have you talked to the Greater Cities Commission about the potential consequences of further development in those areas because of the findings of the independent flood inquiry?

Mr ANTHONY ROBERTS: Yes. The Government is in the process of—well, my department—preparing final responses to that independent inquiry. Mr Ray, do you want to add anything further?

MARCUS RAY: Yes. I've actually spoken to Elizabeth Mildwater, maybe even twice, since the report came down. The broader issues about planning for Sydney, including in the Hawkesbury-Nepean Valley, are ones that—ultimately, the strategic planning is led by the Greater Cities Commission. They are on track to do an updated plan in 2023. There are a number of recommendations that the O'Kane-Fuller report has brought forward, which they will have to address and we will, obviously, support them in addressing. Clearly, there has been a lot of work, as the Minister has indicated. There's been a lot of work about flood risk in the Hawkesbury-Nepean Valley, which has been led by Infrastructure NSW. They will, clearly, have a role. It's something that's very, I would say, front of mind for all of us at the department, about ensuring that not only individual planning proposals but also the broader strategic settings take into account those recommendations.

The Hon. ROSE JACKSON: Thank you, Mr Ray. That's useful. In terms of individual planning proposals, the department is aware of the recommendations and is mindful of those. In terms of the broader settings, you are of the understanding, based on your conversations with the Greater Cities Commission, that they appreciate the need to accommodate the findings of the flood inquiry in terms of their settings of broader frameworks.

MARCUS RAY: Ms Jackson, that's exactly right. As the Minister's already said, there has been a pause on rezonings in the north-west for some time. Now the department is looking at the implications of the recommendations for that pause. But, more broadly, we are committed to working with the Greater Cities Commission to ensure that the recommendations that impact the strategic planning on Sydney and the shape of Sydney going forward will be taken up.

The Hon. ROSE JACKSON: Minister, how many dwellings would be expected to be delivered in the north-west corridor, where the pause is currently in place? What is the potential scale of that development area?

Mr ANTHONY ROBERTS: What I can tell you is that the New South Wales Government has rejected proposals for rezoning of land for further residential development at Windsor, Richmond and Emu Plains. We've rejected or refused proposals for some 5,000 new homes at Penrith Lakes. Most of the North-West Growth Area has already been rezoned and developed. Future residential rezoning of land in the North-West Growth Area, including Marsden Park North, West Schofields and Riverstone East Stage Three, has also been paused while the evacuation constraints and capacity for growth within those constraints are investigated. The number of homes—Mr Ray, is there a—

MARCUS RAY: Minister, Ms Jackson, at this stage, we are actually doing a deep dive on all the proposals because, you could imagine, there are some planning proposals that are actually partly above the probable maximum flood and therefore aren't in the flood plain, but they're partly not. There are other proposals, where, for example, areas that have been proposed for employment zoning, that are above the probable maximum flood, aren't on the flood plain. It might be possible to actually swap employment zoning in the flood plain for residential development above the flood plain. It's a complex calculation, and I don't have the numbers there. Given that the department is only, obviously, quickly responding to the report, I just don't have those numbers at the moment.

The Hon. ROSE JACKSON: That's okay. My time's finished. Just quickly, is there a time frame on that deep dive?

Mr ANTHONY ROBERTS: Mr Ray?

MARCUS RAY: Certainly, our general approach is to try and get to the answers as quickly as possible. One of the things that we do have to face with the inquiry's recommendations is, in some cases, further work will need to be done, further flood modelling will need to be done, in order to get an ultimate answer about the appropriate risk assessment for particular catchments or part of catchments. So I would imagine that we will certainly have a much clearer idea in the next couple of months.

The Hon. ROSE JACKSON: I might come back to that. Apologies, Chair.

The CHAIR: I'm not quite sure whether "deep dive" is the most appropriate term at the moment.

MICHAEL CASSEL: I do apologise.

The CHAIR: It's alright. I'm thinking very much of my friends and family at home in Lismore. Minister, if I could just take us to our Government's announced emissions target reduction and that we are apparently going

to reach 50 per cent reductions by 2030—our emissions reduction. Minister, does your department have a net zero emissions modelling team?

Mr ANTHONY ROBERTS: Mr Cassel?

MICHAEL CASSEL: Sorry, could I have that question again?

The CHAIR: Certainly. Am I correct? Does the department have a net zero emissions modelling team? Who's doing what in terms of the—

Ms CATE FAEHRMANN: Blank faces.

The CHAIR: —emissions reduction and Government target of 50 per cent by 2030?

MICHAEL CASSEL: Not within the planning cluster.

The CHAIR: Right. But we have one somewhere?

MICHAEL CASSEL: Sorry, not within the planning department or under the Minister's control.

The CHAIR: Could you just explain to me, then, what we're doing in terms of calculating the emissions that we're currently recommending we keep approving?

MICHAEL CASSEL: I'd need to refer you to the environment Minister for those questions.

The CHAIR: No, with respect, Mr Cassel, your department under you right now—your planning officers—are recommending approval of coalmine developments, one after the other after the other after the other, which have enormous contributions to greenhouse gas emissions. I'm just trying to factor in what we're doing, if that's okay—what we can tell people we're doing. While we're doing that on the one hand, on the other hand we're apparently reducing our emissions by 50 per cent by 2030, which is in only seven years.

MICHAEL CASSEL: I'll ask Mr Ray to answer the question.

MARCUS RAY: Ms Higginson, the department is assessing those applications as they come forward and looks at, and has long looked at, the issues of scope 1, scope 2 and scope 3 emissions. One of the actions that the department is taking in more recent years, alive to the question of 50 per cent reduction by 2030, is to recommend conditions on proposals that go before the IPC to reduce those emissions in line with the broad thrust of government policy. I might just pass to Mr Gainsford for the details on that.

The CHAIR: Just before you do, Mr Gainsford, can I just ask the Minister this: Minister, are you aware that just this year your department staff, since you've become Minister, when they were drafting their assessment report for one of the largest coalmine expansions we've done this year, found in their report that there's no clear methodology to assess the relative scale of emissions in a consistent manner? There are no performance criteria or limits provided, nor a clear time line for reduced emissions. There is no clear guidance on how to assess potential mitigation or abatement measures. There is no clear guidance on whether offsets should be required nor a methodology to calculate them. What are you doing about that, Minister, given we have committed to the world that we're reducing our emissions by 50 per cent?

Mr ANTHONY ROBERTS: Can I ask you which mine that was?

The CHAIR: That was the Narrabri underground mine, one of the very, very large emissions-intensive projects.

Mr ANTHONY ROBERTS: Certainly the department requires, I've been made aware, coalmining applicants to undertake detailed assessment of greenhouse gas emissions and consider all relevant international, Federal and State guidelines and policies in preparing those submissions.

The CHAIR: Thank you, Minister, but just on the actual question, if you wouldn't mind, what are you doing to assist your department? If I was the Minister, I would read that and go, "Goodness gracious me. There's my staff begging for some leadership on how I comply with current government policy." Is that how you would read it too, Minister?

Mr ANTHONY ROBERTS: Goodness gracious. Mr Gainsford?

DAVID GAINSFORD: Thanks, Minister, and thanks Chair. Just referring back to Mr Ray's commentary before around the assessment that we undertake with regard to coalmining projects, absolutely, the assessment that we undertake is detailed. We look at the scope 1, scope 2 and scope 3 emissions.

The CHAIR: Mr Gainsford, would you mind? I apologise. I really understand in incredible detail the assessment you undertake. It's really about those emissions and what we're doing in terms of the overarching policy of reducing those emissions.

DAVID GAINSFORD: Yes, so with regard to Narrabri underground coal, I think some of the commentary that you've referred to there in our report—and I signed off on the report, so I'm quite familiar with the commentary in there—if you read the paragraphs before that part that you read out, it acknowledges that there is a lot of policy out there, for example, the Government's commitments to net zero in 2050 and also reductions of 50 per cent by 2030. Obviously, there are a number of Commonwealth policies as well. What we were referring to there is the translation, if you like, of those policies to specific applications that we have in front of us.

The CHAIR: So, Mr Gainsford, did you consider doing something, when you signed off on that, about how we reduce the scope 1s and 2s? Did you consider something more than what's reasonable and feasible?

DAVID GAINSFORD: Yes.

The CHAIR: I'm sure you're familiar with Ian Lowe's critique on what we're doing on scope 1s and 2s. Did we consider requiring coalmines to use 100 per cent renewable energy, for example?

DAVID GAINSFORD: They're exactly the things that we did look at, as a matter of fact. With regard to Narrabri again, the approach we took there was to work with our climate numbers for the atmospheric sciences branch—I think they sit in the energy area now—and also the Environment Protection Authority. We worked with those agencies to help with the assessment for Narrabri because there was an acknowledgement for stage three of Narrabri that the emissions intensity associated with that proposed expansion was quite gassy. There were quite considerable levels of methane. Whilst that had been assessed and whilst that had been incorporated into the cost-benefit analysis associated with that assessment, we felt, because of the concentrations and the emissions intensity, there was more that could be done. So for the first time in our recommendations to the Independent Planning Commission—and the Independent Planning Commission adopted those recommendations and in some cases strengthened them—we have actually set limits on greenhouse gas emissions in that scope 1 and scope 2.

The CHAIR: And they're still enormously high, aren't they?

DAVID GAINSFORD: But the limits also talk about ratcheting down, so there are commitments. They're in the conditions—

The CHAIR: Will we be doing that before 2040 or 2050?

DAVID GAINSFORD: There are some conditions that apply, as I understand it, pre-2030. Then there is a focus post-2030 as well to continue to ratchet down the emissions intensity.

Mr ANTHONY ROBERTS: Just further to that, one thing I have asked the department to do is explore new technologies and options. That could be around how we better monitor the emissions, the use of electric vehicles, for example, in the mine site itself, as well as renewable sources of energy to power those sites. That's work that I've instructed the department to undertake.

The CHAIR: Minister, can I ask, are you in conversations with the Treasurer about what you're doing to minimise the contribution that this enormous emissions sector is making to the goal of reducing emissions?

Mr ANTHONY ROBERTS: Well, certainly can I say that there are broad discussions within the Cabinet around this, without speaking about Cabinet—

The CHAIR: Do you think you're doing okay on the coal and gas front, in terms of the State commitment? Do you think you're doing okay?

Mr ANTHONY ROBERTS: I think within the system we have a planning framework that is always independent. We abide by all those planning regulations to ensure that these mines are assessed within the law.

The CHAIR: Were you relieved when we heard last week Dendrobium won't be going ahead?

Mr ANTHONY ROBERTS: I try to remain somewhat agnostic from site-by-site decisions.

The CHAIR: But, Minister, do you accept that, site by site, these are the developments that are increasing our emissions at unfathomable rates?

Mr ANTHONY ROBERTS: I think Dendrobium was a highly contentious application, and I think there would be a lot of people that were relieved upon their decision not to proceed with it.

The CHAIR: We will now turn to Mr Field for some questions. He is appearing via Webex.

Mr JUSTIN FIELD: Can I just check that you can hear me well. I appreciate you've accepted me from the remote distances of the South Coast today.

Mr ANTHONY ROBERTS: I can hear you loud and clear.

Mr JUSTIN FIELD: Thank you, Minister. I'd like to go to the points that were just being raised by Sue Higginson—wouldn't be surprising. In October 2017 you stood up in the Parliament holding a lump of coal and you said, "Coal, this amazing piece of black rock I have with me, is beautiful." You went on to conclude, "I say this: If you want a friend, get yourself a bit of coal." What was that all about?

Mr ANTHONY ROBERTS: Well, I'm known to have some leeway granted to me in the lower House. Can I say coal plays a significant role as we transition into the future. You know, it was 2017. Am I pivoting more towards solar renewables? Yes, I am. But, yes, it was some banter.

Mr JUSTIN FIELD: I agree it was 2017 but, of course, the Paris climate conference was in 2016. There was a heated debate going on—

Mr ANTHONY ROBERTS: I wasn't there.

Mr JUSTIN FIELD: Yes, I appreciate that, but you would've been aware as the planning Minister that was occurring. You've got international scientists, international energy agencies, other bodies saying we need to stop mining coal and fossil fuels. And in fact no new coal and gas and oil is now very common in the view of global scientists, global energy bodies, global economists. Would you do it today? Would you do the same thing today?

Mr ANTHONY ROBERTS: No, but what I would do again today is what I did with respect to coal seam gas licences that littered New South Wales from north to south, east to west, parts of Greater Sydney that had been basically unleashed prior to us coming into Government. I think what we were able to do then was pretty significant and sent a very clear message. But, yes, that's one thing that I would do again today.

Mr JUSTIN FIELD: You said before in answers to Ms Higginson that you try to remain agnostic about individual coalmining projects. It's hard to claim you're agnostic though when you've gone into Parliament with a lump of coal. There have been 11 approvals from you of expanded coalmines since 2016, since the Paris climate conference. How are you going to stamp your leadership on the department with regard to what is now a trajectory that's been set by Government policy to reduce emissions, both 50 per cent by 2030 and net zero by 2050?

Mr ANTHONY ROBERTS: Again, that's a whole-of-government approach. I've got to be—as you would be aware—somewhat careful as Minister when there is something before the Independent Planning Commission. Public commentary from a Minister, I think, is not just unhelpful but, I've got to say, quite wrong. Again, it's setting the guidelines from a whole-of-government approach to deal with ensuring that we reach those targets. But I think commentary from the planning Minister when there is something before an independent planning panel is less than helpful and potentially detrimental.

Mr JUSTIN FIELD: I think setting those guidelines is very important. In November 2021 in a speech to the Committee for Sydney, the former planning Minister Rob Stokes indicated that he had asked the department to investigate options for reducing scope 1 and scope 2 greenhouse emissions in respect of major mining projects. I asked you some questions on notice about this. I got an answer that didn't quite provide the answer to the question though. Can I just ask you: Is that work ongoing or, if it's been concluded, what were the outcomes of investigating options to reduce scopes 1 and 2 emissions?

Mr ANTHONY ROBERTS: I'll ask Mr Gainsford.

DAVID GAINSFORD: Thanks, Mr Field. Again, with regard to specific projects that we're assessing—I can't speak for a broader sort of policy response. But with regard to the specific projects that we're assessing, certainly we are—and this is the approach that I was outlining before to the Chair with the Narrabri stage 3 proposal—looking at those measures to reduce scope 1 and scope 2 emissions. What we've adopted for or what has been adopted for—

Mr JUSTIN FIELD: Sorry, Mr Gainsford—just one second. I didn't think this was about specific proposals. I thought this was a broader: "How should we be handling this question of reducing scopes 1 and 2 emissions broadly?" Tell me if I'm wrong. Was there a separate piece of work or was it just a project by project? I can ask you about the project-by-project stuff this afternoon. So if this work never happened or if I've misunderstood what it was, just let me know.

DAVID GAINSFORD: I'm possibly not best to answer that. Apologies, Mr Field.

Mr JUSTIN FIELD: Mr Field, we'll give you Mr Whitworth.

BRETT WHITWORTH: We do have guidelines for the economic assessment of mining and coal seam gas proposals. These require the economic impacts of greenhouse gas emissions to be estimated and presented in a cost-benefit analysis. The guidelines state the preferred approach for estimating and costing greenhouse emissions should apply the costs and benefits to New South Wales only. So that ensures that they're scope 1 and scope 2. Until recently mining assessments have largely apportioned the cost of greenhouse gas emissions to the global population. This means that the cost to New South Wales has been calculated based on its percentage of the global population; therefore, the cost of the greenhouse gas emissions has been relatively small. However, there are differing opinions amongst economic experts on whether this approach is reasonable and how much of this cost should be apportioned to New South Wales.

Mr JUSTIN FIELD: Sorry, Mr Whitworth, is this the work that Minister Stokes had asked to be done? I just want to be clear: If that didn't happen, just let me know. He specifically said he'd asked the department to investigate options. I assume when he said that the department went, "Yes, that's this body of work that we're doing now", or maybe they went, "Shit, we don't know what that is. We should ask him and start that work." Did that work happen? This was only in November 2021 when he made that speech to the Committee for Sydney.

BRETT WHITWORTH: I will take on—I don't have a date for the guidelines. I thought that they had been completed a little bit before November 2021, but we have certainly been doing an extensive amount of work. Your question is specifically in the mining space, but we have also been doing an extensive amount of work on the update of guidelines in other renewable energy spaces as well. As I've pointed out to you, we do have our guidelines for the economic assessment of mining and coal seam gas proposals. I'll get you a date for that for this afternoon's session.

Mr ANTHONY ROBERTS: In the interests of full customer service, I might ask Mr Ray to elaborate further.

MARCUS RAY: Sorry, Mr Field, so a lot of that work is the work that's coming out in individual project applications and the department's work that Mr Gainsford has already spoken about. So it's not as if we're waiting for a policy under development. We're actually doing it in a practical way application by application and, again, I'll defer to Mr Whitworth on the other matters.

Mr JUSTIN FIELD: That's fine. What I'd like to do though now is step away from conditions or projects in the pipeline at the moment and look back a little bit. Most of the coalmines that are approved have a condition that says that reasonable and feasible best practice measures for emissions reduction are required to be undertaken. That would be a fair statement, wouldn't it? Possibly Mr Whitworth—I'm not sure who's best to answer it.

Mr ANTHONY ROBERTS: Are you happy to answer that?

DAVID GAINSFORD: It is probably me, Mr Field. Yes, I think that's correct. It is a fairly—

Mr ANTHONY ROBERTS: That's Mr Gainsford.

DAVID GAINSFORD: —standard approach.

Mr JUSTIN FIELD: I've asked a series of questions about this as well. The answer I got back—when asked about how judgements are made about a reasonable and feasible best practice, the reference has been made to the annual greenhouse gas emissions and air quality reporting required from various coalmine sites. Noting what Ms Higginson said, which was, with regard to Narrabri underground—there was a comment from the department of planning that said there is no guidance on how to assess potential mitigation or abatement measures, e.g., what measures are considered reasonable and feasible best practice. Has there been a single coalmine currently approved in New South Wales which has been required to take actions to reduce greenhouse gas emissions on the judgement of the planning department, who enforces conditions, that they need to take some action where there is a reasonable and feasible way to reduce emissions? Has any project been required to take additional actions to reduce emissions as a result of that condition of consent?

Mr ANTHONY ROBERTS: Mr Gainsford?

DAVID GAINSFORD: What I am aware of is that, as you were mentioning before, there are annual reviews that are required to be produced under each consent. Also, there are three-yearly independent environmental audits that occur under each one of those consents. The environmental audits are also looking at compliance with greenhouse gas management plans and some of those reasonable and feasible measures. For the specifics of each project I'd probably need to take that on notice, but the advice that I have is that those independent environmental audits that have been conducted have demonstrated that they are meeting their conditions of consent.

The CHAIR: It is 11.00 a.m. We will now adjourn for morning tea.

(Short adjournment)

The CHAIR: We will resume the hearing with questions from the Opposition.

The Hon. ROSE JACKSON: I wanted to ask a little bit about housing supply, because you have mentioned it's obviously a key priority for you. How many councils across the six cities planning area have housing plans in place?

Mr ANTHONY ROBERTS: Mr Ray.

MARCUS RAY: Ms Jackson, in metropolitan Sydney—if we just talk about the 33 councils and we don't talk about the Central Coast and lower Hunter and the Illawarra Shoalhaven—each of those councils now has a local housing strategy. In fact, I think it was Fairfield council that has been the last one, and they've had their local housing strategy approved, with conditions. One of the initiatives from the Regional Housing Taskforce that was established last year, and which reported towards the end of last year, for those areas outside of the old metropolitan Sydney but including the Central Coast and the lower Hunter and Illawarra Shoalhaven is for us to work with those councils to develop local housing strategies. Then the next stage will be to work out an implementation plan with those councils to ensure that they are actually bringing forward supply in their area.

The Hon. ROSE JACKSON: That's for the regional areas, is it? The implementation strategies apply to the regional?

MARCUS RAY: No, they're applied—

The Hon. ROSE JACKSON: They're applied across the board?

MARCUS RAY: They're applied across the board. There is a lot of work between the department and councils about supporting councils to implement those local housing strategies which they have produced.

The Hon. ROSE JACKSON: We might get onto the regional areas later. So 33 of 33 now have the targets, have the plan, which is good. Minister, you'd be aware there has been a little bit of a slip between cup and lip when it comes to actually meeting the targets in the housing plans. You're aware of that problem, aren't you?

Mr ANTHONY ROBERTS: The housing supply in New South Wales has been very difficult for some time. We have a population that's continuing to grow. The Department of Planning and Environment's projections show that we'll need some 45,000 homes a year over the next 20 years.

The Hon. ROSE JACKSON: How many did we deliver last year? There we go; that's always a good place to start.

Mr ANTHONY ROBERTS: We have now the most homes under construction than anywhere else in the country.

The Hon. ROSE JACKSON: Unfortunately, that wasn't my question, though. You said 45,000 are needed every year for 10 years, and I said, "Okay. How many were delivered last year?"

Mr ANTHONY ROBERTS: We have the most homes under construction. That's some more than 75,000, according to the ABS.

The Hon. ROSE JACKSON: Again, that actually wasn't my question. Can someone else tell me how many homes were delivered last year?

Mr ANTHONY ROBERTS: We've got 30,000 new housing lots rezoned by councils, and some 32,500 new dwellings approved by State and regional development decisions.

The Hon. ROSE JACKSON: Again, you're not talking about what I'm asking about. You're talking about rezonings or approvals or construction, and I'm asking how many dwellings were delivered last year. Mr Ray, I feel like you have an answer for me.

MARCUS RAY: Ms Jackson, I just want to preface the answer in a broader context. There has been publicity, obviously, about some councils not meeting their housing targets, but what there hasn't been is there are other councils that have gone way beyond their housing targets. If you look at the five-year period, the five-year block, I think the target was about 189,000.

The Hon. ROSE JACKSON: This is 2016 to 2021.

MARCUS RAY: Yes. But the actual completions in that time was 181,000. Even though some councils didn't meet their targets, others exceeded their targets. So I just want to say that the housing pipeline is the really important thing. It's not something that can just be turned on and turned off. It's something that the department is

working with councils constantly. It's a constant issue. But last year, the figures that I have, in New South Wales there were 48,000 completions.

The Hon. ROSE JACKSON: So 2016 to 2021, I think it was what?

MARCUS RAY: So 189,000 was the target and 181,000 was delivered, yes.

The Hon. ROSE JACKSON: But that was off the back of 19 of 33 councils failing to deliver their targets, and the point that you're making is the ones that did meet their targets—so the other sort of 12 or 13 exceeded their targets.

MARCUS RAY: Yes.

The Hon. ROSE JACKSON: That makes sense to me. Thank you, Mr Ray. So for 2021 to 2026, what's the overall figure for that five-year period?

Mr ANTHONY ROBERTS: Mr Ray?

MARCUS RAY: If you just bear with me, I think it's roughly about 160,000, but I might just have to take that on notice.

The Hon. ROSE JACKSON: DPE projects, I understand—based on, presumably, the plans that you have in place from those local government areas, as you said, all done now—that 23 of 33 councils will fail to meet their target. So it's actually getting worse at the individual local government level, isn't it, Mr Ray?

MARCUS RAY: Ms Jackson, I think the 20 and 33 were the figures of what councils have done over the last five years. I don't think they're projections.

The Hon. ROSE JACKSON: Right.

MARCUS RAY: This comes back to my point, which is that making sure that housing supply is delivered across Sydney and across New South Wales is something that needs to be worked at constantly. When you say that there were a number of councils that failed, well, I wouldn't put it in those terms, because some might have missed their targets by a few hundred, others obviously missed targets considerably, and the department just continues to work with those councils. I know that some of the councils that weren't successful in meeting their targets do, in fact, have a large supply that will be coming onstream as a rezoning matter in the next 12 months or so. So it's a constant piece of work.

I think the other thing is that that's been recognised by the Government in the housing package, where there was an announcement of a range of different measures to build that housing pipeline and make that housing pipeline sustainable for the next three or four years. So that's something that we've been working on for a long time. But with the current affordability issues, the Government's recognised that extra commitment needs to be there, and we will be working very strongly with councils to ensure that that 160,000-odd, which, I think, is roughly the target over the next five years, will be represented in completion.

Mr ANTHONY ROBERTS: Can I just say that our average assessment time is almost down to some 20 per cent below our target, and then approval rates are up 30 per cent than the 20-year average. I've been building a very close relationship with local government. They are suffering from the same issues I think all local government areas across the Commonwealth of Australia are facing, and that is the lack of planners. What we've been able to do is actually address some of those issues by providing either, you know, an inhouse service from ourselves in assessment of DAs where the councils don't have the capability or the depth or they just don't have enough planners. So we've put in a fair amount of money to assist councils through grants, particularly regional New South Wales, and through our flying squad program. But also, for us, for example, through the Accelerated Infrastructure Fund there is some 120 million going out to 23 regional councils to assist them in delivering new homes sooner.

The Hon. ROSE JACKSON: Okay. I'm trying to ask you questions about Sydney. We'll come to regional New South Wales later. So in 2016-2021, 189,000 dwellings was the target. We didn't meet the target, although we didn't miss it by that much, except for the fact that it was completely lopsided across Sydney. Do you accept that, Minister? Do you accept the point that Mr Ray is making, which is that, at the end of the day, 181,000 were delivered except that 19 of 33 local government areas failed to deliver their target and the remaining group of about 13 councils did all of the heavy lifting? Do you accept the impact of that lopsided delivery on our city?

Mr ANTHONY ROBERTS: Of course, some councils are probably in a better position to deliver homes sooner and larger amounts of homes faster. But, again, since December 2021 we've built almost—well, we've approved almost 63,000 homes. Certainly, this is not a time to bash up local government. I think, with the planning portal, with the work we're doing in conjunction—

The Hon. MARK BUTTIGIEG: Doesn't that undermine the credibility of the process? If you've got input data to local housing strategies per LGA based on, presumably, things like population growth and infrastructure, a council who meets the target looking at another council who doesn't is going to say, "Well, what's the point of us doing all the heavy lifting when they get away with a free ride?"

Mr ANTHONY ROBERTS: There are mechanisms in place through the department to ensure that we help those councils meet their targets. There are also benefits for councils in meeting those targets.

The Hon. ROSE JACKSON: Are there any compliance mechanisms when they just consistently fail, when councils just refuse to deliver on the supply that they have been required to deliver? Is anything done about that?

Mr ANTHONY ROBERTS: Mr Ray?

MARCUS RAY: Well, Ms Jackson, again, the characterisation of some councils, you know, or the housing supply being lopsided isn't representative of actually what the figures say. Obviously, as I said, there are some councils that struggle to meet their targets. Some councils exceeded their targets by a significant amount. But a lot of councils that didn't get their targets actually contributed well to the broader task. And who is to say that in the next 12 months some of those councils that didn't quite meet their targets may actually be the areas where there is more housing supply made?

The Hon. ROSE JACKSON: Is that the case?

MARCUS RAY: Yes, so—

The Hon. ROSE JACKSON: I mean, Mr Ray, you presumably track these things quite closely?

MARCUS RAY: Sure. I don't have the figures in front of me, Ms Jackson. You're proposing a very black-and-white analysis of what's actually happening out there, and I think it's nuanced—

The Hon. MARK BUTTIGIEG: Sorry, just to clarify, does that mean what you're saying is that, by and large, the majority of councils either met or almost met their targets?

MARCUS RAY: A lot of the councils that didn't meet their targets almost met their targets. There were a few. I can't remember the—I'm not going to go into individual councils because I don't have the figures here, but there were a few that didn't meet it by a long way. But many of the councils were only just shy of their targets.

The Hon. ROSE JACKSON: And for those councils that didn't meet it by a long way, other than saying, "Oh, that's a shame. How can we help you?" was anything done?

MARCUS RAY: Well—

The Hon. ROSE JACKSON: The impact of that does matter, Mr Ray.

MARCUS RAY: True.

The Hon. ROSE JACKSON: Anyone who lives in Sydney knows what we are talking about.

MARCUS RAY: Ms Jackson, the department's preferred approach is always to work with the councils and encourage councils to actually meet the targets. And councils, obviously, are—you know, they're elected. They have their own authority. They're democratically elected. The primary way the department ensures that the housing supply pipeline continues to grow and, ultimately, leads to complete houses is really to work really hard with the councils in each individual set of circumstances to enable them to bring forward the necessary planning proposals to ensure that they can make the necessary development decisions down the track through the development application process. There is a range of different things that the department does in relation to that. Now, we are working up a range of measures this financial year, and we think we probably will be able to support councils to the tune of over more than \$10 million directly in relation to housing supply. That is a range of different matters there that will—you know, that will be an extension of the Regional Housing Flying Squad; it will be various other grant programs to actually ensure that councils are resourced, as the Minister said, to meet their components of the housing supply pipeline.

The Hon. ROSE JACKSON: Minister, you have indicated on a number of occasions that you think housing supply is a key part of your job. You have had 189,000 as your target over the past five years. You have delivered 180,000. The next five-year projection, based on the figures that Mr Ray has provided, is 30,000 less than that. I mean, how can you possibly claim that housing supply is a core focus of yours when the projection from 2021 to 2026 is to deliver 30,000 less houses than we delivered over the past five years?

Mr ANTHONY ROBERTS: Let's unpack this. First and foremost, I think the delivery of close to our target, taking into account COVID, supply chain issues, the lack of availability of tradespeople—the list goes on

and on. I think that is, on behalf of not just the department of planning—I mean, we don't build homes, but the fact that we are enablers, so we work with councils to enable the construction of homes through the private enterprise firms. I think that's pretty remarkable, given the circumstances. With respect to moving into the future, it's looking at new ways to engage local government. It's looking at ways where we can assist them in delivering upon their targets. You just can't walk away and go back to the days before of 35,000 new homes being approved or built a year. We have got to do better than that, and that's why we do it in conjunction—the partnership with private enterprise and industry—

The Hon. ROSE JACKSON: And you're doing worse over the next five years than you did over the past five years. You're doing worse to the tune of tens of thousands of dwellings.

Mr ANTHONY ROBERTS: Don't forget, we are moving into a stage now where we have seen population projections for metropolitan Sydney into the future decrease, whilst at the same time, outside, I think, the Far West district, regional populations increasing. That's why we are pivoting to assist regional councils in delivering homes for their cities and their towns. That's why we are putting money through the Accelerated Infrastructure Fund into regional New South Wales. That's why we are backing in our regional councils with assistance. When you look at projections, we use those. We base population projections on, of course, the need for those homes. Marcus?

MARCUS RAY: Obviously, the latest population projections, which were released earlier this year, take into account the significant lull in overseas migration that we have had due to COVID. The expectation is that there will be one million less people in Sydney by 2041 than we previously expected. That's the nature of the reality of an evidence-based approach. Consequently, while the housing targets are less over the next five years, that's representative in the change to our demographic projections and profile.

The Hon. ROSE JACKSON: My understanding from the Premier is that "Australia needs an explosive surge of two million migrants." The Premier's incoming brief suggested that there be "an ambitious immigration plan" and that skilled migration, to make up some of the skill shortages that you have in fact identified, is a key priority of his. So how on earth do you square that circle? He is talking about two million migrants coming in. That's what he is saying and you are saying, "Oh, we actually need less houses because our population is going backwards. We are going to have one million less people." It is very difficult to see what this Government's migration plan is, apart from anything else right now. Are we having two million more people or are we having one million less people?

Mr ANTHONY ROBERTS: If you take the two years of COVID, there is a flow-on effect from that. I don't do the population forecasts, but they would be taking into account with respect to people having children—families grow. Depending on that lag, the flow-on effect from that down the pipeline would certainly be taken into account. But I'm quite happy to assist by way of helping you understand or the Committee understand it better to maybe try to unpack those population projections. Would that help?

The Hon. ROSE JACKSON: I think my time is up. We may come back to it.

Ms CATE FAEHRMANN: Minister, do you know what the Government's tree canopy cover target is?

Mr ANTHONY ROBERTS: Yes. Is this our tree program and the planting of trees? Is this what you are referring to?

Ms CATE FAEHRMANN: Similar.

Mr ANTHONY ROBERTS: I announced that when I was planning Minister last time: one million trees by 2023. Ambitious, it was. It's something that we have put a large amount of money and support behind. I think we are close to actually landing that. My understanding is that we will have a million trees by the fourth quarter.

Ms CATE FAEHRMANN: Are you aware that a recent survey has found that more than half of Sydney's councils have actually lost some of their urban forest cover since 2013? Are you aware of that?

Mr ANTHONY ROBERTS: I'm not aware of that survey. Are you aware of that, Mr Ray?

MARCUS RAY: No. Mr Whitworth?

BRETT WHITWORTH: No. I'm aware that we periodically undertake studies to identify the canopy cover. Our target is 40 per cent canopy cover for the Greater Sydney area by 2036. We work with the Greater Cities Commission as part of their Pulse of Greater Sydney to measure that canopy cover.

Ms CATE FAEHRMANN: Are you aware, then, Minister, that Sydney can't meet its tree canopy target without a significant contribution from private lands? We are not just talking about planting trees on public land for Sydney to meet its canopy target.

Mr ANTHONY ROBERTS: That's why part of the plan for a million trees for Sydney—we offer that not just for public land. That's for private individuals to plant in their yards and community groups.

Ms CATE FAEHRMANN: Why did you scrap that part of the Design and Place SEPP, then? Well, you scrapped the whole Design and Place SEPP, so perhaps I should reword that. Within the Design and Place SEPP, are you aware of what was in there in relation to trees and soil cover, a requirement for new developments? In fact, what was in the Design and Place SEPP in relation that?

Mr ANTHONY ROBERTS: With respect to the deep soil planting, that was, again, something that the department went into a great deal of work on. I am fully confident that we will be able to reach those targets. We are certainly doing everything we can to reach those and exceed those. Mr Whitworth, what was the—

Ms CATE FAEHRMANN: Particularly in relation to new developments and subdivisions, now that there is no requirement, as I understand, for soil cover and making sure there is green space and trees—which were the new requirements that the Design and Place SEPP was going to require—what is in place, Minister Roberts, to meet your canopy target now that developers got their way with that one?

Mr ANTHONY ROBERTS: I think if you explore and go out and see some of the new developments, I can say—take my seat of Lane Cove. Greenwich, for example, or greater parts of Greenwich, were effectively dairy farms some time ago. Great places such as Carlingford would not have had trees in the seventies because they were new developments and now the canopy there is quite extensive.

Ms CATE FAEHRMANN: I think the average size of a backyard in Lane Cove, Minister, is rather different to the average size of a backyard in, say, Kellyville or Marsden Park. Isn't that correct? Massive backyards in your very leafy electorate of Lane Cove are very different to what families are now purchasing and buying into in the south-west and north-west growth centres.

Mr ANTHONY ROBERTS: If you have a look at some of the new developments, can I say, the extensiveness of existing trees plus the tree plantings that are occurring—they will develop canopies into the future. Trees grow.

Ms CATE FAEHRMANN: They can't plant trees in their yards. You scrapped the requirement for developers to ensure that there are trees and that there is enough soil cover to enable significant trees to grow in these new suburbs. You got rid of that Design and Place SEPP that had that in there.

Mr ANTHONY ROBERTS: Can I say, if you have a look at those new developments, with street planning—

Ms CATE FAEHRMANN: There are no trees.

Mr ANTHONY ROBERTS: Mr Whitworth, do you want to explain exactly—

Ms CATE FAEHRMANN: There are just a lot of dark roofs and not a tree in sight.

BRETT WHITWORTH: Ms Faehrmann, the State environmental planning policy around complying development does require for trees to be planted in order to enable the use of the Greenfield Housing Code. The subdivision controls that councils use in those areas, including the growth centres development control plan and development control code, identify the importance of green space. We have documents such as *Better Placed* and *Greener Places*, which all identify the importance of canopy and how canopy can be connected. We work with councils in terms of the funding that we have been giving them to enable them to link up both the public and the private canopy areas. We have spent a lot of money on planting trees on public lands. That's certainly the case: some 60,000 trees in the Western Sydney Parklands and 32,000 trees in the Mount Annan and Royal Botanic Garden. At the same time, we have also worked with councils, such as Campbelltown, Blacktown and Parramatta, to plant over 10,000 trees along the 65-kilometre walking trail in western Sydney.

Ms CATE FAEHRMANN: Yes, thank you. I'm aware of some of what the councils are doing on public land. The question was more around private land. I might come back to you in the afternoon a little bit. I will move to another issue. Minister, do you have any concerns about the number of zombie DAs that are being activated, particularly along coastal New South Wales at the moment?

The Hon. SHAYNE MALLARD: They're not being activated; they're already active.

Ms CATE FAEHRMANN: Yes, reactivated. Thank you, Shayne Mallard, for your intervention. It was very helpful.

The Hon. SHAYNE MALLARD: They are property rights.

Mr ANTHONY ROBERTS: When you mention zombie DA—

Ms CATE FAEHRMANN: Don't worry. You're getting a brief. Your note is being passed up. So when I—

The Hon. SHAYNE MALLARD: DA activated.

Mr ANTHONY ROBERTS: Okay, right. Sorry.

Ms CATE FAEHRMANN: Let's just take a step back. Do you know what zombie DAs are, Minister?

Mr ANTHONY ROBERTS: I've not heard the term.

Ms CATE FAEHRMANN: Really?

Mr ANTHONY ROBERTS: But are you saying these are development applications that haven't been—

Ms CATE FAEHRMANN: Sleeper DAs.

Mr ANTHONY ROBERTS: Okay. It's a planning session—if we can just stick to the correct sort of terminology. But effectively this is DAs that will lapse after five years unless building occurs?

Ms CATE FAEHRMANN: No, these are development approvals made 10, 20 or 30 years ago that are now being reactivated, coming up with, for example, housing subdivisions right up and down the coast that they—

The Hon. SHAYNE MALLARD: They have deemed commencement though, right? They've started.

The CHAIR: Substantial commencement.

Ms CATE FAEHRMANN: This was 20 or 30 years ago.

The Hon. SHAYNE MALLARD: It doesn't matter when it was.

Ms CATE FAEHRMANN: Yes, it does. I'm asking the questions, Mallard.

The Hon. SHAYNE MALLARD: I'm just giving more information so the Minister understands what we're talking about.

The Hon. ROSE JACKSON: No.

The Hon. MARK PEARSON: Point of order, Chair.

The CHAIR: Mr Mallard, restrain.

The Hon. SHAYNE MALLARD: I didn't know I upset anybody. Sorry.

The CHAIR: Ms Fachrmann and the Minister are doing fine, thank you.

The Hon. SHAYNE MALLARD: Zombie DAs.

Mr ANTHONY ROBERTS: Yes, a new word. To address the problem, I'm informed by my department we amended the planning regulations in 2020 to set out the types of things that don't count as physical commencement. Preliminary site works that are not sufficient to prevent a development consent from lapsing are creating a borehole for soil testing, removing water or soil for testing, carrying out survey work including placing pegs or other equipment, acoustic testing, removing vegetation or marking the ground to indicate how the land is to be developed.

Ms CATE FAEHRMANN: Put it this way, Minister—maybe I'll ask the question differently. If, for example, a block of land, say 40 hectares of land in a South Coast town, say Dalmeny or Manyana, very small coastal villages, was granted development approval say 20 years ago, 30 years ago, do you think now, as a result of the most recent, say, Black Summer fires a couple of years ago, all the changes in terms of bushfire risk, flood-prone land, the changes in the planning system—do you think that those approvals should be reassessed under the current planning laws before building is allowed to take place on them?

Mr ANTHONY ROBERTS: I would have to refer that to Mr Ray.

Ms CATE FAEHRMANN: Just from a principles perspective. You're the Minister. You're in charge of the planning department. You're in charge of Planning policy in the State.

Mr ANTHONY ROBERTS: I will refer to Mr Ray.

MARCUS RAY: Ms Faehrmann, there has always been a provision in the legislation. Unfortunately they changed the numbers on me so I can't be absolutely correct what section it is, but there has always been a provision that has allowed councils to bring forward a planning instrument to prohibit development and then to actually get rid of an offending development consent. The consequences of that are that the council has to pay compensation because it's a property right. That provision has been in the legislation for a long time, before I started practising in the jurisdiction. That has always been there and that is always open to a council to bring forward that.

Every case is obviously different. I know there are situations where there has been physical commencement but no work has been done. I know there are cases where large components of a subdivision have been developed but there might be one or more areas that haven't and they've been left for a while and clearly the expectations of the community changed from when the consent was granted and large portions of the subdivision might've been built and then they find out there's still something left. There is a mechanism under the legislation but it does require compensation because it is a property right.

The CHAIR: Just carrying on from Ms Faehrmann's questioning there, have you, Minister, undertaken with your department a sort of adaptation audit? Have you looked at your instruments right now, of which there are many EPIs, and looked at whether we really do have a current fit-for-purpose system based on the rapid changes that we're seeing in the environment and in regards to obligations around adaptation?

Mr ANTHONY ROBERTS: Mr Ray?

MARCUS RAY: Ms Higginson, obviously the department has done a number of things recently. I won't go into the Sustainable Buildings SEPP, but also the flood planning package from 2021 which was really focused on a risk-based approach rather than just sticking blindly to the one-in-100 standard.

The CHAIR: Mr Ray, I understand the initiatives and I think that some of them are commendable and are very, very sensible. I'm sort of more asking from that strategic planning lens, particularly the Minister who is responsible for guiding the sort of uber department of government, which is our plans as we move forward. What sort of assessment have we done about looking at whether all of these instruments are climate ready, whether we are climate focused and adaptation focused?

Mr ANTHONY ROBERTS: Councils can ask the department to change any of their local planning regulations at any time, and we're open to that—

The CHAIR: I'm not really talking about council; I'm talking about you as the kind of central main person that is charged with the responsibility of helping us all plan for the changing future that we are currently in. The question is a yes or no. Have we done an audit of all of our State planning instruments through an adaptation lens?

Mr ANTHONY ROBERTS: I'd have to ask Mr Ray.

MARCUS RAY: Ms Higginson, as you're no doubt aware, even though the department and the former Minister tried to make some significant consolidation of all the environmental planning instruments that were State instruments last year—

The CHAIR: Was that through an adaptation lens?

MARCUS RAY: No, I don't think that was through an adaptation lens, but in particular areas the department does have work that's ongoing and has done so. For example, there's current work going on in relation to a revised State environmental planning policy for water catchments.

The CHAIR: Perhaps, Mr Ray, if it's okay, you and I can talk about that after lunch if that's all right.

MARCUS RAY: Sure.

The CHAIR: Minister, are you aware of the Ravensworth Estate, which forms part of one of the mining projects that's under consideration at the moment and your department has recommended approval of the Glendell Continued Operations Project? Minister, the Ravensworth Estate is an estate of significant cultural heritage, both European heritage and, significantly so, Aboriginal cultural heritage. Are you aware of that?

Mr ANTHONY ROBERTS: Yes, I am.

The CHAIR: So, Minister, could you please explain why your department—for perhaps want of a better term but for simplicity's sake—misrepresented the advice from the NSW Heritage Council about the significant impacts that the mine would have on the Ravensworth Estate and, in fact, that the council advice was that, for the heritage values to be maintained, the Ravensworth Estate must stay in-situ, but your department has recommended that it not?

Mr ANTHONY ROBERTS: I'm informed that the department recognises the site is of significant heritage value and Ravensworth homestead has cultural and heritage significance, which is why it sought independent expert advice. The Heritage Council, I'm told, advised alternate mine designs should be investigated to avoid impacts to the homestead. Based on this advice the department's comprehensive assessment thoroughly considered, I'm informed, all alternatives to secure the homestead. Mr Gainsford, did you want to add to that?

DAVID GAINSFORD: Yes, thanks, Minister, and thank you, Chair. The Minister is correct that we have conducted a thorough assessment as part of the Glendell Continued Operations Project, and you've mentioned the Ravensworth property. I don't think at any point we've sought to underplay the significance of the heritage associated with Ravensworth homestead. Certainly as part of the more recent hearings at the Independent Planning Commission there was evidence that was provided, I know, by the Chair of the Heritage Council and also from Heritage NSW. As a result of that—and this is all on the public register and all on the Independent Planning Commission's website—we sought to seek some clarification from Heritage NSW and they clarified, I guess, their position around the heritage impacts associated with that relocation. Also just going back for a minute, the assessment that we undertook for that project did take, as I say, very seriously the issues that had been raised with regard to the proposed relocation of Ravensworth.

The CHAIR: Mr Gainsford, were you able to financially assess the heritage-lost value? I think, from memory, there was an economic—you know, we basically said the economic benefits of the project going ahead outweigh the negative impacts. Did we financially measure the value of the heritage lost?

DAVID GAINSFORD: I'd have to take that on notice with regard to the—

The CHAIR: Because it's something I couldn't find. I couldn't see that we had actually—so to then suggest that, you know, the economic benefits outweigh seemed a bit bizarre because we hadn't at all attributed a cost to the heritage loss. We have seen the Juukan Gorge and the situation there and we understand the values and the cost are significant, yet we don't seem to be doing that in these assessments are that we're undertaking currently.

DAVID GAINSFORD: I guess the only thing I would add to that, Chair, is that of course cost-benefit analysis is one part of the assessment process. The various aspects that we take into account as part of our assessment process—part of that is the cost-benefit analysis, but that's not the only component of weighing up the benefits and impacts associated with the project.

The CHAIR: It seems to be very significant, though, doesn't it? In terms of mine rehabilitation and how we think we're going, do we think we are tracking satisfactorily in terms of the mine rehabilitation plans that you're assessing and approving as we go?

Mr ANTHONY ROBERTS: Mr Gainsford?

DAVID GAINSFORD: In terms of specific projects?

The CHAIR: Well, in terms of all of them. We've got to close all of these mines one day, don't we, and we've got to rehabilitate all these sites one day, don't we? There is an enormous landscape there of giant holes in the ground across the Hunter and the Gunnedah Basin.

DAVID GAINSFORD: Obviously, there is a significant policy component to this. I am wondering if Mr Whitworth might be able to help me.

BRETT WHITWORTH: I'll have a shot.

The CHAIR: Can I just ask you this specifically, then, Mr Whitworth: Ultimately, when a mine has removed significant vegetation and ecological communities, are we requiring them to restore that or are we allowing all sorts of other methods of rehabilitation, such as cow pasture and things like that?

BRETT WHITWORTH: Well, I think it's—we've been working on the mining voids policy and how we can re-create the landscape in an appropriate way and what the costs and the benefits of that would be, and the sorts of materials that you'd need to do that.

The CHAIR: So is this still work underway, do you mean? We're still looking at this?

BRETT WHITWORTH: Yes. We are still working through that.

The CHAIR: Alright. Can we talk about that a little bit later? Thank you very much, Mr Whitworth. Minister, are you satisfied with the progress we're making in terms of mine rehabilitation? Are you working on the just transition for the mining sector, as the planning Minister?

Mr ANTHONY ROBERTS: As a former Minister for Resources and Energy, one of the critical things that was brought to our attention at the time was the rehabilitation of mines to ensure that there was, first and foremost, enough money to rehabilitate them at the end of their natural life.

The CHAIR: Do we think we've done that? Is there enough money, Minister?

Mr ANTHONY ROBERTS: At the time, I believed so. We were putting into place procedures and practices to ensure that that would occur. Also I think it is important to look at ways that we can better look at what type of rehabilitation occurs. If you go back to some of the older mines, where it was pretty—

The CHAIR: Yes, woeful.

Mr ANTHONY ROBERTS: —woeful, but there are new ways in which you rehabilitate mines rather than just having them in blocks of just waste sitting there with a bit of grass over the top. Those mines will leave a legacy and for me it's always been, from a planning point of view and a resource point of view, the best thing for everyone is to ensure that it is something that is either returned to how it was or it's returned to something even better.

The CHAIR: Thank you, Minister.

The Hon. ROSE JACKSON: Minister, who are the members of the Expert Housing Advisory Panel?

Mr ANTHONY ROBERTS: The members of the Expert Housing Advisory Panel, Mr Cassel, are?

MICHAEL CASSEL: I'm not sure. Leon, do you want to talk to that one? I've not been part of that panel.

The Hon. ROSE JACKSON: It's not Mr Cassel. He's not on it.

MICHAEL CASSEL: No. I'm not on it.

LEON WALKER: The current members are Luke Achterstraat, David Bare, Mark Degotardi, Charlie Trindall, Troy Green, Chris Wilson, Joanna Quilty, Rod Fehring and Alice Glachan.

The Hon. ROSE JACKSON: Are they producing discussion papers or recommendations to you, Minister? What kind of information is that group of people putting in front of you?

LEON WALKER: They'll be meeting on a quarterly basis, but assisting us with various pieces of work, such as flood recovery, future housing supply, diversity, innovation and a whole range of things.

The Hon. ROSE JACKSON: Do they have a very broad remit? Have they met?

LEON WALKER: They started meeting last year after they were formed.

The Hon. ROSE JACKSON: Okay. They've met a couple of times?

LEON WALKER: On my understanding, yes.

The Hon. ROSE JACKSON: Minister, they've met a couple of times. They have this very broad remit. What are they providing to you? As I said, are they providing you discussion papers? Are they providing you recommendations? This is a panel that you've set up and I'm interested to know what you've gotten out of it so far.

Mr ANTHONY ROBERTS: They provide advice to assist the department in advising me.

The Hon. ROSE JACKSON: So there are no direct recommendations to you; it just sort of feeds into general work that the department is doing, and then that sort of comes to you in that very general sense that the department is constantly briefing you about stuff.

Mr ANTHONY ROBERTS: I am constantly briefed by the department.

The Hon. ROSE JACKSON: I can see that. So, Mr Walker, is that right? In terms of what the panel is doing, does that accord with their understanding of their role that they're sort of having these discussions that are just generally seeping into the work of DPE that sort of flows up to the Minister?

LEON WALKER: They're certainly assisting with matters that arise along the way. Probably their biggest piece of work in the short term will be assisting us with the five-year action plan that needs to be updated.

The Hon. ROSE JACKSON: We might go into that a bit this afternoon. Are they assisting with the work that you're doing on regional housing, Minister?

Mr ANTHONY ROBERTS: Mr Walker?

LEON WALKER: They are providing some assistance in that space—

The Hon. ROSE JACKSON: "Some assistance"?

LEON WALKER: —and representation on that panel includes members from regional communities.

The Hon. ROSE JACKSON: Minister, at the last budget estimates you indicated that you were developing, or DPE was developing, a regional housing strategy. How's that going? Is that piece of work finished now?

Mr ANTHONY ROBERTS: We do have a regional housing strategy.

The Hon. ROSE JACKSON: We do? I couldn't find it, personally, when I looked. Is it a publicly available document?

MARCUS RAY: Ms Jackson, the Government's response to the Regional Housing Task Force report, which is effectively its strategy—

The Hon. ROSE JACKSON: Hold there, because that's not clear to me. So the Regional Housing Strategy is in fact the response to the task force?

MARCUS RAY: Perhaps I'll just wind that back a bit. There was a Regional Housing Task Force—an independent task force that went out last year.

The Hon. ROSE JACKSON: Yes.

MARCUS RAY: It reported. It made five major recommendations and there were some other actions in relation to that. There was an announcement last week about the Government accepting those recommendations and there was funding attached to that. So, in respect of the Regional Housing Task Force, which is focused on a range of issues but mainly questions of housing supply, then that is the Government's current policy—to implement those recommendations.

The Hon. ROSE JACKSON: Yes, that's good. It's just that at the last estimates there was a specific mention of a regional housing strategy that was in development. So that piece of work hasn't been done, but what has been done is that the housing task force has been responded to. Yes?

Mr ANTHONY ROBERTS: Yes. There were five broad recommendations put forward by the task force with 15 supporting actions to implement those overarching recommendations. They were to support measures to bring forward a supply of development-ready land, increase the availability of affordable and diverse housing across regional New South Wales, provide more certainty about where, when and what types of homes would be built, investigate planning levers to facilitate the delivery of housing that meet short-term needs and to improve monitoring of housing policy outcomes and demand indicators.

The Hon. ROSE JACKSON: So the Government accepted all of the recommendations of the Regional Housing Taskforce. Is that right?

MARCUS RAY: Yes.

The Hon. ROSE JACKSON: And you have an action plan for the implementation of those?

MARCUS RAY: For example, that includes delivering around 270 additional homes for key workers in the regions, expanding the Urban Development Program, improving data by auditing land, working out infrastructure gaps and environmental constraints, identifying social and affordable housing opportunities on Crown land, working with local government to approve assessment time frames, standardise planning pathways for temporary accommodation, and we're looking at preparing regional housing delivery plans in targeted areas. I think I mentioned that before, Ms Jackson.

The Hon. ROSE JACKSON: You did.

MARCUS RAY: One of the key findings of the Regional Housing Taskforce was that there was a supply of rezoned land, but it really was the next level down—how to convert that land to being development-ready.

The Hon. ROSE JACKSON: I think, on that—sorry.

MARCUS RAY: Part of that included an announcement last week of another round of the Accelerated Infrastructure Fund, where there was \$120 million locked away for regional councils to do that.

The Hon. ROSE JACKSON: One of the things you mentioned was assisting local government to expedite DAs. Obviously, we talked about the regional flying squad or squads. It is a bit unclear whether it was a single squad. We had a long conversation about that.

Mr ANTHONY ROBERTS: It is probably a large squad that can be broken down into smaller squads.

The Hon. ROSE JACKSON: That's right. How many development assessments have been undertaken by the regional flying squads?

Mr ANTHONY ROBERTS: From April to June, 144 development applications were accepted into the program, and that will help build approximately 2,500 homes across 21 local government areas in regional New South Wales.

The Hon. ROSE JACKSON: Were the DAs approved by the regional flying squads or did you just work with local government on 144 DAs and they—

MARCUS RAY: Ms Jackson, it was a cooperative approach to support councils. There was no change to who was assessing the DAs—

The Hon. ROSE JACKSON: Council was still the consent authority?

MARCUS RAY: Yes, no change. It is that working with councils to achieve the outcomes. Councils were provided that support through the flying squad. About two-thirds of those DAs have now been approved, and the others should be approved in the next couple of months.

The Hon. ROSE JACKSON: So 144 have come into the program for a partnership—

Mr ANTHONY ROBERTS: One hundred and four.

The Hon. ROSE JACKSON: One hundred and four, sorry. We have had two-thirds of those approved and one-third to go. What has been the total cost of the flying squads?

Mr ANTHONY ROBERTS: Or squad.

The Hon. ROSE JACKSON: The squadron. What is the cost of that program? Let's just put it that way.

MARCUS RAY: That was a pilot program, and the cost was \$1 million.

The Hon. ROSE JACKSON: One million dollars for the pilot.

Mr ANTHONY ROBERTS: Because it's a squad.

The Hon. ROSE JACKSON: Yes. Is there any sense of the future of that project? What's next? Are there additional squadrons?

Mr ANTHONY ROBERTS: It is our intention to expand upon that. It has been incredibly successful, just like with the AIF. It's just smart. You are retaining, effectively, self-determination by the councils, so they're the consent authority. What we are doing is the backroom work, as I said before, where those councils either don't have the capacity or the capability in depth to achieve that.

The Hon. ROSE JACKSON: One of the things that you probably saw recently, Minister, in relation to regional housing, was the proposal from a number of regional mayors, or regional councils, that they are interested in increased density in their communities—the capacity to build more high-rise in the regions. Potentially, you saw alongside that that the councils were claiming that planning rules were preventing them from doing that. The first question is: Do you agree with those mayors of the regional councils that high-density housing is a solution to the housing crisis that we are seeing in regional New South Wales? That's the first question.

Mr ANTHONY ROBERTS: Absolutely. What we see, for me, is a level of self-determination. If you have got a large city, such as Wagga or Albury, where you have new hospitals being built, it would be inappropriate for us to turn around and stop a council saying, "We want three storeys or four storeys here for nurses' accommodation or doctors' accommodation." For me, it's a question of, if councils want to move in that direction, I would do whatever I could, as Minister in the department of planning, to facilitate that.

The Hon. ROSE JACKSON: It says that these mayors who are calling for that solution are "begging for the New South Wales Government to overthrow archaic planning laws in a bid to solve the housing crisis". What's your response to that? You have said you agree with them.

Mr ANTHONY ROBERTS: Mr Ray, has anyone come begging?

MARCUS RAY: I wouldn't put it in those terms but, obviously, Ms Jackson is reading from the article.

The Hon. ROSE JACKSON: I am indeed. I see you've read it too, Mr Ray.

MARCUS RAY: We stand ready to assist any council with questions of rezoning for higher density. Ultimately, it is the council's Local Environmental Plan that has the current restrictions on it. If councils want to come forward with a planning proposal to amend those restrictions, the department will consider that expeditiously, in line with the Minister's comments. I don't have individual details, so I can't comment on the individual councils that are expressing concern. In the normal course, the first thing would be for the council to bring forward a planning proposal to change the planning controls.

The Hon. ROSE JACKSON: Minister, you can see the challenge here, which is that we all accept that it is incredibly hard to find affordable housing in regional New South Wales. You have acknowledged that. Local government is saying, "We feel like we want to deliver a solution here, but the State Government is holding us back." You are saying, "We are here to help, but no-one has asked." How are we going to resolve this impasse? We actually do need to have a solution for regional New South Wales. They're saying that it's your fault. You're saying, "Well, you're the consent authority and we are happy to help you, but no-one has asked us."

Mr ANTHONY ROBERTS: I'm not saying that no-one has asked us. All I'm saying is that we stand ready to assist regional councils in delivering affordable housing. I have got to say, in some of those larger communities, it would just be sensible to have a mix. There doesn't have to be quarter-acre blocks everywhere. A lot of people now don't want to live on a quarter-acre block in a city such as Albury or Wagga. They want to live in a unit, which could be more affordable, particularly around some of the massive infrastructure spend that we are putting into regional New South Wales. We need to ensure that there is, effectively, keys in doors sooner rather than later.

The Hon. ROSE JACKSON: As I said, some of these mayors are saying, "Yes, we need to act too, but we need help from the State Government. The whole department of planning needs a review." I guess, what I'm saying is that they're putting it on you. I appreciate that you say, "We stand ready to help," but have you thought about having a slightly more proactive approach? It's good that you say, "I think that these ideas coming forward from these mayors are worth considering," but nothing is going to happen unless the Government gets a little bit more proactive about actually reaching into these local government areas and saying, "What do we need to do to resolve the blockages that you are claiming are preventing you from delivering this?"

Mr ANTHONY ROBERTS: I have got a very good relationship with our country mayors and regional mayors. We work very closely with them, as a department. I'm happy to go away and—Marcus, why don't we write to each of these councils? I think there are some councils—I don't think you're going to see high-rise in, you know, Condo—

The Hon. ROSE JACKSON: No, I agree.

Mr ANTHONY ROBERTS: —but with some of the larger regional councils, I'm happy to take it on that we write.

MARCUS RAY: Yes, Minister. We can certainly do that. I will also just mention a couple of things, Ms Jackson, that it was remiss of me not to before. The department has a regional plan program across the State. A lot of the regional plans—almost all of the regional plans—have been out for public comment. They are encouraging density in regional areas where it's appropriate. They are setting the overarching strategic controls. That process hopefully will be completed by the end of 2022 or early 2023, and those plans will all be in place across the State. The department is taking that leading role there, but working with councils in each region. The other thing I will say is the department brought together or Minister Stokes brought together a comprehensive Housing SEPP, which was introduced at the end of last year. Minister Roberts has made some changes in order to encourage a broader range of diverse housing, and now that's all in one place. The department has been working and has been delivering on issues relating to encouraging a diverse housing supply right across the State.

The Hon. ROSE JACKSON: Thank you for agreeing to contact some of those mayors in areas where that kind of development might be suitable. I wanted to ask specifically a couple of questions about social and affordable housing in the regions, which is, in a way, obviously a more direct responsibility of government. This is not for local councils primarily to deliver. There are a couple of areas that I think have had really serious housing stress. I want to start with Bega and the far South Coast of New South Wales, which has obviously had bushfires, it's had some impact of short-term letting, it's had some impact of internal migration—people relocating from Sydney to the regions. As you yourself said, Minister, we are seeing potentially less population growth in Sydney, more people moving to the regions. There is a significant affordable housing issue in Bega. Is it acceptable that there has been no new social housing in that area from 2018 to 2022? Zero.

Mr ANTHONY ROBERTS: With respect to the Regional Housing Taskforce, we are developing a social and affordable housing strategy together with that for the regions. I know Bega Valley Shire Council's

Residential Land Strategy 2040 indicates that some 91 lots are required to meet 2036 population projections. Anecdotally there is a housing crisis in Bega when dwelling stock doesn't meet current housing demand, and there is projected to be a 4 per cent increase in the population of Bega between 2021 and 2041. We are cognisant of that. That's why, again, the ability for us to assist councils like Bega—

The Hon. ROSE JACKSON: I am talking specifically here about social and affordable housing. I think you should be working with Bega shire and Eurobodalla and them to do more general housing—that's fine. But I am talking specifically about the impact of the housing crisis in that part of New South Wales on the most vulnerable, which is that it is very hard for them particularly to find private rentals right now because of the increase in rent which we have seen. But there has been no new social housing from 2018 in that part of New South Wales.

Mr ANTHONY ROBERTS: Could I pass to Mr Newport?

SIMON NEWPORT: I am not quite sure that is actually correct, and I am speaking certainly with my team in the Aboriginal Housing Office. I can absolutely attest that there was social housing delivered by the AHO in Bega. I won't give you the addresses, but I know a number of the projects personally that have been delivered over the—

The Hon. ROSE JACKSON: There were none delivered by the Land and Housing Corporation.

SIMON NEWPORT: Yes. There are four that are in the pipeline at the moment. I don't have the details, but there are four in Bega that are planned to be delivered. But you did say social housing, so I am certainly leveraging my experience with AHO.

The Hon. ROSE JACKSON: Minister, I appreciate that in terms of general housing delivery it is a partnership with local government. As you said, you're not currently building houses just to deliver to the private residential market, but you do build social and affordable housing through the Land and Housing Corporation. In these areas where we have seen considerable housing stress, such as on the far South Coast, you've delivered none. Is that good enough?

Mr ANTHONY ROBERTS: Certainly from the point of view about partnering with private enterprise, can I say we saw it very successfully accomplished in Cooma, where, again, you have the cooperation of the land council, Crown Lands, the local government and some of the other elements of government, where you can actually deliver a significant portion of social housing in a mixed community. That's something that I have instructed the department to investigate further—and they are—and find the new places, particularly in regional New South Wales where there is that social housing stress, to actually partnership with new developments, with private enterprise to deliver more stock.

The Hon. ROSE JACKSON: Can I just ask one quick question? You mentioned before a social and affordable housing strategy out of the Regional Housing Taskforce. I just want to be clear, is that an actual piece of work that will be done and delivered by the Government? We've had some language here about what is and isn't a strategy. Is that something that you're working on, Mr Newport, or the department is working on?

Mr ANTHONY ROBERTS: Mr Newport?

SIMON NEWPORT: Yes, the Land and Housing Corporation is tasked with that.

The Hon. ROSE JACKSON: Great. A quick time frame on that one?

SIMON NEWPORT: I believe some time between now and February.

Ms CATE FAEHRMANN: Minister, are you aware of the history of the NSW Chief Scientist & Engineer providing advice in relation to protecting the koala population in Campbelltown and Greater Macarthur?

Mr ANTHONY ROBERTS: Yes, I am. In fact, I think I may have been the person that suggested her for that.

Ms CATE FAEHRMANN: Excellent. In the Cumberland Plain Conservation Plan, which has just been released, why haven't all four crossings—the four crossings that need to be undertaken on Appin Road to ensure the ongoing survival of those koalas—been identified by the chief scientist?

Mr ANTHONY ROBERTS: Mr Whitworth?

BRETT WHITWORTH: The four corridors—there are two in the Lendlease development and there are two further south. One is the kings bridge and the other is the Ousedale corridor. The Cumberland Plain Conservation Plan does not apply to the Lendlease Gilead development. It has its own biodiversity certification

process. But the work of the department in assessing the rezoning—I'm happy if Deputy Secretary Raimond wants to provide more information—and the requirements of the discussions with Lendlease as part of conversations around the upgrade of Appin Road will see those two corridors provided through Lendlease.

Ms CATE FAEHRMANN: Sorry, underpasses? You said "corridors".

BRETT WHITWORTH: Yes, underpasses, because that was what the chief scientist identified: that we needed underpasses rather than overhead structures there.

Ms CATE FAEHRMANN: Just to be clear, I understand that the plan itself states that one crossing will be built. It talks about 120 kilometres of koala exclusion fencing and a safe crossing at Appin Road. But the snapshot is two. So just to be clear, is it two? Does the plan commit to one or two crossings?

BRETT WHITWORTH: The plan commits to a crossing at Appin Road. It also commits to a crossing of Appin Road further south at—sorry, I'm just trying to find my note there—kings bridge.

Ms CATE FAEHRMANN: They're two of the ones that the Chief Scientist & Engineer has recommended?

BRETT WHITWORTH: Yes, they are. As I said, the Cumberland Plain Conservation Plan does not apply to the Lendlease Gilead development. Therefore, the Cumberland Plain Conservation Plan doesn't identify the two underpasses that are to be provided by Lendlease.

Ms CATE FAEHRMANN: Thank you for that; I might ask some more questions this afternoon. What about the minimum corridors in terms of koala corridors? Has the department thrown out those minimum corridors as recommended by the Chief Scientist & Engineer?

BRETT WHITWORTH: Through you Minister, if that's okay.

Mr ANTHONY ROBERTS: Yes, thank you.

BRETT WHITWORTH: I'm somewhat surprised by the use of the words "thrown out". The chief scientist identified an average 390 metre corridor. That is what the department has been applying through the Cumberland Plain Conservation Plan: that those koala corridors need to be functional, which means that they need to be capable of being revegetated if they're not already revegetated or vegetated. They need to have a topography that enables koalas to move easily and freely and they need to have an average of 390 metres. It stresses that average of 390 metres over the length of the corridor. That's a standard that we've used to set those corridors.

Ms CATE FAEHRMANN: But that's the issue, isn't it, the average verses the minimum? Because that would mean that there are parts of these essential corridors that are actually quite a lot smaller in width to 390 metres and that's not what the Chief Scientist & Engineer was suggesting.

BRETT WHITWORTH: The Chief Scientist & Engineer continued to refer to an average of 390 metre widths.

Ms CATE FAEHRMANN: The Chief Scientist & Engineer asked for a minimum average width of 390 to 425.

BRETT WHITWORTH: Yes, 390 to 425, but I'm using the 390 as the lesser amount because that's what needs to be achieved is a minimum, as an average of 390 metres. That's the standard that we've used for the Cumberland Plain Conservation Plan.

Ms CATE FAEHRMANN: I'll come back with more details on that. Minister, I just wanted to get to some questions around the Regional Housing Taskforce that was established. There's a target of building 400,000 new homes, 127,000 in regional New South Wales. Is that broken down then per council area? How are you breaking down the 127,000 houses in regional New South Wales?

Mr ANTHONY ROBERTS: Before I pass onto Mr Ray, some of these, for example, investments through the Accelerated Infrastructure Fund, are being directed more at towns or cities, regional cities where we are expecting or there is expected forecast growth, to ensure that occurs. But as to exactly how that is broken down—

Ms CATE FAEHRMANN: That's all right, I'll come back to that this afternoon I think. With the terms of reference for the regional task force, I understand when I looked at the terms of reference myself that it doesn't say that the task force has to consider necessarily any kind of impacts of these developments on the community and the environment. Is there a reason why the terms of reference don't state that?

Mr ANTHONY ROBERTS: Mr Ray?

MARCUS RAY: Look Ms Faehrmann, I'm not quite sure, that hasn't been—

Ms CATE FAEHRMANN: Did you draft them up, Mr Ray?

MARCUS RAY: No.

Ms CATE FAEHRMANN: Is that why you've been—

MARCUS RAY: No, Ms Faehrmann.

Ms CATE FAEHRMANN: Where did the terms of reference come from?

MARCUS RAY: Look, I would have to go back and take that on notice. I don't recall who drafted them. Obviously they were accepted. They were terms of references that were inputted by Minister Stoke. He approved the terms of reference and he established the Regional Housing Taskforce.

Ms CATE FAEHRMANN: All right, we'll come back to that this afternoon as well. Minister, right along the New South Wales coast there are some places from South West Rocks, Scotts Head, Bonny Hills, Port Macquarie, down to Culburra Beach, Callala Bay, Manyana, Dalmeny, Tura Beach, a lot of these places are facing developments of potentially hundreds, if not thousands of houses. I'll give you an example at Bonny Hill where they have a fourth seniors living village, with another 241 dwellings being proposed, where the existing residents of Bonny Hill already face months-long waits for a GP. This is the fourth seniors living proposal being planned. So, in your role as Minister, how do you plan to make sure that all of these new subdivisions and towns along coastal New South Wales, what is your responsibility to make sure that they have access to appropriate services and infrastructure before they're approved?

Mr ANTHONY ROBERTS: Well certainly, again through the Accelerated Infrastructure Fund, we're able to make sure the infrastructure is there in place.

Ms CATE FAEHRMANN: What about services? Stick to services not infrastructure then.

Mr ANTHONY ROBERTS: Well, I've got to say, having general practitioners in a small town is sort of somewhat out of the planning Minister's remit, but one would expect that if you had more seniors living in an area it would attract more general practitioners.

Ms CATE FAEHRMANN: I think what you'll find is most of these communities, small coastal villages, a lot of them have just one road in and one road out in terms of infrastructure. Many of the communities also have a lot of housing that is vacant. But just in terms of infrastructure, what is your responsibility to make sure that where these subdivisions are planned they're safe, for example, in terms of evacuation routes? You've got that responsibility—

Mr ANTHONY ROBERTS: Correct. This is within the planning approvals. These would be taken into account.

Ms CATE FAEHRMANN: How are they taken into account though? I'm not sure whether they are, with respect. There are many developments that I have seen that are currently being considered that are one road in and one road out. So you are saying that if it is going to create too much of a strain on emergency services, that it won't be safe in the situation of a flood or a fire, that they won't be approved—is that what you're saying today?

Mr ANTHONY ROBERTS: Well, there are regulations and there is planning legislation. Mr Ray, will you take that?

MARCUS RAY: Evacuation is a key consideration in any rezoning proposal, Ms Faehrmann. Consequently, whether the threat of the hazard is from fire or flood, they're key concerns in the infrastructure question that goes to evacuation. Those things need to be addressed. Clearly, they need to be addressed, and they are addressed through the planning system. All the hazards are considered. Matters don't go forward unless there is an infrastructure solution to those particular evacuation issues. Broader developments obviously rely on schools and public hospitals. When we're talking about a particular release of land that's large enough, those matters get considered also at that time—so whether there needs be a new school or whether there needs to be other public amenities and public services there. But the individual matters about the supply of GPs in individual areas, the planning system can provide for that as much as a planning system can do, but ultimately that's a question for the market and for that individual community. Clearly if there's an application for a seniors' living development, there are standards that need to be met from a planning perspective. I would expect whoever is the consent authority and the assessing authority on the Bonny Hills development to thoroughly consider whether all those amenity standards are met.

Ms CATE FAEHRMANN: Minister, I'll give you another example and I'll go back to these kind of sleeper DAs, if you'd like—

Mr ANTHONY ROBERTS: The zombie DAs, yes.

Ms CATE FAEHRMANN: That is right. I thought I'd change it to "sleeper" because that's what you understood. We'll go back to those sleeper DAs. For example, one is at a little community of Tura Beach, which is near Merimbula. This DA was approved in 1989, so over 30 years ago. It is set to clear 10 hectares of what are old-growth trees, threatened species habitat, including habitat for the greater glider, which was recently uplisted as endangered at the Federal level. Under this DA, developers are going to clear what is an area that contains an endangered plant as well—it doesn't exist anywhere else. Do you think it's acceptable that the planning system can basically allow this block of old-growth habitat, endangered species, approved for clearing back in 1989 after the bushfires? Do you think that it's acceptable that the planning system can allow this to happen today in 2022?

Mr ANTHONY ROBERTS: It sounds as though it is certainly something that needs to be addressed. I'm happy to take that on board quite sincerely and seek advice from my department as to what we could do with respect to these issues.

Ms CATE FAEHRMANN: Would I be able to meet with you—

Mr ANTHONY ROBERTS: Of course you can.

Ms CATE FAEHRMANN: —to show you what are actually at least a dozen of these similar situations along our coast and show them to you?

Mr ANTHONY ROBERTS: Be happy to.

Mr JUSTIN FIELD: Hello again, Minister. I think, on just getting a response from Mr Gainsford last time, I asked a question about how the conditions commonly found in coalmine approvals—for reasonable and feasible efforts to reduce emissions—are complied with. Mr Gainsford, I think it was you, and you were indicating that, based on annual reports, you note that there is compliance within that sector. Can I just get you to repeat that last answer if possible?

Mr ANTHONY ROBERTS: Mr Gainsford?

DAVID GAINSFORD: Yes. Thanks, Mr Field. As I was mentioning, the requirements in all conditions of consent for coalmining projects are to complete those annual reviews. The other thing that I was mentioning, I think, Mr Field, that you're referring to there is that, on a three-yearly basis, there's also a requirement to prepare independent environmental audits. Those independent environmental audits look at compliance across all of the conditions of approval at that point in time. Obviously, that provides some input into the department.

Mr JUSTIN FIELD: From your perspective, there has been compliance broadly? Are those three-year audits made public?

DAVID GAINSFORD: Yes, they are. Yes.

Mr JUSTIN FIELD: How do you judge that a coalmine is compliant with its condition of consent, to do what is reasonable and feasible with regards to greenhouse gas emission reductions?

DAVID GAINSFORD: Part of that process is, obviously, looking at the management plans that are produced for those projects. There are greenhouse gas management plans. In those management plans, there is identification of measures that can be taken. So I guess the assessment of compliance that you're referring to, in a general form, would be to assess against those management plans and whether they've upheld those requirements in those management plans.

Mr JUSTIN FIELD: So it's up to the mine. If they think it's reasonable and feasible or if it's in their management plan, you just are assessing it against what they consider to be reasonable and feasible.

DAVID GAINSFORD: No. I wouldn't necessarily agree with that. The management plans, I guess, are things that are reviewed, as I understand it, before commencement of works on those projects. So there would be, I'm sure, some iterative process that occurs in the assessment of those management plans. But, once those management plans are in place, clearly, reasonable and feasible measures from there need to be reported, as I said, in those annual reports.

Mr JUSTIN FIELD: Just to go back and remind you of what the department said in the planning assessment report for the Narrabri underground mine, this is quoting from that:

... there is no clear guidance on how to assess potential mitigation or abatement measures (e.g. what measures are considered 'reasonable and feasible' or 'best practice'), both for current and future activities ...

Minister, I guess I'm asking the question. What is the point of having conditions of consent with regards to taking reasonable and feasible actions when the department has no way of actually measuring that? How many emissions,

tonnes of greenhouse gas emissions have been abated in New South Wales as a result of this condition on existing coalmines, to take reasonable and feasible measures to reduce emissions?

Mr ANTHONY ROBERTS: I'm happy to take that on notice, unless Mr Gainsford has anything to add.

DAVID GAINSFORD: I think what I would add, Mr Field—you referred to it there in terms of that quote from the Narrabri report—is that I'm informed that, since 2019, we haven't adopted the term "reasonable and feasible", we've moved on to talking about best practice. I am aware of some of the more recent coalmining projects, particularly in the southern coalfields, where they are looking to capture methane, as an example, and looking to reduce their scope 1 emissions through capturing those fugitive emissions. We would expect the same sorts of measures to start to be applied with some of these more recent consents, such as the Narrabri stage three project. Certainly, there are measures that can be taken and have been taken. With regard to scope 2 emissions, I know that a number of mining projects now are talking about moving towards electric vehicles where they can. Some of the companies that are associated with those coalmining projects are talking about moving towards those types of measures as well.

Mr JUSTIN FIELD: What about offsets? Isn't it reasonable and feasible, particularly with the huge profits that are being made as a result of coal prices, for existing mines, based on the reasonable and feasible or the best practice condition of consent, to offset their scope 1 and 2 emissions? How would you make a judgement if that was reasonable or feasible?

DAVID GAINSFORD: Again, Mr Field, obviously we can only apply the conditions as they were set at the time, and in many cases some of the historic coalmining projects didn't set limits, whereas in the more recent projects, and again referring to Narrabri stage 3, there are limits that are set as part of that consent. And the conditions specifically refer to the fact that, where emissions intensity limits can't be met and where that ratcheting down that I referred to before can't be met, offset is one of the scenarios that may be required in those circumstances.

Mr JUSTIN FIELD: So let's just be clear, the reasonable and feasible for historic mines is based on what was reasonable and feasible at the time the project was approved. You don't have any ability to constrain their emissions as a result of new technology, new expectations by the community and new government policy. What was set in stone then is largely set in stone.

DAVID GAINSFORD: The other aspect of what we have done, associated with the Narrabri stage 3 project, is—

Mr JUSTIN FIELD: We're going back to those ones previously.

DAVID GAINSFORD: No, I understand it. I am planning to address that question. We have formed a working group, working with the Environment Protection Authority and also the climate and atmospheric science branch. Part of that work that we've been doing is to assist us with coalmining projects that are on the ground and have those historic consents. So the expectation is that we will avail ourselves of the skills from those organisations, and through this working group, to assist us in assessing those reasonable and feasible measures that you were mentioning before.

Mr JUSTIN FIELD: Thank you. I might come back to some of the details this afternoon about how that works. Minister, what's the status of the preferred infrastructure report for the Warragamba Dam raising?

Mr ANTHONY ROBERTS: I will pass on to Mr Gainsford to outline where we're up to and hopefully give you an outline of some of the framework. Can I just make it clear here now through the Chair that, because I will be potentially the determining authority, it's not my intention to answer questions with respect to this. It would be inappropriate. I'm completely agnostic. I'll be waiting for the advice from the department. It would just be inappropriate to give any opinion whatsoever. Mr Gainsford?

Mr JUSTIN FIELD: Sorry, Minister, before you hand over—I'll come back to Mr Gainsford—who is the Minister responsible for the Warragamba Dam raising now that Stuart Ayres is no longer the Minister for Western Sydney?

Mr ANTHONY ROBERTS: That would be Minister Elliott.

The Hon. ROSE JACKSON: I was told it was Minister Stokes in a budget estimates hearing last week.

Mr ANTHONY ROBERTS: There you go.

Mr JUSTIN FIELD: I was told the same, but I was just confirming.

The Hon. ROSE JACKSON: That's what Minister Griffin told us. Minister Griffin told us it was Minister Stokes.

The CHAIR: Perhaps take that on notice, Minister.

Mr ANTHONY ROBERTS: Minister Stokes is Minister for Infrastructure.

The CHAIR: Minister, perhaps just take it on notice and let us know who is the Minister responsible for the Warragamba Dam now.

Mr ANTHONY ROBERTS: Okay.

Mr JUSTIN FIELD: Otherwise known as the Minister for hot potatoes. Thank you, Mr Gainsford. We can go into the details this afternoon but, just quickly, when do you expect the preferred infrastructure report to be out?

DAVID GAINSFORD: Thanks, Mr Field. It's really a matter for WaterNSW to give you a timing. But, as you would be aware, we're awaiting a response to submissions and a preferred infrastructure report. We've been holding several meetings, and I know WaterNSW have been coordinating several meetings with various government agencies to talk through their responses to the advice and the submissions that have been received. But it would be very difficult for me to speculate at this point in time just when we're likely to receive those documents.

Mr JUSTIN FIELD: So you haven't received even a draft of the preferred infrastructure report at the moment or a response to submissions?

DAVID GAINSFORD: No, we haven't.

Mr JUSTIN FIELD: This is really dragging on. This is taking a long time to get to that point.

Mr ANTHONY ROBERTS: It's a dam wall.

Mr JUSTIN FIELD: Yes, I know it's big.

The CHAIR: Minister, I just have one question. Going back to Mr Field's scope 1 and scope 2 with Mr Gainsford, the stark and slim reality is that a proponent—where they agree to amend their conditions, they certainly can do. That's something that we've known in practice over time. Perhaps, Minister, now is the time to pick up the phone and talk to all of those proponents of these large mining projects and ask them whether they would consider reducing their scope 1 and scope 2 emissions in line with community expectations. For example, "Can you start using 100 per cent renewable energy please at these projects?" It's not out of the question.

You are the planning Minister. You do speak to these proponents. You can pick up the phone and you could actually ask them in relation to scopes 1 and 2 emissions. Then Mr Gainsford and Mr O'Donoghue and the rest of your team would be able to busily amend those conditions to make everybody at those big emitting projects reduce their scopes 1 and 2 emissions and help us all sleep a bit better at night.

Mr ANTHONY ROBERTS: I'll take it on board.

The CHAIR: It's now over to the Government for their 15 minutes of time. How would you like to spend that time, Mr Mallard?

The Hon. MARK PEARSON: Preparing lunch?

The Hon. SHAYNE MALLARD: I've been provided with questions from the Minister's colleagues—we'll pass on that and have an early lunch.

The CHAIR: Thank you, Minister Roberts, for attending this hearing. We've finished with your questioning. The Committee will now break for lunch and return at 2.00 p.m. for further questioning of those who remain.

(The Minister withdrew.)

(Luncheon adjournment)

The CHAIR: We will recommence the hearing. If I may, before we get going formally, I note that the two documents that were sought to be tabled, we're having some difficulty receiving those for tabling. If the Committee is okay—and particularly perhaps Ms Jackson, because these were documents that related to your line of questioning—we will send a note in relation to questions on notice to make sure those documents are received.

The Hon. ROSE JACKSON: Thank you. That was in relation to the Landcom statement of ministerial—

ALEXANDER WENDLER: Priorities, yes.

The Hon. ROSE JACKSON: Yes. Great. That's fine. Thank you.

The CHAIR: Terrific. We will commence, and we are over to members of the Opposition.

The Hon. ROSE JACKSON: I will probably direct questions through you, Mr Cassel, unless it's kind of obvious, but you can suggest who might be the right person to talk to. I just wanted to start with a couple more questions about the issue of the Premier's priority around women in senior leadership. I just wanted to clarify: How many, for example, deputy secretaries are there in DPE?

MICHAEL CASSEL: Ms Jackson, there are a few moving around at the moment. There are two that are on the way out, so I just—can I come back to you with an exact number?

The Hon. ROSE JACKSON: Yes, it would be useful to have on notice—

MICHAEL CASSEL: Somebody will text it to me. I don't want to give you a wrong number.

The Hon. ROSE JACKSON: So to know how many deputy secretaries there are. The obvious follow-up question is: How many of those are women?

MICHAEL CASSEL: I appreciate that. I've only got the SEB number at the moment. The ratio of male to female is 48 versus 52, so I think we are tracking all right. The exact number of deputy secretaries—we have one subgroup of deputy secretaries called group deputy secretaries. For example, Marcus—Mr Ray—has a couple of deputy secretaries that report to him. That's one of the structures that I inherited when I took over last year.

The Hon. ROSE JACKSON: My recollection is that—again, I'm happy to be corrected; I wouldn't profess to be an expert on the DPE organisational chart. For example, Ms Howarth, I think, is Crown Lands and Local Government—

MICHAEL CASSEL: Ms Hawyees.

The Hon. ROSE JACKSON: —Ms Hawyees, yes, who we had last week. Obviously, she is a deputy secretary.

MICHAEL CASSEL: Correct.

The Hon. ROSE JACKSON: I can't think of another one, though.

MICHAEL CASSEL: Well, Mr Ray.

The Hon. ROSE JACKSON: No, no—another female deputy secretary.

MICHAEL CASSEL: Another female? Okay.

The Hon. ROSE JACKSON: Mr Ray is excellent, but he's not a female.

MARCUS RAY: Thank you, Ms Jackson, for that testimonial.

MICHAEL CASSEL: Is that on record now?

The Hon. ROSE JACKSON: As an example, Mr Cassel, I can name a number of deputy secretaries in DPE who at least I see and engage with over estimates—as I said, I don't pretend to be an expert—but I can only think of one who is a woman.

MICHAEL CASSEL: Yes.

The Hon. ROSE JACKSON: So I'm inviting you, at least off the top of your head, whilst we were on this line of questioning—and I appreciate it you've taken it on notice—to provide some additional examples.

MICHAEL CASSEL: General Counsel at this point in time.

The Hon. ROSE JACKSON: General Counsel. That's at the deputy secretary level, or is that at the executive director level?

MICHAEL CASSEL: Correct, deputy secretary level. Ms Develin, who is running the SOPBA, Sydney Olympic Park—deputy secretary level.

MARCUS RAY: Doctor.

MICHAEL CASSEL: Sorry?

MARCUS RAY: Dr Develin.

MICHAEL CASSEL: Dr Develin. You mentioned Ms Hawyes. Sally Friedlander was a group deputy secretary but she is leaving the organisation in September. She was head of people, place and culture. We're trying to shrink the senior executives.

The Hon. ROSE JACKSON: That's what I was going to ask. Is the intention to replace her or is the intention to restructure so that that position doesn't exist in that same way any longer?

MICHAEL CASSEL: Yes, so that position doesn't exist in the same way. Not many of the clusters have, what we call, interband reporting. When I took over there was a significant amount of interband reporting, so I'm just trying to get that back to a manageable size. I think the last time we had budget estimates I explained that I wanted to get more frontline staff then senior executives.

The Hon. ROSE JACKSON: Yes. All right, well—

MICHAEL CASSEL: But I am very cognisant—

The Hon. ROSE JACKSON: —you've taken a couple of those questions on notice. But I think, Mr Cassel, you can see the point that I am trying to make. It's not intended to be a personal reflection on anyone in a senior role, but it is intended to continue to put pressure on yourself as the secretary to ensure that there are women right at the top of all of our departments—and DPE has work to do.

MICHAEL CASSEL: I don't disagree with that. That's very cognisant in my mind, continually, as I make organisational changes. But I can only deal with what I have at this point in time, without growing the numbers, yes.

The Hon. ROSE JACKSON: Okay. I just had one question in relation to affordable housing. Actually, I might do a little bit of a group on affordable housing now. The first question is: What are currently the compliance mechanisms that are available to the department around the affordable housing that is delivered as part of private development uplift? People get the extra FSR and they have to deliver the 5 per cent or 10 per cent affordable housing. What compliance mechanisms are in place to ensure that those properties remain affordable housing in the medium- to long-term?

MICHAEL CASSEL: Yes, so, I don't—

MARCUS RAY: So—

MICHAEL CASSEL: You save your voice, mate. I might go to—

The Hon. ROSE JACKSON: Are you unwell, Mr Ray? Sorry.

MICHAEL CASSEL: —Brett Whitworth. But I'll just say this. Predominantly, with the affordable housing, a lot of that is teamed up with a community housing provider, who are seen as the best people to manage that. But I'll hand over to Mr Whitworth, who can talk to the affordable Housing SEPP and how other things are working.

The Hon. ROSE JACKSON: Mr Whitworth, I do appreciate that those that are delivered through partnerships with community housing providers, there are particular relationships there that, in essence, answer my question because they are managed and delivered by community housing providers. But as you well know, they're not all delivered through a partnership with community housing providers, and so I'm concerned around the compliance for those that are not.

BRETT WHITWORTH: Ms Jackson, but in order to be identified as affordable housing—so, in order to unlock the bonuses that exist under the Housing SEPP and the affordable housing provisions under the Housing SEPP, there must be an identification of the community housing provider that is going to manage that, or the mechanism in which that is going to occur. So the development application can't pass go unless there is a clear understanding or link to who is going to manage that housing for the purposes of affordable housing.

The Hon. ROSE JACKSON: So it is your view that there is no issue with noncompliance of delivery of affordable housing that has been—

BRETT WHITWORTH: Well, I didn't say that. What I did say is in order to unlock the bonus provisions of the Housing SEPP in relation to affordable housing you need to demonstrate to the satisfaction of the consent authority—in most cases, that will be the panel—that this is the amount of stock that will be managed by a community housing provider and the ways in which that community housing provider will operate.

The Hon. ROSE JACKSON: I'm sure you know where I'm going here. Once that has occurred and that demonstration has been made to the consent authority, what compliance mechanisms are in place to ensure that,

when the actual building is built and the dwellings are to be delivered, they are in fact affordable housing and they are being continually delivered as such over time?

BRETT WHITWORTH: Well, it goes to—sorry, I was going to answer the question the same way. Maybe I reframe the answer for you. The development consent will specify that so much of the housing in that unit is affordable housing and needs to be managed for the purposes of affordable housing. It's not unlike the conditions that you would see on a seniors housing development, for example, that would say, "This is a development for the purposes of seniors housing." If there is a concern that the property is no longer being managed for affordable housing, the council has the ability to issue any number of enforcement mechanisms under the planning legislation: an on-the-spot fine, they can issue an order and they can take action in the Land and Environment Court on the basis that the development consent has been breached and to remedy that.

The Hon. ROSE JACKSON: In terms of monitoring the use of those compliance mechanisms, is that something that DPE does monitor, like how many of those fines are being issued or how many actions are in the Land and Environment Court, to get a sense of the potential scale of this problem? Perhaps it's very small.

BRETT WHITWORTH: I believe that it is very small but we don't monitor the enforcement actions taken by councils as a rule, recognising that we share responsibility for planning with local government. They are an authority in their own right. If there are concerns that their enforcement mechanisms are not strong enough or they believe that there is a particular policy issue, councils will typically raise that to our attention and we would be more than happy to look at what mechanisms are needed to take action. But I have not heard of that issue being raised to date.

The Hon. ROSE JACKSON: Are you saying that you would expect councils to raise that issue with you but none of them have?

BRETT WHITWORTH: Not to my understanding or knowledge, no.

MARCUS RAY: I was going to say the same. I'm not aware that any council has raised an issue with either noncompliance or any issues with their compliance powers in relation to this. Certainly, if it is an issue or becomes an issue, we'd work with the councils to overcome the problem.

The Hon. ROSE JACKSON: It's just interesting to me. Certainly, whether it's the issues that I have raised around affordable housing under the uplift provisions or, for example, the use of the boarding house SEPP to deliver affordable housing, which then turns out to be what would probably otherwise be described as luxury, more studio-style, not affordable properties—

BRETT WHITWORTH: Ms Jackson, I think that's why we changed the Housing SEPP to make it clear that you've got boarding houses and then you have this new type of development called co-living, so that we could recognise—we have talked a lot about housing supply today but we haven't talked a lot about housing diversity, and that is equally as important as supply. Co-living gives us an opportunity to create more diversity of housing at different price points in the market. But we also quite clearly identified that the boarding house processes and boarding houses under the new provisions would be those delivered by Land and Housing Corporation or a registered community housing provider so that we could start to get at that very clear distinction that you are making, that it is for a very affordable price point in the market.

The Hon. ROSE JACKSON: Are there, for want of a better word, compliance mechanisms around delivery under those updated frameworks? Are they the same? Does the local government authority do those?

MARCUS RAY: The development consents are assessed by the local council and often, given the size of some of the developments, they can be determined by the panels. Ultimately, again, it's about conditions of consent. But the change in November last year was to make sure that developments that talk about boarding houses are delivered as affordable rental properties rather than as something else.

The Hon. ROSE JACKSON: Sure. That's obviously the framework in which they are approved, and then they receive consent authority, and then they are actually built—and then they are not that. The compliance regime around that is the consent authority, which is local government, can come in and say, "This is a breach. You've said it was A. You've delivered B." Then it's fines, Land and Environment Court action, that range of—

MARCUS RAY: Yes. All the different provisions—and they are many and varied—could be used by the consent authority to ensure compliance, and the department would want to know about that. If there are breaches of those provisions and those housing products aren't built as affordable housing or aren't being run as affordable housing, the department would want to know about that and would be supporting the councils in that enforcement action.

The Hon. ROSE JACKSON: Certainly, I have heard of instances of that. For all of those people watching today on government land, the department's keen to talk to you about it. I'm under the impression that this issue is of somewhat—

MARCUS RAY: Ms Jackson, if I can just take you back to Mr Whitworth's answer. Before November there wasn't a specific requirement that that particular product of boarding house be an affordable rental product.

The Hon. ROSE JACKSON: What you're saying is it wasn't even a breach before then?

MARCUS RAY: No, and I think that's the issue. The provisions of the precursor to the Housing SEPP were being used to produce a different kind of product. I think we have listened to stakeholders about that and we've made some changes so that if it's a boarding house, it gets a 20 per cent bonus, but it must be provided as affordable rental accommodation. That was November, so any applications or consents that have been granted since then, in relation to those boarding houses, would have a condition of consent to say that they must be operated as an affordable product. If that's breached, then we will be happy to look at that with the council concerned.

The Hon. ROSE JACKSON: Good.

MICHAEL CASSEL: I think the other thing to make note of there is over the last probably 20 years there's been different interventions that have occurred—whether it be NRAS that was put out by the Federal Government, or whether it was the previous affordable Housing SEPP. Some of those were time barred, too, so after 10 years it went back to market housing. There could be a belief in the community that that is supposed to be affordable housing into the future, but now it is not because the time has passed. There's sometimes that knowledge gap that creeps in there, as well, on what the planning conditions were when that was approved.

The Hon. ROSE JACKSON: Yes. Anyway, the fact that there is a whole bunch of affordable housing that is about to come offline because of NRAS is obviously of some concern. But I appreciate your point, which is that that's a federally delivered scheme.

MICHAEL CASSEL: There's no doubt it is challenging. It's where we are in the cycle at this point in time.

The Hon. ROSE JACKSON: I will ask a couple of questions of Landcom, just because we're having a bit of a chat about affordable housing. Thank you for updating the new ministerial statement of expectations in relation to the updated percentages for affordable housing in the metro and regions. I got that. You may have to take this on notice, but any figures that you do have—in terms of dwellings, constructed or, I suppose, sort of project managed by Landcom in the past five years, have you got that? Or the past 12 months? Have you got some figures there?

ALEXANDER WENDLER: Yes, I have. Can I just go back to clarify that it's a statement of priorities that we got from the Minister, just so we are clear on the name. There will be a statement of expectations, but that would come from Treasury.

The Hon. ROSE JACKSON: Okay. Sorry, just to be clear on that, you've had a new ministerial statement of priorities that has come from Minister Roberts?

ALEXANDER WENDLER: Yes.

The Hon. ROSE JACKSON: The statement of expectations, that's what comes from the Treasurer and the Minister for Finance?

ALEXANDER WENDLER: Yes. Just to—

The Hon. ROSE JACKSON: And what's the difference, then—sorry—in terms of how they operate from your point of view?

ALEXANDER WENDLER: Just to clarify, we operate under the Landcom Corporation Act. Under the Landcom Corporation Act, the Minister can give us a statement of priorities, and that is what happened.

The Hon. ROSE JACKSON: Yes.

ALEXANDER WENDLER: That is what I mentioned before and that has been, as well, approved by our board. Then, as per the Act, it will go to the shareholders.

The Hon. ROSE JACKSON: So it is your intention now to send that board-approved statement of priorities to the shareholding Ministers for them to deliver a statement of expectations.

ALEXANDER WENDLER: The statement of expectations, as I understand, is a relatively new instrument that is going to be implemented, so we have been consulting with Treasury about that. That is a statement of expectations that will go to all the SOCs.

The Hon. ROSE JACKSON: Yes.

ALEXANDER WENDLER: Landcom is a SOC. So, yes, not to confuse the two—

The Hon. ROSE JACKSON: It is a bit confusing. Thank you for clarifying.

ALEXANDER WENDLER: Yes, I just wanted to clarify. The document that I will hand up later on is called a statement of priorities, and it is fully consistent with the Act.

The Hon. ROSE JACKSON: Yes. In terms of that statement of expectations, as you said, you've been consulting with Treasury about that. What's the time frame on that?

ALEXANDER WENDLER: I can't give you the specific time frame but what I can say is that the statement of priorities will be reflected in the statement of expectations, so there will be not a change. So, our priorities will not change in that regard.

The Hon. ROSE JACKSON: Your expectation is that the statement of expectations will be the same as the statement of priorities. I feel like I am in *Monty Python* sometimes.

ALEXANDER WENDLER: Sorry. Again, to clarify there, the statement of priorities will be taken as part of the statement of expectations. There may be more.

The Hon. ROSE JACKSON: There may be more?

ALEXANDER WENDLER: Other things.

The Hon. ROSE JACKSON: Can you elucidate at all about what else might be included in that?

ALEXANDER WENDLER: They're just general expectations for SOCs—State-owned corporations.

The Hon. ROSE JACKSON: So your understanding is they will not be Landcom-specific. They would be general to all of the SOCs.

ALEXANDER WENDLER: Yes. That is right.

The Hon. ROSE JACKSON: We're going to come back to that, I think.

ALEXANDER WENDLER: I am happy to answer your question about numbers, if that's still needed?

The Hon. ROSE JACKSON: Perhaps just pause because the buzzer's gone off, but I will come back to you.

Ms CATE FAEHRMANN: I've got a few questions about the O'Kane and Fuller Flood Inquiry report. What is the department doing now to respond to the recommendations of that report, Mr Cassel?

MICHAEL CASSEL: A fair bit, but I might hand over to Mr Whitworth for the detail. When I say "a fair bit", obviously, the reconstruction authority was a key part, so we're putting our mind to what legislation is needed there as well. But I'll hand over to Brett.

BRETT WHITWORTH: Thank you, Mr Secretary. We obviously have been working with the Northern Rivers Reconstruction Corporation as part of the transition of our work and the take-up of the Northern Rivers Reconstruction Corporation role. We will be working with the new permanent statewide agency dedicated to the reconstruction authority. Under the O'Kane-Fuller inquiry, it is tasked with the identification of things such as disaster adaptation plans and an update to the approach to flood risk and new flood planning levels. That agency will also be responsible for the identification of processes for land buybacks and land swaps.

We're also working on the Flood Inquiry recommendations on flood and natural hazard. We are now working to progress the special flood considerations clauses, which will take us—we had flagged those special flood consideration clauses as part of the July 2021 flood planning package. The special flood consideration clauses will give us the ability to have additional flood-related development controls on sensitive or hazardous land uses. That will happen whilst we're working with the reconstruction authority on the broader approach to these disaster adaptation plans. We will continue to work with councils around their local strategic planning statements to ensure that they build in the capacity to create more resilient communities and looking at the various guidelines that support those local strategic planning statements.

There are other things that we are doing—the Build Back Better fundamentals for land use planning, which will be guidance to support rebuilding. Probably, a way of describing that is how can we simplify the sorts

of more flood-resilient building techniques and standards that people will be using as they contemplate rebuilding their houses? We will continue to work on rolling out the risk assessment guidelines. We had a tool that we had already developed with the four Illawarra-Shoalhaven councils, and we'll continue to roll that tool out, as well as the "design for resilience" template that will help councils do resilience plans for their local areas.

Ms CATE FAEHRMANN: Whereabouts in the State have developments or the development approval process been paused while this work is being undertaken?

BRETT WHITWORTH: We have paused the consideration of State-led rezonings in the north-west. There are a number—and I'm happy to pass on to—

Ms CATE FAEHRMANN: The north-west?

BRETT WHITWORTH: The North West Growth Area, sorry. Marsden Park—

Ms CATE FAEHRMANN: Not of the State, but of Sydney?

BRETT WHITWORTH: Yes, sorry.

Ms CATE FAEHRMANN: I just needed to clarify.

BRETT WHITWORTH: Did I miss—

Ms CATE FAEHRMANN: No. Anywhere else?

BRETT WHITWORTH: In the State?

Ms CATE FAEHRMANN: Yes.

BRETT WHITWORTH: As part of the updated flood planning package in July 2021, it has given councils the ability to say if there are areas where they think there is an increased level of risk where they would like to apply land use planning controls above the one-in-100 chance per year flood line, for example. They're able to do that through a process of using the ministerial direction. I can't point to—

Ms CATE FAEHRMANN: If the make-up of the councils, for example—that's all up to councils, even if it looks like there could be developments that are taking place where the councils are allowing development in highly flood-prone land outside of the north-west. Does the department have any say on that at the moment, in terms of pausing those?

BRETT WHITWORTH: If councils are doing that, they are doing that in a way that is inconsistent with the standard instrument and inconsistent with the flood plain risk management policies that the Government has given to them. There would only be developments that would be being approved below the one-in-100 chance per year flood line if there is a specific recognition that development—typically, it would be things like a rural building or a farmhouse. There are particular considerations that they're looking at under the standard instrument clause on flooding.

MARCUS RAY: Ms Faehrmann, I think it's fair to say that the department would not be giving any sort of gateway approval for any planning proposal for residential development that was under one-in-100. You can be assured that we wouldn't be doing that. They'd have to be exceptional circumstances of a degree that I couldn't put my finger on. What we are doing, though, is there are planning proposals that are in flood plains and that would be consistent with the flood planning direction from 2021. I think it's important to acknowledge that the O'Kane-Fuller inquiry recommendations really endorsed the department's approach from the year before, which was moving to a risk-based approach rather than a flat one-in-100. There are evacuation issues. They're particularly well-known in the north-west, but each individual planning proposal that is on the flood plain—it's something that we consider.

The department is currently looking at all of the planning proposals that are in the system. We're looking at those and examining those in the context of the O'Kane-Fuller recommendations. We'll be providing guidance to councils on those as and when we get through them all, as to whether they should proceed, whether they can proceed—because of the various studies that have already been done locally—or whether there's something else that needs to be done that arises out of the O'Kane-Fuller report. There were a number of different things that were said in that report. We currently are going through—I used an unfortunate term before, which I'm not going to repeat, Ms Higginson. We are going through that in a systematic way, and we'll be there to assist councils with being able to triage those planning proposals which could go ahead and those ones which might need further work or some broader work to be done in accordance with the recommendations of the O'Kane-Fuller—

Ms CATE FAEHRMANN: So you're going through every single approval that's within the system at the moment and looking at all of them in the context of the O'Kane-Fuller—

MARCUS RAY: Every planning proposal that's currently in the system and has not been determined we're looking at in that context where flooding is an issue.

Ms CATE FAEHRMANN: Are you aware of the massive amount of development that's taking place in Yamba, particularly West Yamba, Mr Ray?

MARCUS RAY: Ms Faehrmann, I'm afraid I don't know the specifics of that development just now. But I accept that there is considerable development up there. I don't know the details of that. I don't know whether Mr Raimond can shed any light.

Ms CATE FAEHRMANN: Because you said that you were looking at every one in the approval pipeline. I'll just give you an example of—

MARCUS RAY: There are a large number of people in the department that are actually doing this. I haven't personally.

Ms CATE FAEHRMANN: Sure. I'll just put this one on the record: West Yamba has proposals for a number of subdivisions. These subdivisions, these developments, are being built on flood-prone land. Fill is being trucked in at about a truckload of fill every minute into the town of Yamba, filling up this area, say, 2½ to three metres high. In the floods of February and March the existing areas of Yamba—the existing residential streets—flooded for the first time, massively, because of stormwater as a result of this fill. That sounds absurd to you, doesn't it, that something like this should be able to go ahead that is increasing the risk—it is basically building high up on flood plain for new subdivisions that are going to make living in the rest of Yamba incredibly risky.

People were trapped for six days in the March floods, but at the moment this is going ahead. The community of Yamba held a rally on Sunday against this and they feel that nobody is listening to them. As you say, you're looking at the approval process. That should be one that should come out, and maybe the planning department can tell the council to think again.

MARCUS RAY: Ms Faehrmann, I think it's fair to say that what we're looking at are the ones in the system, not the ones that have already been approved. Again, not knowing the full details, but I would expect there would have been a thorough assessment—if that amount of fill is coming in, there would have been a thorough assessment at the time the planning proposal was completed to ensure that there wouldn't be those offsite impacts. That's a pretty fundamental thing. All I can do is take that on notice and go away and provide you with a response on those questions.

Ms CATE FAEHRMANN: Okay, thank you.

MICHAEL CASSEL: Just on that question, I do think it's important to understand the time line on that. If we can understand when that rezoning first occurred—it may have occurred a long time ago, and then council would have placed their requirements on top of that, then any of the housing would have needed a DA to go in on top of that. We're reviewing what's coming at us now; we're not reviewing what's been approved historically.

Ms CATE FAEHRMANN: We'll come back to that.

The CHAIR: Mr Field? We are going back to Webex for a minute.

Mr JUSTIN FIELD: Thank you, Chair. I think this will be again for Mr Gainsford, please. I will go back to some of the questions I was asking about greenhouse gas emissions reporting. I understand there are annual reports that are provided for each of the coalmines in New South Wales. You mentioned a three-year audit as well. You might potentially take it on notice, but for each of the operational coalmines in New South Wales, could you confirm which ones are up to date in terms of providing their annual reports—or if there are any outstanding—and when the most recent three-year audit was conducted for each of those? Is that possible?

DAVID GAINSFORD: Yes, Mr Field, I'm happy to take that on notice, thanks.

Mr JUSTIN FIELD: Thank you. Mr Gainsford, this is for you: Just following up on my questions earlier about the status of the Warragamba Dam raising planning assessment process, I understand we're waiting on Water NSW with regards to the preferred infrastructure report and response to submissions. Could you just confirm whether you are actively engaging with WaterNSW on the preparation of that preferred infrastructure report, or is that still sitting with them?

DAVID GAINSFORD: Mr Field, I wouldn't say "actively engaging". Obviously, we do have regular meetings with WaterNSW where they provide updates to us. I mentioned, I think, in my earlier answers this morning that WaterNSW are conducting a series of discussions and workshops with various government agencies as they're preparing their response. As part of those, we've been observers at those meetings, but that's effectively the limit of the work that we're doing at the moment.

Mr JUSTIN FIELD: I know that when questions were raised during the preparation of the EIS by various State and Commonwealth agencies—we had this discussion in the dam inquiry, as you'll remember—it seemed there was quite active involvement by the department at that stage to work with WaterNSW and the agencies to get the EIS up to standard. Would you describe the level of engagement that's going on at the moment between yourselves and the various agencies as similar to that, or is it much more hands off?

DAVID GAINSFORD: Mr Field, I probably would describe it as a little bit more hands off. I think part of the work that we were doing pre-environmental impact statement was with a desire to have the environmental impact statement out there in the public for exhibition purposes and to enable the opportunity for the public to have comment as part of the exhibition process. With regard to the response to submissions and the preferred infrastructure report, it really is a matter for WaterNSW to be leading that.

Mr JUSTIN FIELD: I'm not sure if you mentioned before and I missed it, but just to confirm, has WaterNSW given you an estimated time on the response to submissions for the preferred infrastructure report?

DAVID GAINSFORD: We have had some dates in some Gantt charts. It would be a matter of months, in terms of the current estimate of when we're likely to get that documentation.

Mr JUSTIN FIELD: That's both; they're likely to come together? Is that right?

DAVID GAINSFORD: Yes, that's the intent, as I understand it.

Mr JUSTIN FIELD: Can you give me a sense of what the time line will likely be from that point forward?

DAVID GAINSFORD: Yes, sure, happy to provide that detail. Once we've received the response to the submissions and the preferred infrastructure report, as we normally would do, we will assess the completeness of those documents. Particularly with regard to the preferred infrastructure report, we have the ability to exhibit that documentation. The preferred infrastructure report, as you might be aware, is a mechanism that we have in the system which allows for changes to a project to be made but also for additional information and additional studies to be incorporated into that report. Where we have that additional information and we think that that's necessary to have the public have an opportunity to make a formal submission on that process, then we can re-exhibit that information. We haven't made a decision on that yet, because we haven't received it, obviously.

There are two scenarios there. If we do have a preferred infrastructure report which we do re-exhibit, that will then mean that we will have a collation of those submissions after that exhibition period, and WaterNSW will need to respond to those submissions again. Once we have all of that information with us then that commences our formal assessment process, if you like. Our formal assessment process will then result in a recommendation to the Minister for Planning, and the Minister for Planning then makes the decision on the project.

Mr JUSTIN FIELD: Will the PIR be made public once you've received it if you choose not to put it out for exhibition?

DAVID GAINSFORD: Yes. As we do with as all of our responses to submissions, similarly with preferred infrastructure reports: Where we don't formally re-exhibit, we do put that up on our website.

Mr JUSTIN FIELD: Can you give me a sense of the nature of the trigger to exhibition? Obviously, there were concerns raised not just through the public submissions but from various agencies around quite a few different aspects of the proposal, so how do you make that decision about exhibition? What would the submission time period be for an exhibition if it occurred?

DAVID GAINSFORD: Yes. It's really with regard to new information that is incorporated into that documentation. So we use a judgement on the basis of if there are additional studies, which I was mentioning before, and therefore there is new information or if there are changes made to the project, which the public hasn't had a chance to make submissions on, that tends to influence our decision-making. With regard to exhibition, there is discretion for the department to work through an exhibition time period. Again, that would depend on the extent of the new information that we are seeking submissions on and would also depend on the complexity of that information. But for preferred infrastructure reports, typically 14 to 28 days tends to be the period.

Mr JUSTIN FIELD: Can you remind me of the status of this project at the moment? I know there was some conjecture as to whether or not it was going to be deemed critical State significant infrastructure at one point. I think the former Minister decided that it wouldn't be. Can you confirm the status of the project?

DAVID GAINSFORD: Yes, that's correct, Mr Field. It is State significant infrastructure, so it is not critical State significant infrastructure. That's correct.

Mr JUSTIN FIELD: So there have been no proposals to change that since the previous Minister decided to keep it as State significant infrastructure?

DAVID GAINSFORD: Not that I'm aware of, no.

Mr JUSTIN FIELD: My question—Mr Ray, you might be able to direct this—is back with regards to the Sustainable Buildings SEPP. Will that have an impact on whether or not new house builds can or should use gas appliances or connect new homes to the gas network? There has been a move in other States to move away from new gas installs, recognising its high cost and reduced availability in recent years. Will the changes in the SEPP have an impact there in New South Wales?

MARCUS RAY: Mr Field, I might pass over to Mr Whitworth for some details, but one thing I will say about the BASIX tool, which is now enshrined in the Sustainable Buildings SEPP, is that it allows people to make choices about various different things, including dark roofs, light roofs, gas supply and other measures, in order to get the sustainability certificate that you need to show that it has seven-star energy efficiency. What I would say is that, over time, I would imagine that it would drive change in the industry because, ultimately, gas will be less attractive because of the energy cost there.

As we've said, there is the question of choice through the mechanism at the moment. We haven't banned gas to subdivisions, but I imagine—and one of the broader things is that the Sustainable Buildings SEPP and the move to seven stars is only the first step in further measures, and that is consistent with the council of environment Ministers. When they moved towards the low-energy trajectory in 2019 they first signalled this. There will be other steps in the process later in the 2020s, which will make gas to subdivisions particularly unattractive. But we haven't banned it at the particular point in time. But I think one of the things we will need to do is work with industry to smooth out that transition. I might pass over to Mr Whitworth.

BRETT WHITWORTH: I am not sure that I can add much more to that fairly comprehensive response.

MARCUS RAY: Sorry.

Mr JUSTIN FIELD: Can I just extend that before—you might be able to tell me. Given what you've acknowledged, Mr Ray, in that there are going to be steps taken by government later, I would be interested if you could outline those. But will you want to have advice in the hands of potential home owners, new home builders, "Hey, don't go down the way of gas. You will end up copping it. It will cost you a fortune. You might have to replace your appliances down the track as gas becomes less available and more expensive."? Will we want that advice to be out there? It seems like it's already cheaper to go away from gas, but it may be just through sheer inertia that the industry is continuing along with it. Wouldn't we want to get ahead of the curve here?

MARCUS RAY: I think that's something that we certainly will think about. While the SEPP has been made today—and, consistent with the national agreement, it will start on 1 October 2023—I think we can think about that material and that messaging that we give to consumers in this period where we are ramping up to bring in the controls. So, yes, I'm happy to take that on board.

The Hon. ROSE JACKSON: Mr Wendler, you were going to give me a figure for Landcom-constructed or project-managed dwellings.

ALEXANDER WENDLER: Yes, I can give you numbers for the last five years. The number of dwellings released—that's what we track, the number released to the market—over the last five financial years, including financial year 2022, is 12,393 dwellings. I can give you a forecast number as well.

The Hon. ROSE JACKSON: Yes, that would be useful.

ALEXANDER WENDLER: Over the next five years we are looking at 19,089 dwellings being released to the market. That's our current projection.

The Hon. ROSE JACKSON: How many of those 12,393 were affordable housing?

ALEXANDER WENDLER: As I mentioned before, since 2021 we have a minimum of 10 per cent as part of our housing policy. But if we look at the specific numbers, we had 1,603 that were affordable—that's rental and ownership—and that was 12.9 per cent, so a bit more than 10.

The Hon. ROSE JACKSON: The percentages that apply to that 19,089, they are the new percentages that you gave us this morning, so that will be different for Sydney metro and the regions?

ALEXANDER WENDLER: That will be different, yes. That's right.

The Hon. ROSE JACKSON: My colleague might ask a few questions and then come back to me.

The Hon. MICK VEITCH: Mr Cassel, I've got some questions around the Accelerated Infrastructure Fund. I'm not sure who you would direct these questions to. In the first instance, what was the measure of high growth that was used to determine the councils' eligibility to apply for funding under the Accelerated Infrastructure Fund?

MICHAEL CASSEL: That's a very detailed question.

MARCUS RAY: Mr Veitch, I might have to take that on notice. I don't think I've actually got that threshold in my notes, sorry.

The Hon. MICK VEITCH: One of the issues that's happening at the moment, of course, right across New South Wales—not just in the regions—is that prices are going up pretty quickly for a whole range of materials et cetera. Looking at how we share the risk or spread the risk for this in this round of projects—round three projects—how are we going to accommodate that? Is there potential to accommodate that in the process? People who put a bid in will make a bid now, but prices—

MICHAEL CASSEL: The cost overruns, do you mean?

The Hon. MICK VEITCH: Yes.

MICHAEL CASSEL: The advice I have at the moment is the market seems to be softening a little bit on some of those infrastructure costs. But it's always a challenge with any project. Whenever bidding occurs for a joint-funded project, costs always seem to go up. I'm not sure we've got a specific mechanism in there at this point in time. In my experience, usually what happens is discussions start occurring about halfway through the project and then we resolve how we're going to fund it. I'm not sure I've seen one that's ever stopped and not been funded.

The Hon. MICK VEITCH: I'm happy for you to take it on notice and go away and just check for a bit more detail. That would be great.

MICHAEL CASSEL: Yes, cheers.

The Hon. MICK VEITCH: Will local content be in this assessment process? Is local content going to be rated highly in the process?

MICHAEL CASSEL: My understanding is it always is when the tender—it just depends on whether we're going to tender the work or local councils are going to tender the work. But from my experience, especially on smaller projects, local content is always considered. But I don't have the exact details. I'm happy to confirm that on notice.

The Hon. MICK VEITCH: That would be good. Of the 41 councils, there are 23 regional councils, as I understand it. Clearly, I've got a bit of interest in regionals. What was the criteria that was used to make those assessments, to get those regional councils into the program?

MICHAEL CASSEL: I'll just hand over to Mr Ray.

MARCUS RAY: Mr Veitch, I don't have the specifics in front of me, but the principled approach in relation to the regional councils and right across the board in relation to the Accelerated Infrastructure Fund—it's a fund that's designed to unlock housing and make land that's already zoned development-ready by bringing forward that enabling infrastructure, whether it be roads, sewer, whatever. Then it will unlock that land. Because the focus is on driving housing supply, the focus is on those high growth councils in the regions, as it is within metro, that can make the biggest contribution towards that housing supply.

The Hon. ROSE JACKSON: Obviously it goes without saying, Mr Ray, that there are a number of local government areas, particularly in regional New South Wales, where—you are right—the Regional Housing Taskforce identified the infrastructure that sits alongside zoned land as a key barrier to delivering supply. So there are a number of councils who, to be honest, would love to be eligible for this \$300 million that are not.

MARCUS RAY: Sure.

The Hon. ROSE JACKSON: So I suppose part of the question is: What can you say to them? In particular, will there be additional rounds? Will there be additional opportunities? Because getting access to that funding is really significant to delivering housing supply and there are many who are not currently eligible who would be enthusiastic.

MARCUS RAY: I absolutely take your point. The first thing I'd like to say about that is that, of those 41 councils, given both the population projections and our housing forecasts, those 41 councils will provide 94 per cent of the housing supply growth over the next 10 years. So there's 41 councils and that's where 94 per cent

of the growth we expect to happen, so there's the basis. We have to have a firm basis linked to outcomes for housing supply and that's how we've got the 41 councils. That doesn't mean that councils that aren't in those 41 councils won't be supported by the department in some other way, through some other program, whether that's a capital investment program or whether that's a program that relates to support for development applications or support for building a housing pipeline in that area, through better strategic planning. There's a range of different initiatives that we're looking at, including extension of the Regional Housing Flying Squad. While there are clearly some councils that aren't in that 41—and they're only going to be providing 6 per cent of the housing growth, and government's asked us to focus on housing supply—there are other grant programs and other support the department can provide and will provide to those councils that aren't in that 41.

The Hon. ROSE JACKSON: This isn't really to do with the Accelerated Infrastructure Fund. It goes back to this fundamental issue that we've talked about this morning. My understanding is that there is something like 130 local government areas in New South Wales; 41 of them are delivering 94 per cent of new housing supply. There is some kind of lopsided housing supply delivery going on in our State, Mr Ray, because those numbers make the point that I was trying to make this morning, which is that—it's good that you've put \$300 million into supporting those 41 who are doing 94 per cent of the heavy lifting, but that is a very heavy load on 94 per cent into less than half the local government areas. What are we doing to try and better balance the delivery of housing supply across all 130—128 I think it is or something, whatever—local government areas?

MARCUS RAY: Ms Jackson, I suppose I have to go back to the fundamentals of strategic planning. In Sydney and now, if you like, really, really, really Greater Sydney, which is covered—

The Hon. MARK PEARSON: It's getting greater and greater.

The Hon. ROSE JACKSON: Greater with a capital G, yes.

MARCUS RAY: Yes, lots of capitals. There needs to be choices made about where future development goes. It's important because it's not a Holy Grail of money that can deliver the infrastructure, whether it's large government projects or projects that are directly related to individual planning proposals. There needs to be a focus. I think the strategic planning that's done both at the regional level and in Greater Sydney directs us to where growth will occur. That will mean that in some areas there will be more growth than others. So, for example, there's growth foreshadowed in the Greater Macarthur, in south-west Sydney, in the aerotropolis. At the same time, there is also growth associated with the very expensive infrastructure that is being built in relation to the metro. So I think there is a fair spread, but I absolutely agree that there are some councils and some local government areas—particularly those where they're changing from, you know, a predominantly rural to a suburban typology—they are bearing a lot of the growth. But the infrastructure is following that growth, and it is following that growth through good strategic planning.

The Hon. ROSE JACKSON: The \$300 million—let's just ask this question—how was that figure decided? Was there an assessment of "Okay, we've selected these 41 that are doing 94 per cent of the work. We're going to do a bit of a kind of assessment of what the kind of key infrastructure backlog in those areas are and addressing that is going to cost \$300 million?" Was that figure—

MARCUS RAY: The actual figure came out of a budgetary process, the Government's budgetary process. There had been two previous rounds of accelerated infrastructure. The initial round, I think, was about \$75 or \$76 million. The second round was \$139 million. For example, the most recent round of \$139 million was matched more than two to one by council funds. That \$139 million has spurred on the delivery of over \$500 million worth of infrastructure to make land development ready. That was spread between seven or eight councils. I suppose what I would say is that the Accelerated Infrastructure Fund, the main part of the fund is over two years, and so it is very similar to what was proposed in round two. But this has been opened up to many more councils than previously.

The Hon. ROSE JACKSON: Yes. You said that figure was developed as part of a budgetary process. Did the department make a submission to the ERC for \$300 million or for additional money? What was your—

MARCUS RAY: Ms Jackson, I can't talk about Cabinet process. I'm sorry.

The Hon. ROSE JACKSON: I thought I'd give it a go. With the previous round—I'm going to assume, as you've said, there is a lot of enthusiasm—were they oversubscribed? Can you give us a sense—I appreciate this one is only just, kind of, kicking off—in terms of the interest in rounds one and two?

MARCUS RAY: Look, I can't give you the figures whether they were oversubscribed. Obviously councils are keenly interested because obviously, like us, they want that development-ready enabling infrastructure built. I suppose there's a keen interest because you're asking questions today, and it was only announced last week. I just don't know. I mean, they've only just been opened up for submissions.

The Hon. ROSE JACKSON: Perhaps you could take on notice—let us just say, for example, round two. How many infrastructure projects were funded under that round?

MARCUS RAY: I can do that.

The Hon. ROSE JACKSON: And also how many submissions did you receive or how many requests did you receive?

MARCUS RAY: Yes, I can do that.

The Hon. ROSE JACKSON: Thank you. For round two, that would be useful.

The Hon. MICK VEITCH: What is the time frame? Announced last week, clearly there is a lot of work to be done to determine the successful projects. What is the time frame?

MARCUS RAY: I think we were giving councils six weeks to make their applications. And then obviously we would like to make decisions as quickly as we can, by the end of the year or very early next year, in order to ensure that the projects can be delivered because the idea is the projects will all be delivered by, I think, 2026. So they need to be started—

The Hon. MICK VEITCH: Is the department assisting these councils in the process of applications or are we letting them do the applications—

MARCUS RAY: If any council wants the department's assistance we are happy to help the councils, talk them through. I suppose we are not proposing to actually do it for them because that becomes a bit messy and we wouldn't want that. But we are happy to provide them with any support they need to make an application.

The Hon. MICK VEITCH: Okay, thank you.

The Hon. ROSE JACKSON: I think you mentioned that the number of councils—the 41—is more than were eligible for round two.

MARCUS RAY: Yes.

The Hon. ROSE JACKSON: How many were eligible for round two?

MARCUS RAY: I'd have to take that on notice, but it might have been 10 or 12.

The Hon. ROSE JACKSON: That would be useful just to take on notice.

MARCUS RAY: Sure.

The Hon. ROSE JACKSON: And who they were—we've gone from 10 or 12 in round two to 41 in round three—and the details of what those local government areas were.

MARCUS RAY: As I said, there's also a \$12 million fund to accelerate strategic planning in the regions, as part of the response to the Regional Housing Taskforce. Any council in the regions can make an application for a grant from that fund.

The Hon. ROSE JACKSON: Mr Newport, Land and Housing Corporation disposals, 2021-22—how many properties were sold in the last financial year?

SIMON NEWPORT: Thanks. There's a difference, obviously, between dwelling and land. Dwelling—so, homes—was 262. Land was 242.

The Hon. ROSE JACKSON: What was the value of those disposals?

SIMON NEWPORT: It was 456 and 268 million respectively.

The Hon. ROSE JACKSON: Obviously, under the Land and Housing Corporation funding model, all of that money's been retained by Land and Housing? Yes?

SIMON NEWPORT: Yes.

The Hon. ROSE JACKSON: At this stage, how much of that do you intend to reinvest in new property, as opposed to maintenance or redeveloping old property or other costs of the Land and Housing Corporation?

SIMON NEWPORT: As I'm sure you understand, it's a bit of a rolling program. It doesn't happen within the one year. I don't have that exact detail. I could take that on notice.

The Hon. ROSE JACKSON: That'd be useful. I appreciate it's a pipeline. I do. But, obviously, I'm also trying to understand, of the money that came in from disposing of land and property, how much goes out in building new properties. I'm trying to understand that.

SIMON NEWPORT: Sure. What Mr Cassel was just pointing out to me, of course, is that all of the money is ring-fenced as capital. So it can't be spent on anything else, other than major upgrades on houses and new houses. Obviously, as people would know, over the years, we've been tracking quite closely what's been delivered with the Millers Point. Certain higher profile, larger scale sales are, obviously, clearly tracked, dollar for dollar. The rest of it, if you like, as revenue—I'd have to get back to you.

The Hon. ROSE JACKSON: That'd be useful to take on notice. Millers Point is still in a separate fund in the Land and Housing Corporation, isn't it? It sits—

SIMON NEWPORT: I'm not sure whether it's separately in a fund, but I can assure you that the key deliverables are tracked rigorously.

The Hon. ROSE JACKSON: I had a look at the budget papers. My understanding is that it is separately defined as revenue that was generated from the sale of that but that there is still, to be honest, quite a lot of money in that fund that has not been spent. Is there any plan in relation to that?

MICHAEL CASSEL: My understanding, which is probably about eight months old now, is, yes, it is all ring-fenced. It was about a ratio of five to one—five new homes for every one that was sold at Millers Point. I don't know whether all the money has been spent. But, last time I looked, it was all allocated to new projects. I'll throw it over to Simon.

SIMON NEWPORT: I can read my own notes. Millers Point and Dawes Point are aggregated for the purposes of here. So 1,749 homes have been completed. Another 149 are under construction, and a further six are at the DA stage.

The Hon. ROSE JACKSON: The construction, the allocated and the DA, all of that—does that exhaust the fund? Or is there, even subsequent to that—

SIMON NEWPORT: I'd have to take that on notice.

The Hon. ROSE JACKSON: That's fine.

MICHAEL CASSEL: If I can just add, I'm pretty sure that is the total that's there.

The Hon. ROSE JACKSON: That's useful to know.

MARCUS RAY: Ms Jackson, I can just give you the details on the AIF round two. There were eight councils. It was Blacktown, Camden, Campbelltown, Hawkesbury, Liverpool, Penrith, The Hills Shire and Wollondilly.

The Hon. ROSE JACKSON: So they were the eight and then it has gone to the 41.

MARCUS RAY: Now it has gone to the 41.

The Hon. ROSE JACKSON: You might need to take some of these questions on notice, Mr Newport—questions that I will get to at a later stage.

The CHAIR: Thank you. I just have some questions about mining approvals and recommendations, so they may be directed to Mr Gainsford, Mr O'Donoghue and Mr Preshaw. In particular, could I ask perhaps Mr O'Donoghue where things are up to with the Vickery coalmine, whether we've received all of the documents and whether you know what's actually happening in terms of a startup, or any update?

STEPHEN O'DONOGHUE: Whitehaven is still preparing the documentation for that, so not all of the management plans are approved. They have commenced the development by undertaking geotechnical works, so the commencement has been triggered. But certainly they still haven't made any decision about commencing major construction works at this point until they've finished geotechnical investigations along the railway corridor but also back on the mine site and mine infrastructure area.

The CHAIR: In the last few years both you and Mr Preshaw have been signing off on recommendations for approval of these projects. When are we going to stop doing that?

STEPHEN O'DONOGHUE: I can only answer that by saying that with every application we get in we do an all-of-government assessment on the merits of the project in consultation with other agencies. We look at the Government guidelines and policy in making our assessment and recommendations.

The CHAIR: Can I just ask which particular policy is telling us to keep approving coalmines at the moment?

MARCUS RAY: Ms Higginson, the department assesses, as Mr O'Donoghue said, all applications on their merit in accordance with the mining SEPP.

The CHAIR: Can I just ask, Mr Ray, are we factoring in things like attribution sites at the moment when we're looking at these? Are we accepting that we're in a bit of trouble in terms of climate change and that the biggest contribution that we're making right now to increasing greenhouse gas emissions in New South Wales is coalmining? I don't think that's controversial, is it?

MARCUS RAY: The department is assessing the applications according to the current controls and the questions on the policies that apply, some of which have applied for a while and some of which are relatively new. The department assesses them in accordance with the Government's policy for 50 per cent reduction by 2030 and, ultimately, the department makes a recommendation on those grounds.

The CHAIR: In that sense, are you getting really good information right now on where the emissions reductions are taking place, given that your department and your staff keep recommending approval for large emissions contributions?

MARCUS RAY: We get advice broadly to the department about the various measures and the various things right across the economy.

The CHAIR: Mr Ray, perhaps straight to the question: Do you have a carbon budget that you've been given? Are you allowed a certain amount of emissions to keep approving?

DAVID GAINSFORD: I might attempt to answer that, thanks, Chair. Each application that we have, as Mr O'Donoghue was saying, we assess on its merits, but we also seek advice from the climate and atmospheric science branch that I was mentioning before. And they're directly involved in the monitoring of our commitments that as a government have been made to reduce emissions by 50 per cent by 2030 and also a net zero—

The CHAIR: So how many more emissions have you got left, then?

DAVID GAINSFORD: What I would say is that we are seeing fewer and fewer coalmining applications coming through to the department. As I understand it, at the moment we have four coalmining applications with us, as compared to 74 renewable energy projects that we actually have under assessment at the moment. So it's definitely a decreasing amount of workload for us. The other thing I would say is that the department doesn't always recommend approval for coalmines. Recently we recommended a refusal for the Hume Coal project.

The CHAIR: Yes, I saw that. I almost fell off my chair.

DAVID GAINSFORD: And the Independent Planning Commission agreed with us.

The CHAIR: With that though, is it possible going forward that we can stop recommending approval? Because, really, if at the moment it seems that every recommendation that I have read—the basis to approve them is that the economic benefits and the employment benefits outweigh these catastrophic climate impacts that we're contributing to and therefore we can improve the project.

The Hon. SHAYNE MALLARD: Point of order: I know it's difficult to do a point of order on yourself.

The CHAIR: I'm willing to take it.

The Hon. SHAYNE MALLARD: I think this is a conversation you should've had with the Minister, not with the bureaucrats, who are here to implement government policies and legislation.

The CHAIR: Mr Mallard, I hear what you're saying. Thank you. But we are talking actually about the absence of a government policy. I suppose what I'm getting to is, as planners and when you are making the recommendations—and perhaps if I can go specifically to the two members of the department who sign-off on these recommendations—are we finally at a time that perhaps we could make recommendations that are both ways; i.e., these are the consequences of approving the project but these are the consequences of not approving the project? Why do we keep recommending approval only?

DAVID GAINSFORD: I might attempt to answer that as well.

The CHAIR: Mr O'Donoghue was going to.

DAVID GAINSFORD: Minister—sorry.

The CHAIR: Minister? I'm quite okay with that too.

DAVID GAINSFORD: Chair, sorry. Apologies. The system doesn't allow us to put up different options in terms of recommendations.

The CHAIR: Where does it say you can't do that?

DAVID GAINSFORD: Certainly, it's never been practice to put up—

The CHAIR: And I am asking: Is it time? Why can't we do that? I've seen absolutely spectacular planning documents from expert planners that say, "Decision-maker, if you approve the project, these are the consequences, the benefits, the negatives. If you don't approve the project, these are the benefits, the consequences, the negatives." Why as independent planners and a departmental body—why can't we do that to the Independent Planning Commission?

DAVID GAINSFORD: But I think your suggestion there is that we're not doing a thorough and weighed assessment as part of the assessment process, which I think is exactly what we are doing. We're weighing up those benefits and those impacts associated with the project. Ultimately the point of the assessment process is to give some certainty and to make a recommendation to the decision-maker.

The CHAIR: Then, on that point, are you looking at attribution science and are we putting those costs into planning recommendations? Are we looking at what the cost of fixing Lismore right now is and what we're actually doing in terms of approving these projects? I refer to the former Chief Scientist's submission to the IPC, Penny Sackett, where she said, "If we keep approving these projects, we're going to see significant increased flooding and catastrophic events in south-east Queensland and the Northern Rivers." And blow me down, that's exactly what happened. Are we drawing these parallels and adding these costs when we're recommending approval of these big projects?

DAVID GAINSFORD: Well, again, Chair, I would refer to some of my earlier answers this morning, which is that we are actually having discussions with the climate and atmospheric sciences branch and seeking advice from the Environment Protection Authority and others around the emissions that are being forecast in these developments, and getting confidence as part of the assessment that those forecast emissions have been taken into account in accordance with the Government's policies to reduce emissions over a period of time.

The CHAIR: Mr Gainsford, have you seen the release of their material last week on the SEED portal that looks at tracking and how we're going over different sectors?

DAVID GAINSFORD: Yes, I have.

The CHAIR: Do you think it's looking okay?

DAVID GAINSFORD: It is showing a trajectory that is consistent with government policy, I think. I think that's—

The CHAIR: I don't think that's how many independent people are reading it, but perhaps that's how things—perhaps that critique will come over the coming weeks. I think an independent look at that is that we're not tracking particularly well in some sectors and that we're still emitting at incredibly high rates and the likelihood of getting to 50 per cent by 2030 is not looking that great. The follow-up question really to that is: Is there no pressure on you to do a bit better than getting to 50 per cent by 2030?

DAVID GAINSFORD: I guess, Chair, this is consistent with, again, the evidence I was giving earlier today around the approach that we have taken to Narrabri stage three, where we have, over and above the estimates that were made in the environmental impact statement and other parts of the assessment process, put recommended conditions—which were then accepted by the Independent Planning Commission—around ratcheting down emissions, because we acknowledged that, actually, the emissions intensity associated with that extension of that project was high compared to a number of other coalmines that we have assessed. We felt that more could be done, so we took action and we actually have got conditions there now which does set limits and does reduce the amount of greenhouse gases which will come from that project over time.

The Hon. MARK PEARSON: Just following on from that, your responsibility to the Minister or to the secretary is to advise—is that correct?

MARCUS RAY: That's one of our responsibilities, yes.

The Hon. MARK PEARSON: Is there a requirement to only give one recommendation?

MARCUS RAY: It's not a requirement; the Chair is right. It's not a requirement, but practice over many years—and it's something that also happens with councils—is that there's a clear recommendation based on the comprehensive assessment report about whether—in this case, the formula of the recommendation is "Is the project approvable?" or "Should it be refused?"

The Hon. MARK PEARSON: Going to Ms Higginson's point, doesn't that seriously narrow the spectrum of what are the possible outcomes if one recommendation goes ahead as opposed to another? I suppose I'm just pressing that question: Is it not a wiser advice to say to the Minister or the secretary, "If the decision is made to go ahead with that as it is now, these are the likely consequences," as my colleague just pointed out? We're now in an environment or a climate, if you want to call it that, that these questions or these decisions are

becoming more and more dangerous and more and more critical. The question is: Shouldn't it be more expanded, the advice that's given to the secretary and the Minister? This is not a criticism. Maybe we are ready to change the modus operandi that has been going on. Often we have this problem of "Well, that's just the way it has been done". Sometimes, as you know, the situation changes and we have to review that. Do you think we might be ready for that?

MARCUS RAY: The department is always ready to take advice about how it can improve its assessments or how it could improve the format of its assessment report. The recommendation is a small component of an assessment report that thoroughly goes into all the issues. All the issues are actually listed there; they are discussed. Conditions that would ameliorate the impacts or mitigate the impacts of some aspects of the development, if it's mining, they're proposed. In some cases, the benefits of those conditions are quantified. All of those things are there. But it's important that decision-makers are clear about the ultimate position because, obviously, there is a weighing up that has to be done of different factors. There are always benefits; there are always impacts. That's really the job of not only the department; that's the job of every local council through development assessment.

From my own experience, I don't think the current practice affects the outcome of the process from the decision-maker because, obviously, there are cases where the Independent Planning Commission either does not agree with the department's recommendation—and there have been a number of cases where it has refused an application. There are often cases where it will impose additional conditions. It's a very transparent process, I think, that enables—the reports go up on the web. They can be scrutinised. Ms Higginson spent a lot of time scrutinising those reports over many years. It's all clear there. Having said that, Mr Pearson, we come here and we are always actually happy to take advice and look at things freshly. We're happy to do that.

The Hon. MARK PEARSON: Of course, we understand the Minister and the secretary are influenced by external factors as well before making decisions?

MICHAEL CASSEL: Yes.

The Hon. MARK PEARSON: Mr Whitworth, I think you're the person to answer this question. I just want to talk a bit about the underpasses on the Appin Road for koalas. My understanding is that it's going to be fenced for about 120 to 130 kilometres, with two underpasses that are a requirement from your department and two underpasses that are a requirement from Lendlease at the development. Is that correct?

BRETT WHITWORTH: Mr Pearson, it's actually Mr Whitworth, but given—we seem to have been having issues with names today. But, yes, there are four crossings—four underpasses. Two are specifically identified in the Cumberland Plain Conservation Plan, and two are being developed with Lendlease as part of their rezoning and their biodiversity approval process. There are—

The Hon. MARK PEARSON: Right. Okay, great.

BRETT WHITWORTH: Sorry, if I may just also—on the fencing?

The Hon. MARK PEARSON: Sure.

BRETT WHITWORTH: The important part of the fencing is to ensure—one of the greatest risks to koalas is roadkill, as I think you will appreciate, and the fencing is designed to ensure that we can prevent koalas from just crossing the road—

The Hon. MARK PEARSON: Correct.

BRETT WHITWORTH: —and try and funnel them through in those dry and safe passages.

The Hon. MARK PEARSON: So in the funnelling, is it likely that some koalas will have to walk up to 15 kilometres to get to an underpass?

BRETT WHITWORTH: Well, my understanding—and, I will say, I'm not an expert in the koala species. But my understanding is koalas, particularly—the issues that we're dealing with are male koalas that are ranging out in quite an extensive manner. They're looking for mates. They're looking for new habitat.

The CHAIR: They might be looking hard.

BRETT WHITWORTH: Those sorts of distances are not unusual. And one of the things that we've seen and is interesting about the citizen science that has been occurring is the identification of the koala colony in the Heathcote National Park—it's all the same habitat that the koalas are traversing. So that's a considerable amount of distance that they are travelling.

The Hon. MARK PEARSON: So, therefore, an old female with young, do you think that they can make that trip?

BRETT WHITWORTH: They're not necessarily undertaking that same ranging, is my understanding. But, again, that's my understanding of the advice that I'm getting. It's mainly the young male koalas that do the extensive ranging; it's less the female koalas—

The Hon. MARK PEARSON: Would you be able to take on notice as to whether whoever put together the report and recommendations took into account the koalas that aren't robust and young and looking for sex or whatever else? There could be the other animals that are wanting to cross as well.

The Hon. SHAYNE MALLARD: Just ask Cate, she's our resident expert.

The CHAIR: I don't think they "have sex"; they breed.

The Hon. MARK PEARSON: Sorry.

The CHAIR: I probably have another question for Mr O'Donoghue.

MARCUS RAY: I think the report—the recommendation, though, came from the Chief Scientist.

BRETT WHITWORTH: It did come from the Chief Scientist, and—

MARCUS RAY: So I'm sure the Chief Scientist looks at all those things—

The Hon. MARK PEARSON: Would have turned their mind—okay.

BRETT WHITWORTH: Yes, and certainly with extensive advice from the Environment and Heritage group. One of the challenges of koalas is that we're continually learning about the science that sits behind from their own actions—you know, the sort of species that the south-west koalas were feeding off were different to what had been previously expected. There's always a degree of debate there, as well.

The CHAIR: They're rather cryptic, aren't they? They've been around for a long time, though. I think this is probably one for Mr O'Donoghue again—I'm sorry, I keep getting you up. There is a concern around the Bloomfield Colliery remediation plan. I'm assuming you have some carriage of that. There is concern that we're actually endorsing the replacement of vegetation, obviously, that's been removed but in the remediation that we're not requiring that to be put back. I know the Minister was very clear this morning—he has a view that we do need to put back what we took. Is that something you can explain?

STEPHEN O'DONOGHUE: I'll have to take that on notice, Ms Higginson. In terms of the rehab management plan, there's a role there for the resources regulator as well, in terms of that, and there have been the changes to the mining reform lately, with the Mining Reg just coming into play since July. There's a rehab management plan requirement under that legislation as well. I can provide you more information around that. But the concern is mainly about not replacing vegetation.

The CHAIR: Yes. Just while we are on that, how are you currently working with resources in terms of the conditions of consent? I know that we have that standard condition in accordance with the Mining Act et cetera, but in terms of the endorsing or accepting of those rehabilitation plans, do you do that by liaising with the other department? Who has that final say?

STEPHEN O'DONOGHUE: We do liaise with the Resources Regulator on it for the newer consents where the minor reforms were putting those newer conditions in, linking it to the mining legislation. We are also putting in there an overarching rehab strategy in a lot of the conditions. So, there is still consultation to link back to the consent and the rehab objectives and the final landform at a higher level where we will still be doing consultation. There is a requirement for the Resources Regulator in the rehab management plans, which aren't approved as part of the mining reform process. There is still a requirement for them to be consistent with the consent in terms of the rehab objectives. They will also be in that reform. They are also setting strict completion criteria to link back to the objectives and final landform requirements and security deposits, which get reviewed consistently. So we have quite a good relationship and consult pretty closely to the Resources Regulator.

The CHAIR: Can I just get a very quick final answer on the rehab? Given your incredibly intense overview and knowledge of all of the mining projects, would you say your level of confidence right now in terms of rehabilitation to that overarching aim of "We will do it the best we can," is a high, medium or low confidence level with where we are sitting right now?

STEPHEN O'DONOGHUE: I think overall it's tracking well, particularly in the last five years with the reform happening and also with the conditioning and scrutiny on that and the requirements for progressive rehabilitation in particular. That is something that is monitored. Certainly, the Resources Regulator in looking at

the security deposits and ensuring that there is sufficient money in there—there is quite a regular review on that now to ensure that the security is there and available.

The CHAIR: Medium, low or high?

STEPHEN O'DONOGHUE: I'm not really going to speculate.

The CHAIR: That is fine. Ms Jackson?

The Hon. ROSE JACKSON: Back to you, Mr Newport. Since the policy arrangements in relation to LAHC self-funding status, when did that policy framework commence?

SIMON NEWPORT: I'm not sure I can answer that. My understanding is that it was some years ago.

The Hon. ROSE JACKSON: Mr Cassel, do you know? Perhaps it needs to be taken on notice.

MICHAEL CASSEL: Probably best to take it on notice.

The Hon. ROSE JACKSON: Since that time—and I think you are going to have to take this on notice, considering we don't actually know that time—what percentage of the overall stock that the Land and Housing Corporation owns has been sold?

SIMON NEWPORT: Yes, you are right. I will have to take that on notice.

The Hon. ROSE JACKSON: And, obviously, the total amount raised from those disposals as well.

MICHAEL CASSEL: Sorry, can we just go back to your first question? Can you just ask me that again?

The Hon. ROSE JACKSON: It was about the current arrangements in relation to the Land and Housing Corporation's funding; i.e., that it is—

MICHAEL CASSEL: Being self-sustaining.

The Hon. ROSE JACKSON: Self-funded, yes. When did that arrangement commence?

MICHAEL CASSEL: From memory—so I will come back to you with an exact date—it's been going on for about 20 years. It is quite some time that they recycled through the homes. Remembering, too, that it's not about just looking to sell the homes; it's about actually getting the stock to suit the tenants and the demand. Some 40 or 50 years ago three-bedroom houses were needed because that was the demographic. With housing now, there is significantly more requirement for single- or two-bedroom places. On top of that, a lot of those that are heritage listed can't actually be modified to suit the disability access that a lot of the tenants want. The system, in itself, works. I think there has been record funding over the last couple of years tipped into LAHC to top it up. I just want to be clear about it. It's not sell it up and get rid of it; it's more to say let's get the stock back into the right state to suit the cohort that's actually being housed.

The Hon. ROSE JACKSON: I appreciate the stock is aging and, as you say, the mix of tenants on the waiting list is changing. I appreciate that. But you will obviously appreciate that, considering some of the figures that we have seen in recent years in terms of completions of net additional social housing, there is obviously a concern that the—

The CHAIR: It is afternoon tea time. We can come back.

MICHAEL CASSEL: Can I just answer that question, though? I think I understand where you're going with the question. What I would say is, over the last eight years, I think there's been an extra 10,000 social homes added. That doesn't include the affordable homes that have also been added. It's very hard to compare apples with apples when you think about the emergence of the community housing provider sector. That's created a multiplier and it's also allowed the affordable sector to grow as well. If we were just simply saying, "Tell us how many you had 20 years ago and tell us how many you've got now," it's going to look a lower number. But that's because not only were there transfers out to community housing providers but also management rights out to community housing providers and joint ventures with community housing providers. If you are asking me should there be some more housing, obviously I'm going to say yes. I'd like to house everyone on that waiting list. Capacity-wise, I'm not sure how that works, especially when I can't get developments approved.

The Hon. ROSE JACKSON: We are at afternoon tea. We will come back to this.

(Short adjournment)

The CHAIR: We will recommence. Ms Jackson?

The Hon. ROSE JACKSON: We were just having a discussion. I was asking some questions about new social and affordable housing. I understand, Mr Newport, that the number of new dwellings delivered last year was 500—

SIMON NEWPORT: And 16.

The Hon. ROSE JACKSON: And 16, yes. And that that was slightly up on the previous year of around 400 because of stimulus funding. Is that right?

SIMON NEWPORT: It's certainly up, yes.

The Hon. ROSE JACKSON: I think one of the things—I mean, you sort of suggested to me that in that same year there were 262 properties that were sold, so I guess the overall new additions were—

SIMON NEWPORT: Two hundred and fifty four.

The Hon. ROSE JACKSON: —about 250 properties. Is that in line with your expectations in terms of what you think is needed? Is that consistent? Is that the sort of number that you're comfortable with, or—

SIMON NEWPORT: No.

The Hon. ROSE JACKSON: I'm trying to avoid asking you questions that I should put to the Minister. I'm just trying to explore whether that figure, which, considering we know how many people are on the waiting list—which I also appreciate you are not responsible for—is quite low.

SIMON NEWPORT: To answer your questions on both expectation—well, no is the answer. No, it's not up to expectations and it certainly not of reflection of where we would like to be in the future.

The Hon. ROSE JACKSON: Where would you like to be in the future?

SIMON NEWPORT: Considerably more, obviously, funding is the paramount game but certainly in the next four years we are looking at delivering somewhere near closer to 4,000 properties.

The Hon. ROSE JACKSON: Every year?

SIMON NEWPORT: No. About 1,000 every year.

The Hon. ROSE JACKSON: Right, sorry. So you would like to be in a position, with the pipeline that you have, to deliver 1,000 properties a year in the near future.

SIMON NEWPORT: Our pipeline would sustain that, absolutely.

The Hon. ROSE JACKSON: Obviously separate from funding constraints, which I appreciate are significant, do you have work that you do to look at how many dwellings would be needed to meet current demand, even, say, on the priority waiting list? Is that something that you do?

SIMON NEWPORT: Well, the location and type of houses that we build is based on not just the waitlist demand. It's based on broader aspects as well. But, yes, of course we use the waitlist and demand model to determine what we build, where we build and how many we would like to build.

The Hon. ROSE JACKSON: If you do that work or work similar to that, how many dwellings are needed to meet current demand—for example, on the priority social housing waitlist?

SIMON NEWPORT: I don't have the actual number in front of me but I believe it's somewhere with a six in front of it. I think the priority waitlist is somewhere about 6,000 to 6,500.

The Hon. ROSE JACKSON: Yes, but that may not be how many dwellings are needed, you know—as you say, depending on the analysis that you do of who those individuals are. Again, I do appreciate that that changes. Perhaps you'd take it on notice, but I guess I'm just interested if you do have a sense of—the funding constraints aside—what work you need to do to deliver housing to all of the people who need it as a priority right now.

SIMON NEWPORT: I've just been given a tap on the shoulder, so excuse me.

MICHAEL CASSEL: No, it wasn't a tap.

The Hon. ROSE JACKSON: The problem is you have the former head of the Land and Housing Corporation sitting next to you, so he wants to answer all of your questions.

MICHAEL CASSEL: And I'm helping because he's only recently been successful in securing the job. He's more than capable to speak.

The Hon. ROSE JACKSON: Yes, yes.

MICHAEL CASSEL: But I guess that's why the model is pivoting. If you look at some of the work that the Land and Housing Corporation is doing out at Airds and Bradbury, where they're redeveloping the old stock, they're selling some of that stock to the market, they're keeping some of that and rebuilding houses, and they're doing up some of the old houses to again be sold to a different market segment. I think that, along with the new project that was announced recently with the MOU with Crown Lands—all of those things put the Land and Housing Corporation into a little bit more of a Landcom-type model, where they can develop their own residential subdivisions but retain that profit within the organisation rather than paying dividends to Treasury. I think that model will grow, and the partnership with CHPs will grow over time.

The exciting thing is that, given the push to the regions, the Land and Housing Corporation does have a lot of land in regional areas and is working on some amazing redevelopments of old housing estates in regional areas as well. I see that adding value and helping them move through. One of the advantages in regional locations is the time line to approve and build a dual occupancy, or 50 dual occupancies, as opposed to going vertically, is significantly less. That lower density rather than extreme high density can be procured and is a key in the door a lot quicker than the others. But getting people to move from those higher-density areas to the lower-density areas may be a challenge on the cohorts, and that's why there's continual internal stress within the business on exactly where and how you provide the accommodation.

The Hon. ROSE JACKSON: Just on a couple of regional projects, particularly—so the Argyll Estate. How much is projected to be raised from the sale of land at Argyll? How much are you expecting to raise from that?

MICHAEL CASSEL: I'm not sure. From memory—and Simon will look to see whether he has got a sheet on it—that one was one of those that you'd call a "break even". So any funds that were raised were to build more social housing in that estate but, obviously, diversified in that it wasn't all social housing. It was a mixture of private, social and some affordable.

The Hon. ROSE JACKSON: The next question is how much new net additional social and affordable housing is being delivered as part of that redevelopment?

SIMON NEWPORT: To answer your question, at the moment there is 129 both Land and Housing Corporation and AHO properties. But there's a deliberate reason why my cheat sheet here doesn't have the numbers, which is because it's in early stages of rezoning. I understand that there'll be either a replacement or a modest increase, but we don't have the exact numbers because we don't know what's going to happen with the rezoning yet.

The Hon. ROSE JACKSON: My understanding is that there is potentially no net additional social and affordable housing that is anticipated as part of that redevelopment.

SIMON NEWPORT: Sorry, it will be 400 homes in total. Yes, we don't have the break-up yet between social, affordable and private.

MICHAEL CASSEL: And that's part of the commercial negotiations that go on, so it would be inappropriate to spit out what that is. Some of that benchmarking is around how many extra social homes can you give us for control of the rest of the lots?

The Hon. ROSE JACKSON: Do we have a time frame in terms of the finalisation of those negotiations—when we might be able to have a firm understanding of what is intended to be delivered at the Argyll redevelopment?

SIMON NEWPORT: Of course, for Argyll, it is actually led by the council, so I have got some dates here that that round of statutory consultation will finish in a couple of weeks. That will finish on 14 September. Then it will be up to the council to come back to the department of planning with their rezoning proposal. Typically, those sorts of time frames are—rezoning can be addressed reasonably quickly, but in terms of progressing to the next stage, it's typically about 18 months.

The Hon. ROSE JACKSON: Have you had any communication—obviously, there is a redevelopment that's mooted and there is a process that is being undertaken. Have you indicated to the council that the Land and Housing Corporation would like to see additional social and affordable housing on the site, and that it's a goal of the redevelopment project for you and something that you would be keen to see delivered? Have you communicated that to them?

SIMON NEWPORT: Given the fact that I have been in the role day 11, no, I've not had any contact personally with the council.

MICHAEL CASSEL: In all of those discussions, the premise of doing those projects was always around increasing the social housing and upgrading the standard of the social housing. Depending on how those commercial deals fall out there may be a way for LAHC to actually say, "Okay, that's where the financial hurdle sits and break-even is okay, but we'll bring some money to the table now we don't have to pay for the land—but then we just pay for the construction costs." There is a variety of things that can go on as you are moving through those commercial negotiations. But it is too early to say until you're there.

The Hon. ROSE JACKSON: It's just that you've raised hundreds of millions of dollars from the sale of land and property and this is a redevelopment that is sitting right there in an area where, for example, tenant support services are reporting a 200 per cent increase in excessive rent questions that they are receiving. We know that people in Port Macquarie are really under the pump—I'm sorry, in Coffs Harbour are really under the pump.

MICHAEL CASSEL: You confused me!

The Hon. ROSE JACKSON: That was my mistake. I was getting my mid North Coast towns mixed up. People in Coffs Harbour are really under the pump in terms of rent increases and house price increases. That puts pressure on social and affordable housing, you are aware of that. This just seems like such a perfect opportunity to push those commercial arrangements a little bit to actually ensure that there is a significant increase in social and affordable housing. Mr Newport, I do feel bad that you have turned up and this is day 11, but this is obviously—

SIMON NEWPORT: Don't be worried by that.

The Hon. ROSE JACKSON: It is obvious that I am enthusiastic to see how the Land and Housing Corporation is using the opportunity of these redevelopments to make a more significant impact on the demand that we know is there for social and affordable housing. I want to make sure that that is part of the conversation that is happening with council.

SIMON NEWPORT: I think, absolutely, that message was received loud and clear, both your passion and the deliberate message. I agree with the secretary—

The Hon. ROSE JACKSON: You'll get used to it, Mr Newport.

SIMON NEWPORT: Not a problem at all. The secretary is right that obviously the aim is to try to get that percentage up as high as possible. But at this early stage with the rezoning, before any commercial arrangements, it would be premature for me to comment on that.

The Hon. ROSE JACKSON: Just quickly on Lismore, I understand from our previous estimates that there were 119 social housing properties that were impacted by the flood. What is the status of those? Are they back online? Where are those people?

SIMON NEWPORT: I don't have specific for Lismore. What I know is that of the 72 Land and Housing properties that were out of action for some time, 69 are now back. People are back living in those properties. The other three will be back shortly. How many of those are from Lismore, I don't have that answer, but that was the total.

MICHAEL CASSEL: Just to add to that, typically the Land and Housing Corporation is blind to who the actual tenant is because there's the Department of Communities and Justice or the local housing provider.

The Hon. ROSE JACKSON: Yes. I might just quickly ask a couple of questions about maintenance. Obviously it has been raining quite a lot. I just wondered how many requests for roof repair work, for example, has the Land and Housing Corporation received in recent times?

SIMON NEWPORT: In terms of roofing itself, I would have to take it on notice across the statistics and the total number of inquiries we get, which is about 600,000—sorry?

MICHAEL CASSEL: It would be about 2,000 a day.

SIMON NEWPORT: About 2,000 a day, yes, but 600,000 a year.

The Hon. ROSE JACKSON: Sorry, it was 2,000 a day?

SIMON NEWPORT: Yes, but not specifically on roofs. I don't have that data. We'd have to take that on notice specifically for roofs.

The Hon. ROSE JACKSON: That's a slight increase, isn't it? From previous estimates, I had thought that figure was around 1,700 a day.

SIMON NEWPORT: That's the—

The Hon. ROSE JACKSON: The figure you've got is 2,000. It would be useful to know how many of those—

SIMON NEWPORT: No, 606,000 maintenance requests annually.

The Hon. ROSE JACKSON: Yes. It would be useful to know how many of those are from roof repairs and for excessive mould. I don't know if you have this there, but how long does it typically take for those kinds of maintenance requests to be resolved? What's the time frame?

SIMON NEWPORT: The average time is 20 days, and I do note that there was a question on notice that crossed my desk a few days ago that goes through and talks about the specific numbers. Let me just find that for a second, if you don't mind. Let's see if it's made it in here.

MICHAEL CASSEL: Remembering the call centres may action a repair. If somebody called and said, "There's a roof leak", they may action that straightaway, as opposed to, "I need a major new kitchen or new bathroom". That will go through a different approval process.

The Hon. ROSE JACKSON: I am particularly interested in the leaky roofs and excessive mould.

SIMON NEWPORT: I don't have the specific cause and time frames for those things. We'd have to take that on notice.

The Hon. ROSE JACKSON: That would be useful. You would obviously be familiar with the recent Ombudsman report in relation to the issues with disability modifications.

SIMON NEWPORT: Yes.

The Hon. ROSE JACKSON: I know this crosses over into DCJ, but also the Land and Housing Corporation was part of that work. What has been done in relation to the findings of the Ombudsman? I recall the Minister for Families and Communities mentioning some kind of joint task force between herself, DCJ and Land and Housing Corporation to respond to that. Is that correct?

SIMON NEWPORT: I'm not sure about the task force, but I know a number of the recommendations were actioned. Some of the actions included working with DCJ directly with occupational therapists, so closing that loop to make sure that they were directly engaged. There's an improved complaint-handling process. There was also training for the maintenance contractors and the staff, and particularly frontline DCJ and Land and Housing staff. There was also enhanced reporting so we could follow up more quickly on modification requests.

The Hon. ROSE JACKSON: As I said, I'm pretty sure that the Minister for Families and Communities told the Parliament that a task force had been established between DCJ, the Land and Housing Corporation, her team and Minister Roberts' team, which includes you. That's not something you're familiar with?

SIMON NEWPORT: No, not in the short time frame. I understand that they were the specific actions that were taken with regard to that. I'd have to take that on notice.

Ms CATE FAEHRMANN: Mr Cassel, did you make any representations to Minister Roberts about scrapping the Design and Place SEPP?

MICHAEL CASSEL: No, I don't think so. We have regular Monday meetings; something may have been discussed there, but it would have been feedback that I would have received along the way. I don't think I would have made specific representations either way. As secretary, I don't get involved in each of the items that go over there. I have a general overview of where we're heading, and try and drive coordination across the cluster.

Ms CATE FAEHRMANN: Because you had quite a few meetings with developer interests in the week or two leading into the Minister scrapping the Design and Place SEPP.

MICHAEL CASSEL: I thought I might get asked this, so I'll just get out my calendar here. I know I had a couple of meetings, and they traversed a few. I know I was booked in to have one or two meetings, but I left that with the department because I thought I already had a good understanding of what the industry's concerns were. Is there a—

Ms CATE FAEHRMANN: I think you had one on 30 March. You met with a number of other senior departmental officials, maybe some people who are sitting here with you, with Meriton.

MICHAEL CASSEL: Yes.

Ms CATE FAEHRMANN: And I think the day before the SEPP was scrapped you met with Urban Taskforce. Is that correct?

MICHAEL CASSEL: I think that's one of the ones where I didn't meet. I may have been on the invite list, but I don't think I did meet with them on that day.

Ms CATE FAEHRMANN: Who was at that meeting? Do you know?

MARCUS RAY: I attended that meeting. Mr Cassel was not available. I attended that meeting with other departmental staff.

Ms CATE FAEHRMANN: Mr Ray, from that meeting did you communicate with the Minister what was given to you by Urban Taskforce in terms of their views on the Design and Place SEPP? Did you take that back to the Minister?

MARCUS RAY: Ms Faehrmann, at that meeting on 4 April the Design and Place SEPP actually wasn't discussed. The meeting was meant to be an introduction meeting by the Urban Taskforce with Mr Cassel, who had another commitment. The bulk of the discussion was in relation to potential housing initiatives that the Urban Taskforce thought could be useful in the planning system to support the Minister's and the Premier's priority to do something about housing supply, but the actual Design and Place SEPP was not discussed at that meeting.

Ms CATE FAEHRMANN: It does say here in an email I have as a result of a call for papers in the upper House, of course, which is where they all come from these days, that there were three points that were going to be discussed at that meeting with Urban Taskforce. The first one is "Prospects for change in policy focus at DPE". What did they discuss in relation to that? What did Urban Taskforce—

MARCUS RAY: Just bear with me. I'll get my papers on that but, as I said, it was general policy ideas. Most of those would support greater housing supply. That was really the bulk of the discussion. Could I perhaps just go back a little bit rather than just focusing on that meeting? One of the things I do want to bring to your attention is that the department had engaged with lots and lots of people on the Design and Place SEPP. It was out for exhibition from 10 December to the end of February 2021. The information that has been provided by me is that we ran more than six months of engagement with 30 policy working groups and over 1,300 people from a range of professions, including surveyors, architects, planners, community environment groups as well as the development industry.

The engagement was very broad and that had started well before exhibition. It continued during exhibition and obviously by the end of February we had the great bulk of submissions, some of which were supportive, some of which were not supportive of aspects of the Design and Place SEPP. As we've already spoken about today, the Minister himself brought forward key aspects of the Design and Place SEPP, which are now enshrined in the Sustainable Buildings SEPP, which obviously is moving that residential energy efficiency to seven stars and, for the first time, having a non-residential component as well for commercial office buildings.

Ms CATE FAEHRMANN: Thank you, Mr Ray.

MARCUS RAY: They were key parts of the Design and Place SEPP, so I just want to say it wasn't all or nothing, but also that the positions of the Urban Taskforce and the positions of other groups like the Planning Institute, Local Government NSW, the Property Council and the Institute of Architects were well known to senior departmental staff by the time that the submissions were all in at the end of February.

Ms CATE FAEHRMANN: When Tom Forrest from Urban Taskforce, after you met with him on 4 April and then on 5 April—it looks like straight after the lunch. In fact, at 2.57 p.m. a media release had already been issued immediately after the lunch; you'd almost think he knew it was going to happen. He sent that to you on 5 April—just to you. "Marcus, FYI. Good to see you yesterday." He sent you his media release directly. Why was that?

MARCUS RAY: You'd have to ask Mr Forrest why he does those things. It's not something that I can answer. Mr Forrest often sends media releases through that he has made. Sometimes he does; sometimes he doesn't. I don't know why. You'd have to ask him why he did it on that particular occasion.

Ms CATE FAEHRMANN: He seemed to get that off very quickly, considering you'd think that he was potentially probably still at lunch at 2.57 p.m. on a Tuesday.

MARCUS RAY: Obviously, I can't answer that.

Ms CATE FAEHRMANN: I want to ask a couple of questions again about the Cumberland Plain Conservation Plan. Mr Whitworth, this is you, isn't it, that I'm directing this to? Within the plan, there are references repeatedly to "important koala habitat". It's a question that I'm hoping perhaps you could take on notice, Mr Whitworth. Would you be able to provide a map of what this important koala habitat is? Basically, throughout the report, it repeatedly refers to "important koala habitat", using the term to describe primary, secondary and tertiary corridors and what have you. I think it's important. I assume that the department has defined that?

BRETT WHITWORTH: We would have used information from both the Chief Scientist & Engineer report as well as from the Environment and Heritage group. They had done a number of pieces of work on the primary and secondary koala corridors in south-western Sydney.

Ms CATE FAEHRMANN: Would you be able to provide some further information about what that important koala habitat is?

BRETT WHITWORTH: We certainly can. I'm fairly confident that it's actually already available, but we will provide either the information or—

Ms CATE FAEHRMANN: The link.

BRETT WHITWORTH: —the link or whatever, yes.

Ms CATE FAEHRMANN: I have another question, just for detail. I understand that there are parts of—the department's obviously pursuing Commonwealth approval for the Cumberland Plain Conservation Plan. Can aspects of the plan be implemented, though, before that approval occurs if, indeed, it occurs?

BRETT WHITWORTH: Absolutely, and we've already started. We've received \$114 million through a number of parts of the budget process. Some of that has been through the planning reform process, some of that has been through money that we've received off Transport for NSW and some of that we've taken from voluntary planning agreements that we've negotiated in that Wollondilly area. It's using that funding that we have done a number of things. We have started to acquire the land for the Georges River Koala Reserve. There are some 54 hectares that we've acquired and now transferred over to the National Parks and Wildlife Service. We have \$1.7 million that we are using to establish the fauna crossings under Appin Road at Ousedale Creek and the Kings Falls Bridge at Georges River. We have also undertaken a number of pieces of work on the fauna underpass and fencing work for koalas, which I think we talked about a little bit earlier, which is about \$500,000-odd. We're also in the process of—and have written to landholders in the area seeking to acquire their properties as well. We've provided money to a number of the Local Aboriginal Land Councils.

Ms CATE FAEHRMANN: Is that seeking to acquire their properties in terms of conservation or offsets or development or—

BRETT WHITWORTH: Conservation as part of the creation of the Georges River koala estate. We have also provided funds to the—sorry, I'm just trying to find my notes. We've provided funds to a number of the Local Aboriginal Land Councils.

Ms CATE FAEHRMANN: That's all right. Thank you, Mr Whitworth. I think I've got enough to go on with that. I want to turn to the "A new approach to rezonings" discussion paper. Where is that process up to? Sorry, I'm not sure who to direct that to. Mr Whitworth again?

BRETT WHITWORTH: Yes. We have been looking at the submissions that we've received. That was a discussion paper that was exhibited at the end of last year and into this year. There are a number of issues and comments that we'd received from councils and development industry. I'm just trying to grab my notes. I don't think that you could characterise the responses uniformly as supportive.

Ms CATE FAEHRMANN: No, that's probably fair.

BRETT WHITWORTH: So, there was a degree of concern and there were a number of people that did support some of the principles. What we are looking at doing now is talking to a number of councils. We want to refine the proposals and see what we can achieve. Obviously, the discussion paper in its exhibited form could only have been implemented in full through legislation. We're not necessarily going to pursue that and see whether there are other elements that can be pursued, both in the means of removing unnecessary oversight for councils on simple and straightforward proposals. So quite often, at the beginning of a rezoning process, a council will need to obtain a gateway approval. In many instances, it's very clear that the gateway approval, the proposal's consistent with the strategic planning, is consistent with ministerial directions. If we can recognise that, then maybe that's an important step for us to take. We have also taken steps to appoint a strategic planning panel and we feel that maybe there are means in which we can better utilise their services across the breadth of the rezoning process. So they're just a number of the higher level principles that we've been looking at and we'll be seeking some advice shortly.

Ms CATE FAEHRMANN: That sounds like a very kind of vague—where reform ideas kind of go into a little dark room to slowly die, with respect, Mr Whitworth. I don't think we're going to see anything, therefore, this year or potentially before the election. It sounds like there's nothing coming our way.

BRETT WHITWORTH: No, we want to engage with councils and the stakeholders in the planning system before the end of the year on this.

Ms CATE FAEHRMANN: On this? What does—

BRETT WHITWORTH: Sorry, I gave you a little bit of a flavour of some of the issues that we wanted to go and talk to them about.

Ms CATE FAEHRMANN: You said a couple of councils, actually. You did say that you'd be speaking with a couple of councils about the issues that they've raised.

BRETT WHITWORTH: Well, I don't think we're looking at—

Ms CATE FAEHRMANN: Is there anything that is particularly complicated when you're saying the issues, what are some of the sticking points? What are some of the issues that have come up? At the very beginning you said a number of issues have been raised. What are those key issues that you're talking with a couple of the councils about?

BRETT WHITWORTH: If I said a couple of councils, then I apologise.

Ms CATE FAEHRMANN: Sorry, a number of councils.

BRETT WHITWORTH: A number of councils. I mean, we undertake that sort of more targeted stakeholder engagement all the time. Some of the key sticking points have always been around this uphill mechanism and the process for an appeal mechanism. I think some councils were also concerned about the assumption to an automatic placing of a proposal on exhibition. I think it's important that it was always framed in the context of being a discussion paper. It was always framed in the context of these are ideas in which we can change the planning system and make it more of a merit-based assessment process for rezonings. The discussion paper always recognised that legislation was going to be needed, because it did change some of the fundamental principles that we'd regarding planning proposals and that gateway process—consideration by council, consultation with agencies, then placing something on exhibition. Councils rightly said: "Well, you're jumping over that. There's an assumption that we'll just put something on exhibition and then we'll do a merit assessment after it's been exhibited. We have concern about that." So, that was one area of example.

Another area was the discussion around where the rezoning appeal process could end up. The discussion paper talked about the potential to go to the Independent Planning Commission or the potential to go to the Land and Environment Court. Councils had a number of views on that. The development industry had a number of views on that. In fact, one industry submission actually talked about the benefits of going to both the Land and Environment Court and the Independent Planning Commission and the disbenefits of both. So industry wasn't quite clear on which preference it had in that situation either.

Ms CATE FAEHRMANN: Thank you. I just want to go back to the floods inquiry report, the O'Kane-Fuller report. The section of the report that deals with planning is very interesting. I'm sure you will agree. I just want to get a sense of whether the department is looking at this. One of the many issues that the report raised was the fact that—and I will read a little bit from it here:

The emergence of evacuation and emergency management planning as a genuine consideration has also been reflected in the standard flood clause 5.21 which was introduced to all LEPs in July 2021.

But it then states:

... unlike bushfire planning considerations, there is no formal requirement to seek advice on the nature of the flood risk—

this is to local communities—

including evacuation at any stage, in either a strategic planning or development assessment process. This leaves local plan making authorities and consent authorities to make their own decisions without the ability or necessity to access expert technical advice.

Basically, the inquiry's report is suggesting that, unlike bushfires, this is essentially not mandatory but that local authorities are kind of left to make their own decisions and sometimes, in fact, they don't. Mr Ray, I'm assuming this is directed to you. Is that going to change now as a result of this report?

MARCUS RAY: Well, Ms Faehrmann, I think the approach to flooding has been different to the approach to bushfire. So there's not a flooding agency in the same way as there's a Rural Fire Service. I think the recommendation from the report about a reconstruction authority having certain powers is relevant here. The longstanding approach has been for councils to assess flood risk both in development applications and planning proposals, and they are supported by the flood plain management manual and the flood planning package most recently of 2021, which both Mr Whitworth and I have spoken about. There's a different model that has applied, and I think that's what O'Kane and Fuller are drawing attention to there. I might pass over to Mr Whitworth for where are we going, given the report.

Ms CATE FAEHRMANN: Yes. If you could as well, Mr Whitworth, because the other thing that it does raise in here is the need to review current ministerial directions to councils to ensure that flooding is given appropriate consideration at the rezoning stage, not only at the development assessment stage. So that's another recommendation as well.

BRETT WHITWORTH: If you don't mind, that's actually taken slightly—because if you read the other parts of the O'Kane-Fuller inquiry, they have recommended that we redo the way in which flood planning levels are identified, and so the resetting of the ministerial direction is about resetting the ministerial direction to those new flood planning levels. The other thing—I know that time's just gone over, but I think important to your point—is the recommendations about disaster adaptation plans are very much going into that area of how do you bring together an updated set of flood planning levels and doing that flood planning level based on risk rather than a hazard approach? How do you then link that to the need to combine that with emergency management, greater resilience planning and settlement planning, which is where those disaster adaptation plans come in. They will actually have within them a very strong, I believe, component that will talk about the evacuation needs of particular areas and then whether settlement is appropriate as a result of that.

The Hon. ROSE JACKSON: I just want to ask a couple of questions about the housing shared equity scheme. I don't know if DPE has any role in that.

MICHAEL CASSEL: No, the shared equity will be managed by Treasury.

The Hon. ROSE JACKSON: By Treasury. Right, so there's no role. Okay.

MICHAEL CASSEL: It will be like a financial product so it wouldn't be appropriate for us to be involved.

The Hon. ROSE JACKSON: All right. Let's move on then to the buyback scheme. I presume DPE is involved with that scheme?

MARCUS RAY: In relation to flooding on the North Coast?

The Hon. ROSE JACKSON: Yes. Apologies.

MARCUS RAY: We're providing advice to the Northern Rivers reconstruction authority, but they're leading on the buyback scheme.

The Hon. ROSE JACKSON: Expressions of interest—they open at the end of this month. They're going to the Northern Rivers reconstruction authority?

MARCUS RAY: Yes, they are.

The CHAIR: Corporation.

The Hon. ROSE JACKSON: Corporation. Excuse me. Are you aware of whether it is still on track for expressions of interest to open at the end of the month?

MARCUS RAY: Obviously we're supporting, with planning advice, the Northern Rivers reconstruction authority. As to those details, you would have to ask David Witherden, who's leading the reconstruction authority. He's reporting directly to the Deputy Premier.

The Hon. ROSE JACKSON: That was my next question. So the corporation sits within the space of Department of Regional NSW and reports directly.

MARCUS RAY: Yes.

The Hon. ROSE JACKSON: To clarify then, in terms of the involvement that DPE has had with the corporation, it's just in relation to planning advice? I think you said, Mr Ray. I just wanted to give you an opportunity to clarify what role DPE does have.

MARCUS RAY: I think earlier on in the day we did talk about the role that Mr Whitworth had as the co-chair of the housing task force. But all that work has transitioned into the reconstruction authority from 1 July. So whatever planning advice or advice that the reconstruction authority needs—for example, if, as part of the land swaps and buybacks, they decided that they need to rezone particular land to enable those potential land swaps to happen, if they approached us about how to go about that, we'd provide them with advice and a process. We provide them with whatever smaller scale advice that they need in relation to planning.

The Hon. ROSE JACKSON: Mr Whitworth, when that work that you were co-chairing was moved over, where was that up to? Did you have a body of work that you were able to move into the reconstruction corporation space? Or was it more preliminary than that?

BRETT WHITWORTH: What we had been able to provide to the Northern Rivers Reconstruction Corporation is the detailed workings around how we'd identified, assessed and analysed the sites for temporary housing. The comments around—some of those sites, we felt, were also potential, suitable sites for long-term housing and options there. I think the speed at which we were moving and trying to both get these housing sites up and running, as well as deal with the procurement of the pods and getting the pods in place and so on—we had limited ourselves very much to public sector lands, council lands, Crown lands, government-owned lands. I think what the Premier has announced as part of the acceptance of the O'Kane-Fuller inquiry report and recommendations was that there would also be expressions of interest to private sector landholders in terms of what lands they might be able to bring forward.

We've had conversations with Northern Rivers Reconstruction Corporation as to—we would be ready to assist them in terms of the analysis of the suitability of those sites. We've flagged, as part of the North Coast regional plan, the importance of putting a flood lens over the settlement, the work that is going to be needed in that area, and looking at some of the regional planning principles that might need to be adjusted. I think that, as Mr Ray flagged, the Government's response to the recommendations also notes that there will be a State environmental planning policy to support the work of the Northern Rivers Reconstruction Corporation.

The Hon. ROSE JACKSON: When you flagged the flood lens, was that well received by the corporation? They accepted that feedback or input from you?

BRETT WHITWORTH: Yes. The Northern Rivers Reconstruction Corporation is very much establishing itself. They're bringing on new staff. It's up to David Witherdin as the CEO to identify who those staff are, but I do know a number of the people that he is bringing on, and we're making it clear that we are there to provide any planning assistance that they may need. I think it's important to recognise that Mr Witherdin has continued on the strong relationship with the councils and is building that coalition of ideas and thoughts with the councils in the area as well. The councils in the Northern Rivers have very strong views about what are suitable sites and what are some of the means and options to bring forward housing and house opportunities in the area.

The Hon. ROSE JACKSON: You may not know this but to the extent that you are aware, are the people that they are bringing on planners? Are they bringing on planning people with the intention of doing planning work, liaising with you as they think necessary?

BRETT WHITWORTH: Again, I don't want to speak for Mr Witherdin there.

The Hon. ROSE JACKSON: I appreciate that.

BRETT WHITWORTH: They're bringing on public servants that have a charter to help rebuild the Northern Rivers. As the Department of Planning and Environment, we have made it absolutely clear that we support that charter, and we will do whatever it is that we need to, to help them provide that and meet that charter. And that includes providing them with access to planning advice. It's not going to be a silo or a turf war. If they ask us for advice on a planning issue, we'll be more than happy and willing to provide that.

The Hon. ROSE JACKSON: Just in terms of the work that you did do, Mr Whitworth, before that project was handed over, specifically in relation to temporary housing—because you mentioned that that was part of the work that you had done—there have been reports that some of the temporary housing that has been constructed on Crown land is flood prone and that that was done without a flood study and that one was not required. Are you aware of some of those concerns in relation to the suitability of some of the locations of those temporary houses?

BRETT WHITWORTH: I think what you're probably referencing is the Station Street Mullumbimby site. The Station Street Mullumbimby site is actually a Transport Asset Holding Entity site. There are elements of that site that were flood prone. Byron Shire Council have undertaken a flood study of the Brunswick River catchment and had an understanding of the flood risk both at the one-in-100-chance per year level but also a higher flood risk, taking into account climate change and a 2050 potential one-in-100 identification.

Because of the emergency nature of getting these temporary sites up and running, we effectively took them outside the planning system. We used the Housing State environmental planning policy to effectively designate them as caravan parks, provided they were created by a government authority for the purposes of housing displaced people from the flood and then took them outside the part 5 assessment process as well. But at the same time, we were reliant on the advice and assistance of council. I know that there was a housing recovery task force where we discussed that site. We discussed different options to deal with the flood risk and we made a couple of decisions. Some decisions were that we basically said there were some parts of the site that were too flood prone and they shouldn't have any temporary housing on them at all.

There were other sites that there may be a flood affectation and we were contemplating using a particular brand of pod for these sites called Wild Modular. If those pods were used and they were raised on piers, there would be a degree of—people's feet would get wet but it wouldn't be any worse than that. That was the pragmatic decision that was taken, because we were having some significant problems finding a suitable site in Mullumbimby and it was one of the areas that was most affected during the flood event. I understand, as part of the handover and the transition—and all the delivery of the temporary housing villages is being undertaken by the Public Works Advisory—that they've subsequently investigated the different options for filling and piercing, and the cost of piercing and the ability to pier is too prohibitive. I understand that they're talking about potential use of fill but also have, again, scaled back the size of the area. Any more than that—I'm afraid this is where I've transitioned out of this. It's now something that needs to be put to Northern Rivers Reconstruction Corporation.

The Hon. ROSE JACKSON: So the future use of that is not something that you can reflect on. Just in terms of the work that you did do in terms of the limiting, for example, of the use of that site, was that reflected in the actual use? I understand that the site was owned by TAHE. I think the construction of the temporary housing was done by Resilience NSW, presumably, not DPE.

BRETT WHITWORTH: Resilience NSW receives the money through the disaster recovery arrangements and the co-funding through the Commonwealth. So they are the proponent. The delivery of the site is then—the delivery was handed over to Public Works Advisory. Public Works Advisory have used a number of different contractors to deliver the multiple sites across the Northern Rivers. Again, this is one of those challenging points about the need to make sure that we have temporary housing available for people. The importance of being able to provide that temporary housing—there's no point putting it all in Alstonville or Wollongbar. It's got to be appropriate to where the housing need is. Mullumbimby is quite a challenging location to find suitable temporary housing sites. We did look at other suitable sites in the area and had challenges.

The Hon. ROSE JACKSON: I appreciate that. But also, considering the trauma that people have been through, even though, as you say, perhaps the risks were people would get their feet wet but not be inundated, even that is obviously very traumatising for people who have already had significant flood impact. But I do appreciate what you're saying. The other thing I just wanted to ask in terms of, say, for example, that meeting that you went to when these options were talked through—and I get what you're saying. There needed to be temporary housing delivered. So it's yourselves, the council—what sort of local representatives are there? What local voices are included in those conversations when you are weighing up a range of less than ideal options? You are right; decisions have to be made. What's the local voice in that space?

BRETT WHITWORTH: When I was co-chairing the housing recovery task force, I had a standing invite to all the general managers and they would typically bring along their planning directors and other professional staff. In that particular meeting, I had ensured that there was a pre-meeting with Byron Shire Council and that we had a very clear understanding of the issues that Byron had raised. This isn't to say that Byron had—I think the council was also being pragmatic. At the time they could see using an elevated approach was the best balance of the competing priorities in terms of delivery of temporary housing in their shire and, in particular, in Mullumbimby. I certainly had the council general manager, the council planning director and some of their flooding experts at that meeting. I'd specifically asked for a paper to be prepared for that meeting as well and, in a subsequent conversation where I went up to Byron council and sat down with them, we actually sat down and talked about that particular site. If you've been to the council chambers in Mullumbimby, the site that we're talking about is sort of basically around the back of it. So we had a very clear understanding of what we were talking about.

The Hon. ROSE JACKSON: That's good. What's interesting, though, Mr Whitworth, is that you've reflected that you had that genuine engagement with the local representatives and that the elevated approach was the one that they preferred. But you've also then subsequently said, I think, that that approach has been abandoned because it was too expensive. How was that decision made—that that was what the local feedback was, but someone made a decision that it was too expensive and you're not proceeding with that? When I say "you", apologies. I understand that there are decisions that have been made subsequent, but I'm just asking you how that happened.

BRETT WHITWORTH: Again, I have transitioned out of the role of temporary housing post 1 July. There have been a number of conversations, obviously, in terms of identifying the cost, the benefits et cetera of undertaking that work. Unfortunately, it's not something that I can answer with any precision.

The Hon. ROSE JACKSON: But your understanding was that the Northern Rivers Reconstruction Corporation—as you say, looking at costs and benefits of different options—made a decision that elevation was too expensive and that they would go for fill.

BRETT WHITWORTH: Look, I am uncertain as to whether I'm putting the reconstruction corporation into the mix on this or whether it was a conversation that Resilience and Public Works Advisory had.

The Hon. ROSE JACKSON: All right.

MARCUS RAY: I just think that, in the circumstances, it's something that you may have to ask when the Deputy Premier is here—

The Hon. ROSE JACKSON: That's fine.

MARCUS RAY: —because Mr Whitworth hasn't been involved in that for almost two months. Obviously, it's a very fast-moving set of circumstances, where temporary housing is concerned.

The Hon. ROSE JACKSON: That's fine, and we will. As I said, it's just trying to understand how those decisions are being made and the role of community feedback and preferences in those decisions. But that's fine; we will park that for the corporation and the Deputy Premier. I just wanted to ask a question in relation to the electric vehicle component of the building—

BRETT WHITWORTH: National Construction Code.

The Hon. ROSE JACKSON: That's right, yes, that thing. My understanding is that the commitment that has been given, signed up to by the New South Wales Government, is in relation to new apartments and capacity to have electric vehicle charging as a part of that construction. Is that right?

BRETT WHITWORTH: Yes. Again, the EV charging is not part of the BASIX process, nor is it part of the Sustainable Buildings SEPP. It's something that is being introduced through the National Construction Code, because it's—and this is where it's probably more a matter that needs to be raised with the Department of Customer Service, the authority responsible for the National Construction Code. We are not representing the building Minister in this cluster.

MARCUS RAY: No.

BRETT WHITWORTH: The building Minister for New South Wales is the Minister for Customer Service.

MARCUS RAY: I assume, Ms Jackson, that it's on the same time line to commence, which is 1 October 2023. But, as Mr Whitworth said, building is not a matter that the department of planning looks after; it's a matter that the Department of Customer Service looks after. It wasn't a component of the building sustainability SEPP that was introduced today. We can take it on notice.

The Hon. ROSE JACKSON: Yes. I do appreciate what you're saying, although I'm sure you can appreciate that it is slightly confusing from our point of view when these things appear packaged together, but—

MARCUS RAY: That's why we're here.

The Hon. ROSE JACKSON: Yes. Obviously, I'm interested to know about the capacity for at least the wiring requirements to apply more broadly than just to new apartments and to apply to houses or duplexes, going forward. That seems, at first blush, to perhaps have something to do with planning. But, no, it does not.

MARCUS RAY: Sure. Look, can I just take that on notice? We'll get back to you rather than speculate.

The Hon. ROSE JACKSON: Perfect timing. Thank you.

The CHAIR: Can I just ask about the terribly sordid koala SEPP that we now have? Is it possible for a council to opt out? In terms of a scheduled council, is it possible for them to opt out and have a much better system, if they come up with one themselves, about how they would like to operate?

MARCUS RAY: Ms Higginson, I don't think anyone's ever asked me that question before. They've asked me lots of questions about the koala SEPP—I won't use the adjective; obviously, that's your adjective. It is a statewide—the two koala SEPPs operate as a statewide policy. I don't think there's—you know, at the current stage, you're either all in or you're all in. So I don't think there's an opt-out provision.

The CHAIR: But if a council came to the department and said, "Hey, we've just got a much better system that we apply in our LGA to protect koalas", and it's evidently a much better system and applies much higher standards to koala protection and mapping and identification of habitat, would the department accept that?

MARCUS RAY: Ms Higginson, I mean, there are obviously benefits of having a set of rules that apply across the State for the protection of koalas. I'd say that that would be—we'd have to consider that. We'd have to consider how that would work and the cost—the regulatory cost—of all of that and whether it could actually work

or not work. We'd have to take advice from our colleagues in the Environment and Heritage group. We work very closely with those. But I couldn't speculate—there are too many variables.

The CHAIR: Absolutely. Well, it was a curious question when it came my way and I legitimately did not know the answer—I genuinely didn't.

MARCUS RAY: No, and thank you. I mean, it's—

The CHAIR: And it came actually from a mayor, so there you go.

MARCUS RAY: It's one that, even after all the years of the koala SEPP and what went on, no-one has ever asked me before.

The CHAIR: Does the department still for major projects have a person who is qualified, or more than one person, to do social impact assessment work?

DAVID GAINSFORD: Yes. Yes, we do have several people within the department that have qualifications and a speciality in social impact assessment.

The CHAIR: Great. Thank you, I just wasn't sure whether they were still there. I'm assuming they get all the big projects referred to them for advice and input?

DAVID GAINSFORD: On occasion. The other thing that, I guess, we've been trying to do with the Social Impact Assessment Guideline that we released is to really train up our existing staff. So we've had a series of inhouse training around social impact assessment so that, particularly for some of the smaller and less contentious projects but where there's clear social impacts associated with those, the department staff are better skilled at assessing those as well.

The CHAIR: Great. And those guidelines are adopted now, they're finalised?

DAVID GAINSFORD: Yes, they are.

The CHAIR: Terrific. With the Northern Rivers Reconstruction Corporation and response more directly—and I'm not being cynical here—have you heard of the term "disaster capitalism" that's going around a bit?

BRETT WHITWORTH: I have, through the media, heard that term "disaster capitalism", which I—yes, I have heard it.

The CHAIR: Yes, thank you. And I'm really not trying to be smart here. It is a real thing. There are people in the Northern Rivers that are really concerned about the rebuild and what is a genuine contract, what is opportunistic et cetera. With the—

BRETT WHITWORTH: But can I—

The CHAIR: Yes?

BRETT WHITWORTH: I think it's important, and we've talked a lot today about the delivery of housing and some of the challenges that you have in terms of delivering housing quickly given labour force constraints, supply chain constraints. We're talking about delivering a volume of housing in that area. That really needs a much more coordinated approach, and that's one of the things that the Northern Rivers Reconstruction Corporation has as part of its remit. It's unfortunate that people look at that and perceive that to be disaster capitalism when it's really trying to make sure that we can get the best out of our supply chains and so forth. I'd like to think that we look back at this period and say, "This is the point at which a modular home building industry started in the Northern Rivers that gave us much more sustainable and much more resilient buildings that were able to be delivered quicker and more effectively as well."

The CHAIR: I wasn't referring to that sort of thing specifically, but that is interesting. Thank you. Where I was getting at, more to the point, is that you're saying that the department is sharing expertise, particularly at the early stage with the Northern Rivers Reconstruction Corporation, which I think is really important, obviously. You guys have been at this work for decades and these guys are setting up new. What are the safeguard mechanisms? At the moment, Lismore council, for example, is really working fast and furiously to rezone a lot of rural land to residential land so that that land will be available. We know the reconstruction corporation has powers to acquire land. The question really is: What are we doing in terms of safeguarding? Please be aware, I'm acutely aware of what's happening up there and the desire and the need to rebuild. It's my home and we really do want to get it back somehow. But we know that we can't get it back; we have to move to a different model of how we live there. But it's a highly constrained land area. What are the sort of protections and safeguards in terms of

the environment and the natural aspects there, including farmland? Has your expertise gone in there or is it now just in the world of the NRC?

BRETT WHITWORTH: Again, Mr Ray sort of alluded to this before. The importance of strategic planning is going to be quite critical here as well. We talked about it a little bit with—one of the reasons for the recommendation from Professor O'Kane and Mr Fuller about disaster adaptation plans is that people have looked at that and seen on the surface that it's about a new way of setting flood plain levels, but it's actually a much deeper perspective there. It's a different way of looking at settlement. If you combine some of the other recommendations from the O'Kane-Fuller inquiry about how we can better utilise flood plains for the purposes of flood plains, which is about importance of agriculture—if we can think about how we can have more diverse and more resilient homes, for example, that is also about that disaster adaptation. I think that strategic planning work—we were really quite pleased to see the think piece that Lismore City Council did, for example, around the need to re-examine its settlement strategy. The work that we are doing with the North Coast Regional Plan does very much give that direction and point setting to say that there are things that we are going to have to do differently. I do think that tension around agriculture is going to be one to look at in the future.

The CHAIR: Can I just ask you quickly, and I'm not sure who is most relevant, but the department approved the big music festival Splendour in the Grass some years ago. That would be you, Mr Gainsford. We just saw a recent event—and I happened to see it firsthand as I was driving past from work—and it was really frightening what happened over the next few days. Can we be assured in our community that there is some sort of oversight happening there and that conversation is happening? I am really concerned that the proponent may or may not have the support they need. It's an incredibly constrained site, and that was evidenced by 12 hours trying to get in and out. Seriously, it was quite frightening what happened over the following days.

DAVID GAINSFORD: Yes. Thank you, Chair. We have followed up with the operators of that festival, as you were mentioning before. Obviously, it's been well publicised in the media in terms of the problems that happened on the site. As part of that engagement that we've had since the festival, the operators have told us that they are going to provide us a report to provide some details around the things that didn't go according to plan. What I should also add is that we actually met with the operators two weeks before the event was due to happen to try and get some reassurance from them that they were ready to hold the festival at that patronage level, and we received those reassurances at the time. We'll obviously interrogate that report when we receive it. Also, we're looking from a compliance perspective as well—whether any conditions have been breached through the process.

The CHAIR: Great. If you can assure everyone that we're looking at it in terms of that extreme weather event lens—it's the one we really need to. Because I think that, all things considered, it was kind of a miracle things didn't go worse than they did.

Ms CATE FAEHRMANN: I have a question about the Infrastructure SEPP in relation to—Mr Ray, you're nodding, so it's probably you. We'll see.

MARCUS RAY: I hope so. I should stop nodding. I have a bad habit; I tend to nod.

Ms CATE FAEHRMANN: Is there any movement within the department to amend the Infrastructure SEPP to essentially prohibit waste-to-energy incinerators? Does that sound familiar to anybody?

MARCUS RAY: Yes. The department is looking at that as part of the announcement from last year about the energy from waste plan, and we'll continue to look at that and advise government. Now that the regulation change has been made through the Protection of the Environment Operations Act—

Ms CATE FAEHRMANN: Thank you. So you were right to nod.

MARCUS RAY: Yes, I was right to nod on that one.

Ms CATE FAEHRMANN: The regulation has passed. You're confirming, then, that the department is looking at it in terms of the fact that unless specific changes are made—because at the moment there's an exemption, because all of the waste-to-energy incinerators are State significant infrastructure. So that's specifically what the department is looking at: to see what can happen to remove that exemption for waste-to-energy—

MARCUS RAY: Yes, the department is looking at what the best way is to represent the changes to government policy in the planning system.

Ms CATE FAEHRMANN: Can you let me know where that's up to?

MARCUS RAY: It's at an advanced stage. Soon we will—

Ms CATE FAEHRMANN: Are there currently three incinerators in the planning pipeline?

MARCUS RAY: Yes, there are currently three. I would say that we're actively discussing the matter with the Minister's office.

DAVID GAINSFORD: Maybe, Ms Faehrmann, I can just clarify in terms of how many projects are in the system as we speak. There's only one project that is actually—we've received an application and an EIS has been exhibited, and that's the Cleanaway project in Eastern Creek. There are a few other projects that we've issued Secretary's Environmental Assessment Requirements, but we haven't received applications for those yet.

Ms CATE FAEHRMANN: It would be expected, then, if this all goes—government intention, government policy. I've been assured by the environment Minister, for example, that that is the intention of the government policy. Once those changes come in place—the Infrastructure SEPP changes—these three proposals in the pipeline would just be told, "Sorry, you can't proceed." Is that what you would expect, Mr Gainsford?

DAVID GAINSFORD: There is one project that's in the system, proposed at Woodlawn, that actually is consistent with the policy in terms of its location. But the others, as I understand it, with the changes that have been made to the Protection of the Environment Operations Act—the regulation, I should say—would not be consistent with that regulation.

Ms CATE FAEHRMANN: Because they're in the Sydney Basin?

DAVID GAINSFORD: Not all of them are city based, but some of the ones that are outside of the city also don't fall within the areas that have been designated for energy from waste.

Ms CATE FAEHRMANN: Thank you. This is for you, Mr Cassel. I understand that recently you have sent a circular that has been issued to councils which has advised them—this is in relation to the role that you, as secretary of planning, play in granting concurrence to development applications which breach local environmental plan limits for height and floor space ratios. I understand that a circular has been issued to councils very recently which advises councils, local planning panels and joint and regional planning panels that concurrence can be assumed for proposals which breach the height and floor space ratio requirements. Is that correct? Has that circular been issued recently?

BRETT WHITWORTH: That's quite a longstanding policy and principle in clause 4.6 variations that the former director general's and secretary's concurrence powers can be assumed. That has been a thing in the planning system for 28 years and that's been a principle that's been applied all that time. The only time when concurrences are typically needed are in regional-rural subdivision environments. So it's possible that that circular is an update.

MARCUS RAY: Yeah. I think that circular is an update of a longstanding policy, so there's no change with that.

Ms CATE FAEHRMANN: Okay. That's fine. I'm good. Thanks, Chair. That's it for me.

The CHAIR: Thank you. Just before we go back to Mr Veitch, can I just put out there—because I think I have some supplementaries on this—the Kamay ferry wharves project? I'm not sure if you're aware but there's real community concerns about potential misrepresentations in the determination assessment report in relation to contamination issues and threatened species. The concern now is that the Federal Minister for the environment now will have to make a determination under the EPBC Act. I'm just basically, I suppose, flagging: Are you aware that there are concerns about that determination report?

DAVID GAINSFORD: I haven't been made aware, Chair, of problems with the determination report; certainly aware that those issues were well discussed and prosecuted within the consultation and the assessment process. We obviously sought advice from particularly the Environment Protection Authority around those contamination issues.

The CHAIR: And I think it was their advice. I think it was whether or not—so, my understanding is there was quite some controversy about the project as it was proposed. Really, the question is: Are you satisfied in the determination report that you had addressed all those EPA concerns, or were there outstanding issues, I suppose?

DAVID GAINSFORD: We don't believe there were outstanding issues. We sought additional advice from the EPA in finalising the assessment and there's also a site auditor that needs to be appointed as part of the determination as well.

The CHAIR: Thank you. I might have a supplementary on that that I'll forward to you. Also, just one final for that purpose as well, the Hunter Gas Pipeline. You're probably aware that the opposition to that project in terms of social licence is growing and growing and growing every day. I'm not sure how big a, kind of,

non-social licence case can be made, but I am just assuming that the department is absolutely cognisant of that and that there are hundreds and hundreds of landholders that are really concerned about that.

DAVID GAINSFORD: So, yes, Chair, there have been lots of representations that have been made to us. Obviously, that's a consent that dates from some period of time, but there are certainly lots of representations that have been made to us. We understand that Santos has recently acquired that pipeline. We haven't had a discussion with them since they acquired that pipeline around what their intentions are, but obviously once they do want to engage with us, we'll be eager to talk to them about how they're going to manage some of those issues that have been well ventilated.

The CHAIR: And, naturally, I'll have some questions for the Minister responsible for that but in a different session. So just on that, and finally on that one, how is Santos going in terms of the performance of its Narrabri Gas precondition requirements—whether that's for you, Mr Gainsford, or—?

DAVID GAINSFORD: It is for me again. So, with Narrabri Gas, we're at a stage where they have presented a number of management plans to us and, as part of the review of those management plans, we're sort of working through those management plans. I think at this point of time we've approved two of their eventual 12 management plans they need.

The CHAIR: Do you know what those ones are off the top of your head?

DAVID GAINSFORD: I don't. I have probably got a note here, but I might take that on notice. As I understand it, this is the next stage of the exploration component of the Narrabri Gas Project, so this is the precursor to enabling to do that further exploratory sinking of gas wells.

The CHAIR: Just on that, and I know it's really a question for the petroleum team in the other place, but from your assessment—and it was an enormous assessment—is there really enough gas there?

DAVID GAINSFORD: Sorry, I can't answer that question. That's not my expertise, sorry.

The CHAIR: Thank you very much.

The Hon. MICK VEITCH: I just have a couple of questions around assessment processing times. Budget Paper No. 2, [5-4], includes \$87.8 million over two years for unspecified projects to "continue to build a more productive and responsive planning system". What will this \$87.8 million be spent on?

MARCUS RAY: I might take that one, Mr Veitch. Those budgetary measures are measures that are a continuation of the reform projects that were announced by former Premier Ms Berejiklian in July 2020, which was the Planning Reform Action Plan. The key metrics for speeding up the planning system there were to reduce the time it took a planning proposal to go through the system by one-third, to reduce the time it took a regionally significant DA to go through the system by one-quarter and to reduce the time that State-significant developments were in government assessment hands by a further 17 per cent, after they'd already been reduced by 50 per cent in the previous four years. We are making good progress.

We are actually under target already—under the three-year target, which is due 30 June 2023 for planning proposals and for State-significant development. We're trying very hard on regionally significant development to get that down. That money was for a range of measures to continue the extra effort. It also includes continuing the Planning Delivery Unit, which has been a great success over the past two years, which is trying to unblock large development proposals at many different stages, including in post-approval. It also brings forward particular housing. We expect to get at least 30,000 rezoned lots from the council planning proposals over that two-year period and roughly 32,500 DA approvals for new houses through State-significant and regionally significant developments. It's a continuation of that additional effort to 30 June 2024, but with a focus on housing.

The Hon. MICK VEITCH: How much is going to the planning portal?

MARCUS RAY: As far as I'm aware, none of that money is going to the planning portal.

The Hon. MICK VEITCH: With regard to your processing times, is there a difference between metropolitan and regional areas in the DA processing times at the moment?

MARCUS RAY: I don't think there is. Sorry, in relation to the regionally significant DAs, I don't think there's a clear regional-metro divide. There is certainly not a divide on the work that we do with State-significant developments.

The Hon. MICK VEITCH: You might have to take this on notice, I'm not sure, but how many homes are under assessment by a DPE gateway process in south-west Sydney? How many of these have exceeded the department's maximum benchmark time frame?

MARCUS RAY: I would have to take that one on notice. I don't have that information.

The Hon. MICK VEITCH: This is probably the last question from me, which will probably upset the shadow Minister. I'm going to freewheel here. I'm the shadow Minister for Agriculture. The Agriculture Commissioner has delivered his report, with a number of recommendations around land use conflict. Can I ask the department, what role do you have in implementing those recommendations? Is there a whole-of-government response to this process?

MARCUS RAY: I might pass that over to Mr Whitworth. I will just say that the department was dealing with the agricultural commissioner quite a lot through the process. I had meetings with him myself and senior staff had meetings with him. But as to the final report, I'll pass you over to Mr Whitworth.

BRETT WHITWORTH: Thank you. I don't have a detailed set of notes on this, but—

The Hon. MICK VEITCH: I'm happy for you to take it on notice.

BRETT WHITWORTH: I am aware that the Agriculture Commissioner is in the process of finalising that the agriculture commission is providing their report through the Minister for Agriculture, and that we are engaging with Department of Regional NSW in terms of the implementation of the recommendations from the report. A lot of focus has been on things such as the renewable energy projects and how we can get an appropriate balance and protection for agricultural land as well as rural communities. We released, for example, the large-scale solar development guidelines only last week. As part of that process there was a lot of conversation with the Agriculture Commissioner to identify what are appropriate means to do visual assessments of these large-scale solar developments in the rural landscape, as well as how we talk about benefit sharing of these developments with rural communities.

The Hon. MICK VEITCH: If you could take that on notice and have a look to see if there's anything else you want to add?

BRETT WHITWORTH: Certainly.

The Hon. MICK VEITCH: That would be great. Thank you.

The CHAIR: Just finally, are you playing a role in the post-coal Hunter Valley? Are you playing a role in what that looks like from a planning perspective? I don't mean just a mine-by-mine close-down.

MARCUS RAY: The department put out, towards the end of last year, a draft regional plan for the Hunter that talks about those issues. We are looking to finalise that this year. So, yes, we are. It's very much one of the focuses of our strategic planning. I think the draft plan was the first time that the transition actually has been recognised in strategic planning.

The CHAIR: Yes, it was very exciting. Are you looking at some of the Hunter Renewal organisation's ideas and initiatives?

MARCUS RAY: Looking at opportunities, obviously there will be power stations and other sites that will become available that are well connected for transmission and various other things. I think we would be trying to facilitate other appropriate development that could go in there and contribute to the grid. One of the issues, of course, with renewable energy is to ensure that there's appropriate transmission capacity. One thing we do know is that there will be a lot of transmission capacity focused on those former power stations.

The CHAIR: Exciting times. Just finally, what about the Gunnedah Basin area? We sort of promised in approving all those mine projects that that's going to really bolster those regional areas. Are we looking in terms of a planning scope about what comes next for those areas?

MARCUS RAY: Yes, in a broad sense. I suppose our approach probably hasn't crystallised to the same extent as it has with the Hunter, but obviously what appears to be the increasing decarbonisation of the grid means that those issues are front and centre. It's a good point. I'll certainly go back and have a look at what the draft plan up there says and we will look at that, Ms Higginson.

The CHAIR: Thank you. We now head to Government members for their time. I've got a feeling I know what they're going to do with it. Mr Mallard?

The Hon. SHAYNE MALLARD: I will consult my colleague. I think we'll pass.

The CHAIR: You'll forfeit your time? Okay.

The Hon. MARK PEARSON: You're obviously very happy with the inquiry.

The CHAIR: That's right.

The Hon. SHAYNE MALLARD: I've learnt a lot today.

The Hon. MARK PEARSON: So have I.

The CHAIR: If I may just finish, thank you to all of you government officers for your attendance today. The Committee secretariat, as you know, will be in touch in the near future regarding any questions on notice and, of course, with some supplementary questions. We know what you have to do to be here and what your staff do to help you be here. We're incredibly grateful for every minute you've been here today. Thank you.

(The witnesses withdrew.)

The Committee proceeded to deliberate.