

## **BUDGET ESTIMATES**

### **PORTFOLIO COMMITTEE NO.7 – PLANNING AND ENVIRONMENT**

**TUESDAY 27 FEBRUARY 2024**

#### **QUESTIONS TAKEN ON NOTICE**

##### **QUESTION 1 (PAGE 4)**

The Hon. SCOTT FARLOW: Thank you, Ms Fishburn. With respect, under the department's code of ethics and conduct policy department's code of ethics and conduct policy, all persons within the department make an annual conflict of interest declaration. Is that correct?

KIERSTEN FISHBURN: That is correct. Can I also clarify as well? They also make a conflict of interest declaration if circumstances change—for instance, if they're working on a project like the TOD project.

The Hon. SCOTT FARLOW: Okay. With respect to that, have all employees of the department made sufficient declarations?

KIERSTEN FISHBURN: I would have to take that on notice to confirm. I can certainly assure you that we have been focused on conflict of interest declarations over the last fortnight, but I'll take that on notice and come back after the break.

The Hon. SCOTT FARLOW: Were any updated conflict of interest declarations made as a result of the publication of either the TOD program or the low- and mid-rise housing changes?

KIERSTEN FISHBURN: I'll have to take that on notice. In fact, I can say yes, because conflict of interest deputy secretaries come to me and there were a number that were updated post the TOD program.

The Hon. SCOTT FARLOW: Could you take that on notice how many were updated?

KIERSTEN FISHBURN: Across the whole department?

The Hon. SCOTT FARLOW: Yes.

KIERSTEN FISHBURN: Yes. I may not be able to give you that information this afternoon but we can certainly find that out.

##### **ANSWER**

Since the start of the TOD program until 22 March 2023, 59 conflicts have been declared, noting this is not limited to declarations related to property ownership.

##### **QUESTION 2 (PAGE 5-6)**

The Hon. SCOTT FARLOW: Minister, why was the independent productivity, probity and policy advisory committee, a key independent probity oversight body in the department, abolished after you became the Minister?

Mr PAUL SCULLY: I don't abolish committees. I don't make those decisions, and I'll defer to the secretary again. But, as you've heard, there are substantial probity measures in place in terms of the department, in terms of how they operate, in terms of their requirement, just as there are on members of Parliament—as there should be. And I would like to say, just before we go too far, that

this is coloured by the alleged actions of one individual. I still don't know whether those alleged actions have been taken to the ICAC or not. I've certainly reported them. The department certainly has. However, the good work of the several thousand people involved in the department of planning, the several thousand people involved in development assessments throughout local government shouldn't be besmirched by the one action. You wouldn't want to be besmirched by the actions of Daryl Maguire, despite him sharing your party room. And—

The Hon. SCOTT FARLOW: Come on, Minister. This is billions of dollars of—

Mr PAUL SCULLY: Hang on. We've got to see some of this in context too. It is easy to make and try and cast a pall over everyone who's sitting around this table, everyone who's sitting behind me, from the department, everyone who's involved here. And that's not—

The Hon. SCOTT FARLOW: Minister, we're not besmirching the reputations of everyone sitting behind you or everyone in the department.

Mr PAUL SCULLY: That's the ultimate thing.

The Hon. SCOTT FARLOW: But we're asking about the processes that you employ in your department as you embark on the biggest rezoning in Australia's history.

Mr PAUL SCULLY: And, as you've heard, they're substantive. There's additional measures put in place. Those additional measures were checked and confirmed by independent probity advisers and the ICAC. But, in terms of that specific committee, I'm happy to defer to Ms Fishburn for some further information, but it may have been in advance of even her time in the department.

KIERSTEN FISHBURN: It actually was. It was a committee that was stood up under the previous Government, under Minister Roberts. And I understand it was to advise that particular Minister. I'm not seeing any terms of reference in relationship to it. I'd have to take on notice anything further. It was, obviously, prior to me coming in as secretary.

## **ANSWER**

Please refer to Supplementary Questions 208-211.

## **QUESTION 3 (PAGE 7)**

Mr PAUL SCULLY: No. As I said, if Steve McMahon had informed me I would've said that, but I've said the Premier informed me because it was the Premier who informed me.

The Hon. JACQUI MUNRO: And when did he inform you?

Mr PAUL SCULLY: It was a couple of days in advance of the announcement. I have to take on notice the exact date. It doesn't come to mind.

## **ANSWER**

On 8 November 2023, the ATC approached the NSW Government with a pre-submission concept for the redevelopment of Rosehill for housing and other related elements.

**QUESTION 4 (PAGE 13)**

The CHAIR: Minister, I'm just finishing the question—will not be reduced between now, five, 10 or 15 years? We will stop at 15 years because you are planning for 15 years with your affordable housing. So 15 years, those vegetation sizes in hectares will not be reduced as a direct result of your planning changes that you're seeking to introduce through the TOD SEPP?

Mr PAUL SCULLY: I don't believe they will. However, I'm happy to take the detail on notice because I'm not aware of any actual planning proposals that are planning to cut all those trees down.

**ANSWER**

No.

**QUESTION 5 (PAGE 21-22)**

The Hon. SCOTT FARLOW: The question is that, given 13.4 (i) of the lease of the speedway to the Western Sydney International Speedway states, "The lessee has given the lessor at least one month's notice in writing a proposed sublease or license together with details of the proposed transaction and a copy of all proposed documentation and all other relevant information", how is this possible given that Sydney International Speedway Pty Ltd was only created nine days before they entered into the sublease?

MELANIE HAWYES: I'll need to take on notice the details of the documents that were provided in the lead-up to the formal application of final documents for the sublease but there was a period of negotiation with the dragway where they were looking at putting together the proposal for an operator.

The Hon. SCOTT FARLOW: How is that possible when the company didn't exist one month prior to that sublease?

MELANIE HAWYES: I will need to take on notice the exact details of the documents that were put to us and the dates on which that occurred.

**ANSWER**

Under the lease with Sydney Dragway, WSPT had a discretion to waive any terms of the lease. Sydney Dragway provided WSPT with information it had used to satisfy itself that SIS was an appropriate operator, consistent with the terms of the lease. On that basis WSPT waived the requirement of one month notice. The consent to sublease was in writing and considered to be the waiver of the one month notice requirement.

### **QUESTION 6 (PAGE 22-23)**

The Hon. SCOTT FARLOW: —has any discount or rent-free period been offered with respect to the lease or the sublease.

Mr PAUL SCULLY: I'll refer you to Ms Hawyes, who has the detail of the leasing arrangements. It's not something that comes over my desk, in accordance with the Act.

MELANIE HAWYES: There are obviously terms and conditions in terms of rent payable to us, and there's a period where it starts, which is after events have started, because their ability to raise revenue is when events begin.

The Hon. SCOTT FARLOW: What is that period of rent-free?

MELANIE HAWYES: One month, from memory, but let me get the details for you this afternoon.

### **ANSWER**

There is a four month rent free period from the commencement of lease: that is, for the period 22 December 2023 to 22 April 2024. This allows the lessee to run practice events and ramp up events over time, given the venue had not been activated since works were completed at the venue by Sydney Metro in the 2023 speedway off season.

### **QUESTION 7 (PAGE 24)**

The CHAIR: Have you been made aware of any legal advice that may have been circulating around that's been prepared on behalf of coalmining companies or that would go to this question of what is a modification and what is not?

Mr PAUL SCULLY: I'm not aware of any legal advice, no.

The CHAIR: Have you obtained your own legal advice about when you are required to answer these questions about whether it's substantially the same—

Mr PAUL SCULLY: I get advice from experts in the department all the time.

The CHAIR: Is that legal advice or technical advice?

Mr PAUL SCULLY: It can be legal advice. It can be planning advice. It can be a range of other advice.

The CHAIR: Have you received legal advice on these modifications of these major coalmines that are threatening us reaching our climate targets?

Mr PAUL SCULLY: I think, and I'll take this on notice for detail and Mr Gainsford might be able to offer some additional information here, generally, it's part of the suite of information that comes to me when a decision needs to be made.

### **ANSWER**

Yes, legal advice is provided. Additional information was given in the afternoon session, on pages 62-63 of the transcript.

**QUESTION 8 (PAGE 28)**

The Hon. SCOTT FARLOW: Ms Fishburn, you previously indicated some of the additional measures taken with respect to the TOD. As part of that, you outlined that those who are making suggestions on site selection were requested to sign a separate confidentiality agreement.

KIERSTEN FISHBURN: Correct.

The Hon. SCOTT FARLOW: How many of those confidentiality agreements were signed?

KIERSTEN FISHBURN: I'll have to take that on notice.

**ANSWER**

Thirty-one DPHI staff signed confidentiality agreements during the development of the TOD Program.

**QUESTION 9 (PAGE 28)**

The Hon. SCOTT FARLOW: You also indicated that a site selection was narrowed down, files were moved to secure storage with limited access and information was shared internal to government only on an as-needed basis. How many people had access to that file?

KIERSTEN FISHBURN: There isn't a single number. It would be dependent on who is required to have access to that information.

The Hon. SCOTT FARLOW: Can you take on notice how many people have access to that—

KIERSTEN FISHBURN: I can certainly take it on notice—

The Hon. SCOTT FARLOW: —file over the period?

KIERSTEN FISHBURN: —but there's not a single file either, Mr Farlow, as you can appreciate.

The Hon. SCOTT FARLOW: I can imagine it would be a folder and—

KIERSTEN FISHBURN: Yes.

The Hon. SCOTT FARLOW: —special files that have access rights—if we could have the number of how many people had access rights to anything under that. You also said that the department took targeted consultation with stakeholders during program development. Did these stakeholders include local government?

KIERSTEN FISHBURN: Yes, we did speak to some councils. It would not be every council. I'm sure we'd be able to furnish a list of the councils that we consulted.

The Hon. SCOTT FARLOW: When were the files moved to secure storage with limited access?

KIERSTEN FISHBURN: I would have to take that on notice. I suspect it was around August, because that was the point in time when the program became more defined. But I will take the date on notice.

## ANSWER

Access was provided to essential staff who were working on the TOD program.

The Department conducted initial briefings on 13 and 19 December 2023 with 13 councils where the TOD SEPP will apply. As of 14 March 2024, all 14 councils that the TOD SEPP will apply in have been briefed. Willoughby City Council was not originally briefed as Willoughby does not have a TOD SEPP station within their LGA and a small number of properties will be impacted.

Date files were moved to secure storage on 17 August 2023.

## QUESTION 10 (PAGE 33)

The Hon. SCOTT FARLOW: So, given in Dapto there is 131,055 square metres of E3 and E4 land governed under the Dapto TOD and only 34,508 square metres of residential land, why was this chosen as a TOD location?

MONICA GIBSON: We might have slightly different information about how much land and how many dwellings there might be, and what the percentage of residential and industrial land might be. I'm happy to take on notice the information that we used.

## ANSWER

Dapto progressed through the methodology assessment which is publicly available on the Department's website <https://www.planning.nsw.gov.au/sites/default/files/2024-03/transport-oriented-development-program-assessment-criteria.pdf>.

## QUESTION 11 (PAGE 48)

The CHAIR: Minister, are you committed to implementing the recommendation, which I actually don't have in front of me, from Operation Tolosa? It was the recommendation number—I did have it in front of me. It was ICAC's recommendation. It was a directly relevant recommendation to you. It's recommendation 4:

*That the Department of Planning and Environment limits the ability of a council to make decisions to advance planning matters at meetings in the absence of an assessment report considering relevant matters and an associated recommendation.*

My understanding is that you are, literally, meant to respond to this report by now.

KIERSTEN FISHBURN: Can I take that on notice? I don't have a note on it, and I know we gave quite a detailed response to that particular operation. I'll get some information from—

The CHAIR: To the ICAC?

KIERSTEN FISHBURN: Yes. I'm pretty sure we have finalised our response on that particular operation, but I would like to check with my general counsel before I provide an answer back to **you**.

## **ANSWER**

Answer provided on page 55 of the transcript.

## **QUESTION 12 (PAGE 58-59)**

KIERSTEN FISHBURN: They are a significant proponent in general. We've been meeting with the ATC for many years in relation to their Canterbury racecourse. We've had discussions with them in relation to Warwick Farm. I understand they've got a mod coming in for Randwick as well. They are a proponent whom the

department would meet on many occasions. They've had an interest in the work we've done around the Camellia rezoning. That's why I'm a little surprised by your question because, as such a large proponent, it would be exceptionally unusual if the department didn't meet with them to discuss those things. In the context of discussing their interest in potentially upgrading, I think, Warwick Farm, they discussed—Mr Gainsford and Canterbury-Bankstown. That was at the time that they said they were looking at Horsley Park but, as we've both answered, it's not something that the department's been directed but, as with any other proponent, we're interested in hearing what they're doing.

The Hon. JACQUI MUNRO: Is the department doing work on those areas at the moment to rezone them or investigate any different type of use or an expansion of use?

KIERSTEN FISHBURN: The areas that are managed by the ATC?

The Hon. JACQUI MUNRO: Yes, Warwick Farm and Horsley Park.

KIERSTEN FISHBURN: I'll take you through each of them because it is quite interesting. ATC Randwick have a modification that—is it in with us yet, Mr Gainsford?

DAVID GAINSFORD: I'd probably need to take that on notice, Ms Fishburn. But, yes, there has been a series of applications and modifications at Randwick racecourse that we've been dealing with.

## **ANSWER**

Answer provided on page 69 of the transcript.

## **QUESTION 13 (PAGE 59)**

The Hon. JACQUI MUNRO: The Minister has never asked you for any briefings on this information?

KIERSTEN FISHBURN: I'd have to take that on notice, but off the top of my head, no. We may well have discussed some of these matters with the Minister at some stage, particularly, I am thinking, Camellia, as we've been discussing looking at the rezoning there, but I can't recall that we've been formally asked for any information.

MONICA GIBSON: No.

KIERSTEN FISHBURN: We'll take it on notice.

## **ANSWER**

No.

## **QUESTION 14 (PAGE 63)**

The CHAIR: We were talking about the public hearings and we were looking at this idea that it can provide more scrutiny, can provide more detail, can compel witnesses. Why have we only done that in relation to coal projects? Why do we not require that standard for anything else—obviously, right now, the wind farms, for example? Why are we not suggesting that level of scrutiny, remembering that it then extinguishes communities' appeal rights? What is the thinking in the department?

DAVID GAINSFORD: Chair, I really can't speak to what's happened a decade ago with regard to advice we provided to government and decisions that previous Ministers have made in directing the IPC. I'm happy to take it on notice in terms of those projects that I've been party to in terms of making recommendations to Ministers, but I think it's a very limited number with regard to public hearings.

## **ANSWER**

Since October 2020, there have been four projects referred to the IPC for a public hearing and determination:

- Bowdens Silver Mine
- Glendell Continued Operations Project
- Narrabri Underground Mine Stage 3 Extension Project
- Mt Pleasant Optimisation Project

## **QUESTION 15 (PAGE 64)**

The Hon. SCOTT FARLOW: Just returning to some of the measures around the TOD. This morning we discussed the declarations required under the code of ethics and conduct and the additional declarations that were required. As part of those declarations, do you hold a register of private holdings as a result of those declarations?

KIERSTEN FISHBURN: As a result of the declarations on the TOD for the people working on the—

The Hon. SCOTT FARLOW: On the TOD or the typical declarations that are required under the code of ethics and conduct.

KIERSTEN FISHBURN: We hold people's conflict of interest declarations, yes.

The Hon. SCOTT FARLOW: Is it held as a register? Are those documents uploaded onto some sort of database management tool, for instance? Or are they just kept as the files?

KIERSTEN FISHBURN: I'll have to take those details on notice and get back to you.

## **ANSWER**

The Department requires staff to register conflict of interests and other ethical declarations within the 'Ethics Portal'. This register is a data management system created within Microsoft SharePoint.



**QUESTION 16 (PAGE 64)**

The Hon. SCOTT FARLOW: How many staff within the department of planning own property within one of the TOD precincts?

KIERSTEN FISHBURN: I'd have to take that own notice.

**ANSWER**

Nine conflict of interest declarations have been made by staff across the whole Department for identified properties within TOD precincts, noting not all staff making these declarations worked on the TOD Program.

**QUESTION 17 (PAGE 65)**

The Hon. SCOTT FARLOW: Were any changes notified to property purchases within the TOD regions by department of planning officials?

KIERSTEN FISHBURN: Are you saying did anyone update their conflict of interest?

The Hon. SCOTT FARLOW: Yes.

KIERSTEN FISHBURN: I'll have to take that on notice.

**ANSWER**

Since the start of the TOD program until 22 March 2023, 59 conflicts have been declared, noting this is not limited to declarations related to property ownership.

**QUESTION 18 (PAGE 65)**

The Hon. SCOTT FARLOW: It's the project development team, so as you were working on the project and then subsequent to it being announced.

KIERSTEN FISHBURN: Approximately 130 people, over the course of the work from July to December to determine what the TOD sites were going to be, were involved. They were not just department of planning staff. As we detailed, there was staff from other areas, all of whom, I should add, were also required to go through this probity. I don't want to disparage any of my colleagues from other areas. I'll have to ask Ms Gibson how many staff are currently working on the—it's a bit hard to determine because people, obviously, work in and out of things. But the TOD team, if you have a number—

MONICA GIBSON: I would need to take the specific number on notice.

## **ANSWER**

The TOD Program has involved staff across the Department at various stages throughout the program's development. Currently there are 12 staff working on the TOD SEPP directly and 31 staff working on the TOD Accelerated Precincts from within NSW Planning.

### **QUESTION 19 (PAGE 67)**

The Hon. JACQUI MUNRO: Just on that, just to clarify, with those eight precincts, do you have an amount of housing that you are expecting to get out of those by the end of the housing accord time period?

MONICA GIBSON: We've certainly had a look at what the capacity over the long term would be in those areas and then what might be—

The Hon. JACQUI MUNRO: What is that?

MONICA GIBSON: That's the 47,800 homes in those precincts.

The Hon. JACQUI MUNRO: And the long term being?

MONICA GIBSON: That's in the long term. We expect that to be over about a 15-year period.

The Hon. JACQUI MUNRO: Okay, 15 years. Is that in addition to what was already zoned for, or is that just the total amount with the new zoning?

MONICA GIBSON: That would be for that precinct. It is generally considered to be the uplift, but it would include in some of those locations that they might have already had a planning control for, say, a 10-storey building and the master planning might suggest that it becomes a 15-storey building, so the numbers are based on it being a 15-storey building.

The Hon. JACQUI MUNRO: Is there a number that reflects the additional capacity compared to what was available prior to the plan?

MONICA GIBSON: I would need to take on notice to see if we've done that calculation.

The Hon. JACQUI MUNRO: That would be helpful, thank you—and what that calculation is, if you can, please.

MONICA GIBSON: Yes.

## **ANSWER**

Refer to response to supplementary question on notice 31.

### **QUESTION 20 (PAGE 68)**

The Hon. JACQUI MUNRO: Going back to my question about the amount of homes to be built within that accord period, is there an amount that's expected?

MONICA GIBSON: There is an amount that we would like to be working on with councils, with landowners, with the development industry and with all the parties that have a role to play in the

construction of homes. There are a lot of variables and it's quite a complex estimation. The crystal balls aren't perfect in this situation. There's a little bit of cloud in that. In terms of the exact number and where we might be, because it's going through review, I'd prefer to take it on notice so that we could give you a number that we have.

#### **ANSWER**

Refer to response to supplementary question on notice 31.

#### **QUESTION 21 (PAGE 69)**

The CHAIR: Is the racecourse being considered in the land audit, given it is Crown land?

KIERSTEN FISHBURN: That's an interesting question. I'll have to take it on notice and check with my relevant staff.

#### **ANSWER**

This is a matter for the Minister for Lands and Property.

#### **QUESTION 22 (PAGE 70)**

The CHAIR: With the current sites where there has been an agreement for a buyback—let's just say those current sites at the moment, the former housing lots—who is currently responsible for maintaining those, particularly the ones where the buyback has happened or there is an agreement to an acceptance of a buyback?

Who is maintaining those places?

JOANNA QUILTY: I will defer to my colleague Ms Leck on that one.

AMANDA LECK: Thank you very much. Good afternoon. With regard to those properties that have settled as part of the buyback program, those properties are maintained on behalf of the Reconstruction Authority by Public Works. That includes dealing with regular maintenance issues, mowing grass, tidying shrubbery and the like so that there is an ongoing maintenance schedule occurring on a monthly basis for those properties.

The CHAIR: Is that work being outsourced? Are there contracts for that work?

AMANDA LECK: We have engaged Public Works to do that work, but I'll have to take that on notice if you want to know if they've subcontracted that work further.

#### **ANSWER**

NSW RA has engaged NSW Public Works to manage the Resilient Home Program Make Safe and Property Management. NSW Public Works currently has a contract in place for the Make Safe and property maintenance.

### **QUESTION 23 (PAGE 76)**

The Hon. SCOTT FARLOW: With respect to that as well, did you ask questions with respect to the amount of sewerage sites that had burst within a period?

MONICA GIBSON: We asked Sydney Water to provide their expert advice on the capacity for additional homes to be in an area. I think the factors that they considered and whether there were maintenance issues or other matters related to their sewer would be questions for them.

The Hon. SCOTT FARLOW: Luckily we've got them tomorrow. There was some media reporting that indicated that sites like Edgecliff, for instance, weren't included because they were "currently limited in additional growth because of limited sewer and water infrastructure." Were there other sites that were eliminated on similar grounds?

MONICA GIBSON: Yes, there were.

The Hon. SCOTT FARLOW: Can you provide us a list of those sites at all?

MONICA GIBSON: I'll need to take that on notice. The reason for that is some of those matters were specifically discussed in Cabinet settings and are included in sensitive documents. I'd just like to take advice.

### **ANSWER**

DPHI was informed by Sydney Water and DCCEEW regarding its infrastructure capacity analysis in these station locations. Information regarding infrastructure capacities in these station locations is Cabinet-in-confidence, which is consistent with previous government practice in observing Cabinet conventions.

### **QUESTION 24 (PAGE 76-77)**

The Hon. SCOTT FARLOW: I'm happy for you to do that. Turning to the changes to low- and mid-rise housing and the controls that are coming in place, with respect of dual occupancies and the non-refusal standards that will apply in Greater Sydney, is there any council currently that allows a height higher than 9.5 metres for dual occupancies?

MONICA GIBSON: I would need to take that on notice.

If you can also take at the same time which councils allow a height of 9.5 metres or above.

MONICA GIBSON: I will do.

Does any council currently allow an FSR of higher than 0.65:1 for dual occupancies?

MONICA GIBSON: Again, that's something that I would need to take on notice and am happy to do.

### **ANSWER**

This information is publicly available on the Department's eSpatial viewer at <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

**QUESTION 25 (PAGE 77)**

The Hon. JACQUI MUNRO: I wanted to turn to the Planning Portal. I'm wondering in the last 12 months how many complaints you have received about the NSW Planning Portal.

KIERSTEN FISHBURN: I'd have to take that question on notice.

The Hon. JACQUI MUNRO: Could you also, on that—

The Hon. SCOTT FARLOW: There might be a few on that.

The Hon. JACQUI MUNRO: —provide a breakdown of the different types and sources of complaints, with the number of each?

KIERSTEN FISHBURN: Yes. Obviously I will have to take that on notice. That's detail I don't have at my fingertips.

**ANSWER**

Refer to response to supplementary question on notice 172.

**QUESTION 26 (PAGE 77-78)**

The Hon. JACQUI MUNRO: Is there a percentage of inquiries resolved?

KIERSTEN FISHBURN: Yes, we do track that.

The Hon. JACQUI MUNRO: Is that information able to be made public?

KIERSTEN FISHBURN: I don't see any reason why it couldn't be made public, but let me take that one on notice and have a look for you.

**ANSWER**

Refer to response to supplementary question on notice 172.

**QUESTION 27 (PAGE 79)**

The Hon. JACQUI MUNRO: Maybe just to follow on from that, there were concerns that the portal failed to distinguish between exempt development and complying development. Is that something that you might have heard through your stakeholder engagement?

DAVID GAINSFORD: I may need to take that one on notice.

**ANSWER**

Refer to response to supplementary question on notice 176.

#### **QUESTION 28 (PAGE 81)**

The CHAIR: Does the State consider that the current settings are adequate for councils to be planning for this enormous climate coastal erosion issue that we're facing, with increasing sea swells and possible sea level rises and so on? Do you, as the team responsible for the State settings, think that we are right or are we doing work in that?

DAVID GAINSFORD: Yes, my understanding—and I might take some of that question on notice in terms of where we're up to with various guidelines, because I have recently taken on responsibility for some of these areas. But my understanding is that we are working closely with councils on updated guidance with regard to coastal planning. I know there's been a series of guidelines that we have produced and worked with councils on over the years. Yes, my understanding is that we are constantly talking to councils about these types of matters.

The CHAIR: Will that include where we are looking at seawall proposals for affected parts of the coast?

DAVID GAINSFORD: I might need to take that on notice as well. I know certainly there has been a couple of examples of seawalls that obviously have had a large amount of media. My understanding is that those seawalls themselves have actually been going through local development application processes. Other than taking it on notice, I'm not familiar with those specific ones.

#### **ANSWER**

The Department of Climate Change, Environment, Energy and Water supports councils in their functions under the *Coastal Management Act 2016* and is best placed to respond to the question about council's ability to act on coastal planning and erosion matters.

Consideration of coastal hazard management options such as seawalls is undertaken as part of a Coastal Management Program prepared by councils under the *Coastal Management Act 2016*. The coastal management framework recognises that coastal protection works (such as seawalls) are a high-risk development type. Unless the works are identified as an action under a certified CMP, they are treated as regionally significant development determined by a panel comprising suitably qualified experts.

#### **QUESTION 29 (PAGE 84)**

The Hon. SCOTT FARLOW: Turning back to housing targets, which we had a brief discussion about previously, last time before estimates the Minister indicated to us that the Greater Cities Commission had important work to do. Of course, we then saw the Greater Cities Commission Repeal Bill. If that hadn't gone through, is it the case there would have been draft regional plans that would have been conducted by the end of last year?

KIERSTEN FISHBURN: The timing for the draft regional plans didn't have to be at the end of last year. The requirement under the GCC Act, which is, as you noted now, repealed, would have had the draft plans finalised by 1 July, I think—30 June. I will double-check that for you because, obviously, I don't have the Act to hand anymore.

The Hon. SCOTT FARLOW: Can you take that on notice because I thought the former one was 2018, so five years from then would be 2023. That being said, had the Greater Cities Commission done work on the targets before its abolition?

KIERSTEN FISHBURN: Yes.

#### **ANSWER**

Prior to the repeal the *Greater Cities Commission Act 2022* and the relevant amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) made at the end of 2023, both Acts stated, the Greater Cities Commission (GCC) must review the regional strategic plan and submit a draft regional strategic plan applying to the whole of the Six Cities Region to the Minister, before the end of 2023 and at the end of every subsequent period of 5 years.

This timeframe no longer applies as the EP&A Act has been amended and the GCC has been formally dissolved with Strategic Planning staff integrated into the Department of Planning, Housing and Infrastructure (the Department). The Department is reviewing the current Region Plan.

#### **QUESTION 30 (PAGE 86-87)**

MELANIE HAWYES: As I talked the Committee through before, since concerns were raised about Mr Boldy, controls have been put in place around his role. There is an assignment test, as you just alluded to. Neither Speedway nor Yvonne Boldy, the director of Speedway, are insolvent, so that was checked. We did ASIC credit searches on the company and on Ms Boldy. That did not demonstrate any evidence of concern and demonstrated that there are assets in her possession—further evidence of her financial capacity. The test of criminal offence—neither the company nor the director have any record of criminal offence. I'm not aware of any suggestion others in that team have either. Not subject to a formal adverse finding by the ICAC, there was no such finding. Their ability to carry out the activity, the actual hosting of speedway events, we were comfortable that the team that they were putting together had that, and we were reliant on the advice, obviously, of Dragway as the head lessee, knowing that they have knowledge of the industry. But the licence from the Office of Sport, we would put forward as further evidence of their ability to conduct race events.

The Hon. SCOTT FARLOW: With respect to those assessments, what date were they completed on or undertaken?

MELANIE HAWYES: I think I have it. If I don't, I'll take it on notice.

#### **ANSWER**

Assignment Tests means that a person:

(a) is not Insolvent: ASIC search and INFOTRACK search 21 December 2023

(b) is of good financial standing to perform its relevant obligations under this Lease: ASIC search and INFOTRACK search 21 December 2023

(c) has not been convicted of a criminal offence which carries a maximum sentence of equal to or more than 12 months in prison or multiple sentences that add up to or equal to or more than 12 months in prison: there is no evidence to suggest that anyone was convicted of a criminal offence

(d) has not been the subject of a formal adverse finding by the Independent Commission Against Corruption for conduct which, if prosecuted, carries a maximum sentence of equal to or more than 12 months: no such finding - DPE search 22 December 2023

(e) is otherwise ready, willing and able to carry out the obligations of the Lessee under this Lease: comfortable this is the case, further evidenced by Office of Sport issuing a licence 23 February 2024

**QUESTION 31 (PAGE 87)**

The Hon. SCOTT FARLOW: So it's effectively a one-month rent free period, is it?

MELANIE HAWYES: Yes, effectively. So obviously that make sense, right? They're working on the track, they're investing in the track and then they're able to actually schedule events and get going. You asked me about what date did we do our checks. I might take it on notice because they'll be on different dates. I'll get you the series of when each check was performed, if that's okay.

**ANSWER**

Refer to answer to Question 6.

**QUESTION 32 (PAGE 87)**

Thank you very much, with respect to that. Did Western Sydney Parklands have any input into the media release that was issued by the Minister on 22 December?

MELANIE HAWYES: I don't know. I'd have to take that on notice.

The Hon. SCOTT FARLOW: Okay.

MELANIE HAWYES: I was actually on leave at the time, so can I take that one on notice?

**ANSWER**

Yes.

**QUESTION 33 (PAGE 87)**

The Hon. SCOTT FARLOW: Fair enough. You can indeed. With respect to the speedway, is there a database of all the assets held by Sydney speedway—when it needs to be maintained by and how much it's all worth, in terms of the speedway, not the company?

MELANIE HAWYES: So the actual facility itself?

The Hon. SCOTT FARLOW: Yes.

MELANIE HAWYES: Yes, there is a value, and I think we have a schedule of—

The Hon. SCOTT FARLOW: Maintenance as well?



MELANIE HAWYES: —estimated maintenance costs, which I'm happy to provide on notice.

**ANSWER**

This information is commercial in confidence.

**QUESTION 34 (PAGE 92)**

The CHAIR: Can I ask one final thing. Has Planning conducted any assessment of regional hubs and their capacity to support more integrated public transport? Obviously, Transport would be, I'm assuming, doing their thing. But has Planning done anything, in particular, with the Casino Queensland connection?

KIERSTEN FISHBURN: That really is a matter for Transport.

The CHAIR: So Planning has done none of that or hasn't looked—

KIERSTEN FISHBURN: As much as I'd love to expand my portfolio, Transport is responsible for integrated transport plans. We would provide input into those plans.

The CHAIR: Have you been asked for any input?

The Hon. ANTHONY D'ADAM: It's Government time now.

The CHAIR: I'm just finishing. Have you been asked for any input?

MONICA GIBSON: I can't think of anything that is specific. I know that there are a number of land Use plans happening around the Casino area. I think that is really—

KIERSTEN FISHBURN: We might take that on notice, because it may well have occurred at a director level, and there's no particular reason why either Ms Gibson or myself would know about that.

**ANSWER**

No.