

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Thursday, 28 October 2021

Examination of proposed expenditure for the portfolio area

PLANNING AND PUBLIC SPACES

CORRECTED

The Committee met at 14:00.

MEMBERS

Ms Cate Faehrmann (Chair)

The Hon. Catherine Cusack

Mr Justin Field

The Hon. Scott Farlow

The Hon. Rose Jackson

The Hon. Mark Latham

The Hon. Mark Pearson (Deputy Chair)

The Hon. Penny Sharpe

MEMBERS PRESENT VIA VIDEOCONFERENCE

The Hon. Lou Amato

PRESENT

The Hon. Rob Stokes, *Minister for Planning and Public Spaces*

* 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**

CORRECTED

The CHAIR: Welcome to the public hearing for the Portfolio Committee No. 7 - Planning and Environment budget estimates 2021-22. Before I commence I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I would also like to pay respect to the Elders past, present and emerging of the Eora nation and extend that respect to other Aboriginal people present. I welcome Minister Rob Stokes and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Planning and Public Spaces. Before we commence, I would like to make some brief comments about the procedures for today's hearing.

Today's proceedings are being broadcast live from Parliament's website 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 that 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 could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question 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. In terms of the audibility of the hearing today, we have witnesses in person and via videoconference. Can I ask Committee members to clearly identify who questions are directed to and could I ask everyone appearing remotely to please state your name when you begin speaking. Could everyone please mute their microphones when they are not speaking. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. All witnesses will be sworn prior to giving evidence. Minister Stokes, 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.

CORRECTED

KIERSTEN FISHBURN, Acting Secretary, Department of Planning, Industry and Environment, and Coordinator General, Planning Delivery Unit, Department of Planning, Industry and Environment, affirmed and examined

ALEX O'MARA, Group Deputy Secretary, Place, Design and Public Spaces, Department of Planning, Industry and Environment, before the Committee via videoconference, sworn and examined

MARCUS RAY, Group Deputy Secretary, Planning and Assessment, Department of Planning, Industry and Environment, before the Committee via videoconference, affirmed and examined

JOHN BROGDEN, Chief Executive Officer, Landcom, before the Committee via videoconference, sworn and examined

BRETT WHITWORTH, Deputy Secretary, Greater Sydney, Place and Infrastructure, Department of Planning, Industry and Environment, before the Committee via videoconference, affirmed and examined

The CHAIR: Today's hearing will be conducted from 2.00 p.m. to 5.15 p.m. with the Minister and departmental witnesses, with questions from the Opposition and crossbench members only. If required, an additional 15 minutes is allocated at the end for Government questions. We will aim to have a short 10- to 15-minute break at 3.30 p.m. as well. As there is no provision for any witness to make an opening statement, we will commence with questions from the Opposition.

The Hon. PENNY SHARPE: Thank you, Minister, and thank you to your officials for coming along today. I want to ask you about the draft Greater Sydney Parklands Trust Bill 2021, or exposure bill, and your plans for managing parklands across Sydney. My first question is it seems to me that public open spaces need public funding to actually be able to thrive and survive. I am concerned that within the Greater Sydney Parklands [GSP] exposure bill there is too much reliance on private revenue to actually fund the care of these public spaces. Are you able to tell the Committee what modelling there is in relation to the amount of revenue generated under this bill that parklands would be able to achieve?

Mr ROB STOKES: I will take part of that on notice. Just to say that the focus of this bill is not on raising revenue from parks. Instead it is about the better management of parks and actually saving money in unnecessary management costs so we can reinvest money in great capital works and activation. The focus of allowing any commercial-style activities will be limited to those areas already indicated as such in existing plans of management where there would not be any adverse impact on environmental heritage or the recreation value of those parks. It is more about providing activation for areas of parks where, for example, a cafe or a gallery might offer more opportunities for the public to have access and use of parklands that currently do not have a great purpose or might be locked off from public access.

It is more an exercise in providing opportunities for activation than anything else. This was certainly not in any way intended as a commercial play. In fact, the GSP invest about \$65 million in capital works across the parks estate. In Callan Park, for example, \$14 million is being invested in some great capital works informed by a landscape master plan for that amazing 60-hectare site, of which the preponderance is now looked after by Greater Sydney Parklands. There is still quite a bit that is owned by health that we would like to get hold of over time. Effectively, the bill is about improving the management so we can improve public access to our existing public parklands and have a strategic overview of how to better link them together and acquire more.

The Hon. PENNY SHARPE: Within the bill it does not appear to me that there is a limit on the amount of space or type of operation or activity that the parklands could be leased for. How do you think that would be managed?

Mr ROB STOKES: Again, any commercial activities will be limited to areas that are already indicated for such on plans of management.

The Hon. PENNY SHARPE: Is it not the case though, Minister, that the Minister can alter the plans of management?

Mr ROB STOKES: Only through the appropriate process. There would be full public consultation in those processes. I want to say again that this was not informed—I am happy to the extent to find if there is any such information but I am not aware of any—by financial modelling about how the parks could be commercialised. It is actually the opposite. We are seeking to find a model that works better so we can save money on unnecessary back office activities so all that money can be reinvested into great activation of parklands. A good example would be already since the GSP has been functionally created—not legislatively but functionally—there has been a security contract that has been able to be brought together for both Centennial Park and Callan Park, which has saved something like \$50,000 or so just in that one contract alone.

CORRECTED

There are huge savings that can be made, as you can imagine, once you can link up procurement for all sorts of maintenance activities. These things cost a huge amount of money. If we can do that effectively and seamlessly in an integrated way, that liberates more funds to do more exciting things about restoration. We have a huge restoration challenge ahead of us, particularly in Callan Park. Obviously that will be funded. A huge focus of that—

The Hon. PENNY SHARPE: Sorry, Minister, are you just saying that all of the restoration work in Callan Park is going to be funded? How is that going to be funded?

Mr ROB STOKES: This is the challenge, isn't it? The existing legislative regime has failed. We had 20 years to see if it would work in terms of activating all those amazing heritage structures in the park. It has not worked. My plea to the Inner West Council is: Please, guys and girls, let's think of something that might be able to work more effectively. Certainly if there are other ideas—we have gone through a green paper, a white paper, and an exposure draft process and now it will go through a parliamentary process.

The Hon. PENNY SHARPE: The problem we have got is what I am being told and what many community organisations are saying is that they thought they went through the green paper and the white paper process in good faith. They believe that the exposure draft does not actually really respond to their concerns. Obviously commercialisation or privatisation, however you want to call it, of public space is a key concern for them. They are particularly worried about the leasing arrangements where you can have these long-term leases where there is really not a lot of transparency. How do you believe that is going to be protected, given it is not explicit in the exposure draft?

Mr ROB STOKES: There are a couple of things. Certainly my door has always been open in terms of legislative amendments that could clarify these things or make them work better. But a couple of things: You used the word "privatisation". This bill explicitly rules out privatisation of any of these parklands and there are legislative gaps—

The Hon. PENNY SHARPE: You and I will have to disagree about whether 99-year private leases are privatisation or not, Minister.

Mr ROB STOKES: Well, that is allowed under the existing legislation in relation to legislation passed by a Labor Government, which I thought was great legislation. It facilitated 99-year leases in relation to Western Sydney Parklands and that has proved amazing in terms of funding all sorts of great restoration works—planting thousands of trees, putting in great new trails and community activation for the communities of western Sydney. Similarly, these provisions are already in Centennial Park, so there is nothing new in that sense. But there are gaps in legislation that could allow land that had been acquired to be sold. This will clarify that that cannot be done. In relation to leases, there are some significant protections in relation to community involvement in leases. There is the involvement of the community trustee boards in vetting these processes and, ultimately, there is a ministerial process. In relation to Callan Park, it will be the role of council.

The Hon. PENNY SHARPE: You say "vetting". They do not have a right of veto though, do they?

Mr ROB STOKES: That is ultimately at present a matter for the Minister. That is appropriate in a democracy but it has to be done through proper process of transparency. Again, it has to go through legislative processes. There are opportunities for members—if they want to talk about amendments, I would be more than happy to look. My genuine feel on this is that there is an opportunity to fix up a system that is not working effectively. That is something we should be engaged in collaboratively. I would love to discuss these things to see how we can—if there are practical and feasible changes we can make to make this legislation work even better, I am all ears.

The Hon. PENNY SHARPE: How do you see the lease process working? Will there be a master plan where there are areas identified and expressions of interest? How will you deal with unsolicited proposals? How do you see the checks and balances working?

Mr ROB STOKES: Before I go through—I do not have a copy of the exposure draft in front of me. So I might actually seek some assistance because we are going into a level of specification. I will probably defer to the secretary on this.

The Hon. PENNY SHARPE: Ms O'Mara, the question is how you are going to deal with unsolicited proposals, given I assume there are supposedly going to be areas identified that will be subject to some sort of expression of interest [EOI] process.

Ms O'MARA: Thank you, Ms Sharpe. Can you hear me?

The Hon. PENNY SHARPE: Yes, hopefully you are not getting feedback.

CORRECTED

Ms O'MARA: I am getting feedback, but that is okay. The commercial [inaudible] under the bill cannot be [inaudible] on areas where there are business activities or plans of management. Any US [inaudible] in the usual way under the Department of Planning, Industry and Environment [DPIE] [inaudible], but what the bill is doing is putting in place—

The Hon. PENNY SHARPE: I am sorry, Ms O'Mara, I might have to move on because we are struggling to hear you.

Mr ROB STOKES: We will take that on notice.

The Hon. PENNY SHARPE: Yes, thank you, that will be very useful. Where are the red lines in terms of development of the parks? Is there going to be construction of large stadiums, for example, or indoor sporting or entertainment facilities in the middle of parks? Where are the red lines in terms of what is not going to be allowed under this proposal?

Mr ROB STOKES: Sorry, I do not have a copy of the legislation; I thought I had brought one. What I can say off the top of my head is the first thing I would draw people's attention to are the objectives of the Act and of the parks and the objects that are set out there. Obviously, any proposal that was inimical to these objects would not be authorised and that talks about—

The Hon. PENNY SHARPE: Who decides? It is the Minister who decides, is it not?

Mr ROB STOKES: It would be a matter of statutory interpretation. I could not exceed the powers of the Act, so clearly—we did agonise in terms of these objectives to set out that the absolute focus of these parklands is on public recreation and on creating opportunities for public recreation. Unfortunately, I do not have a copy here. I thought I had brought one along, so I cannot take you to—

The Hon. PENNY SHARPE: Minister, I am surprised you have not memorised it, given your knowledge of the Environmental Planning and Assessment Act, I thought you would know this one well.

Mr ROB STOKES: Well, it changes around.

The Hon. PENNY SHARPE: I am not going to mark you down today for that, though.

Mr ROB STOKES: For years we have been changing it around a bit, based on listening to the community. Just the other day there was an issue that was raised by the Inner West Council, which we reflected on. It related to processes for creating all the new public roads through parks and we thought that was a good point, so we changed the draft on the basis of that feedback. So we are genuinely trying to come up with something that works really well.

The Hon. PENNY SHARPE: Sure. Minister, are you not having a lot of trouble though with councils everywhere basically starting to reject the draft? Do you think these issues are going to be able to be overcome?

Mr ROB STOKES: I have learnt there are always more conservative voices that do not want any change on anything, but that is not a reason for not trying to put forward great public policy ideas to make the world a better place. That is ultimately the business we are engaged in in Parliament. But, again, my focus has been if councils have particular concerns or want to get more involved, my door is open to their concerns. I need to stress as well that this is bigger than any one particular park and I think there can be a little bit of a sense of trying to exclude others from a park. The idea with all these parks is that they belong to all of us and should be accessible to everybody. Some voices said, for example, in Callan Park that people on the community trustee board should be limited to only people who live in Balmain or Rozelle or within a certain area of the park. I just think the idea is that we are a city in a park, rather than a city with parks, and that the people of western Sydney, the people of eastern Sydney and the people from the north and south all have the same rights to access and use these parks because they are public assets for everyone in the community to enjoy and we need more of them.

The Hon. PENNY SHARPE: Thanks, Minister. The issue here, though, is that a great deal of the misapprehension in the community is the role of the community trust boards because they are not true trust boards in that they would have oversight and management. It seems to me to be very much a consultation and advice situation. How do you propose to actually deal with that issue? The great concern is that, as you have identified, you are going to have a group of people who are very passionate about public spaces in the areas that they live in—as they should be and as everyone is—and at the moment I think they believe they have more input into the way in which these areas are managed. Their concern is that essentially it is being handed over and there will be far more ministerial control than there is otherwise. How do you guarantee actual influence or input with the community trust boards? I am concerned that they are just community advisory committees and that is why people are so upset.

CORRECTED

Mr ROB STOKES: I draw you to the relevant clauses: Clause 38 of the exposure draft in talking about the functions of the committees, and the constitution is dealt with in clause 37 talking about their membership. The idea is effectively that they are more the representative body. There was really strong feedback about how the overall trust needed to be a skills-based board. That reflects that feedback that we need people with relevant skills. I would argue that is a hell of a lot better than what we have at the moment where, under the existing trust legislation, the Minister of the day can appoint whomever he or she wants by ministerial fiat without reference to anybody, and there are not those skills-based requirements around membership, there are not those requirements in relation to involvement of a diversity voices, including First Nations people. In relation to the community trustee boards, as well, there is that idea that they are more representative in nature and they are selected on their capacity to represent the interests of the park as a whole. In places like Callan Park there is no trust at all so I—

The Hon. PENNY SHARPE: You guys have had 10 years to sort that out.

Mr ROB STOKES: With great respect, you cannot criticise us on the basis that we are taking action and then criticise us on the basis we have not taken any action. Here is a bill for the Parliament to consider. I think we have the balance right. Having said that, we are open to sensible, pragmatic and feasible reforms and that is why we have taken a long time to talk widely, consult widely and come up with something that I submit is a lot better than what we have at present. We can always look to make things better but, also, after a period of operation, we can always test and refine legislation. I think this piece of legislation provides much more robust protections for existing parks, makes sure there is a more strategic focus and there is a real voice within government seeking not just to defend the parks, but to expand them and also involve the community.

The Hon. PENNY SHARPE: I know that there have been some alternative proposals in relation to more of a federated community model, rather than one trust over the top. Is that something you are willing to consider?

Mr ROB STOKES: I do not necessarily want to create lots more legislation. I think the idea here is rather than creating more and more Acts with more and more trusts, there is a great strategic benefit in this idea of a city within a park. Sure, we can go down that model of having more bodies to look after local parks, but I actually think that is missing the great strategic opportunity here to link the parks together. I think the problem has been—while we have had great trusts and they have done their very best—that their whole nature has been very defensive. Their interests and focus and worldview stops at the fence at the end of the park, when really what we need is to look at the linkages between parks and be more assertive about expanding our parks. We know that we need more and we need them in the right areas, particularly in the city's west. We had this chat—

The Hon. PENNY SHARPE: We will come back to that later. I might interrupt you there. Thank you, Minister. I have only got a few minutes left on this round. When CommBank Stadium was being built, there was an agreement to transfer Wistaria Gardens to Parramatta Park. My understanding is that has not occurred yet. Can you tell me where that is up to, please?

Mr ROB STOKES: I do not know where it is up to, but certainly that is the Government's intention. I am very keen for that to occur because that is an incredible heritage landscape and should definitely be included in Parramatta Park. I am not sure whether the deputy secretary can provide an update now. She is nodding.

Ms O'MARA: I can try. Can you hear me?

The Hon. PENNY SHARPE: It is much better, yes.

Ms O'MARA: It is owned by Health and we are working with Health to arrange for that to be transferred. Those arrangements are being finalised.

The Hon. PENNY SHARPE: Do you now have a time frame for that, Ms O'Mara?

Ms O'MARA: I do not. I will have to take that on notice.

The Hon. PENNY SHARPE: That is alright. I want to talk about Kirkbride at Callan Park. I understand that there has been a successful tender to take over the lease of Kirkbride. Can you tell me where that is up to?

Mr ROB STOKES: Yes, that is for a community not-for-profit, I understand. I will ask the deputy secretary to provide details.

Ms O'MARA: I am sorry, I will have to take that on notice because that is not being managed by my team. It is being managed by the property team of the department. My understanding is that process is still underway.

Mr ROB STOKES: I understand the secretary can provide some information.

The Hon. PENNY SHARPE: That would be great.

CORRECTED

Ms FISHBURN: Yes, that is correct. DPIE's development and transaction divisions and NSW Health are currently assessing responses to the public expression of interest for uses that are consistent with that—

The Hon. PENNY SHARPE: Sorry, I might be incorrect, but I thought there was a successful tender. Have you re-tendered it?

Ms FISHBURN: The information I have got here is that they are currently assessing responses. I am happy to take that on notice and get you further information.

The Hon. PENNY SHARPE: Yes, please let me know about that.

Mr ROB STOKES: I understand that you are correct. We will get you some more details.

The Hon. PENNY SHARPE: Yes. Obviously Kirkbride is the most important building. The longer it is empty, the worse it is, which is my particular concern.

Mr ROB STOKES: Which is the whole point of part of this legislation: to make sure that these heritage buildings are adaptively re-used. As the National Trust once told me, "You use it or you lose it." That is why it is so important to make sure that these spaces are used for the benefit of the community and not-for-profits first, of course.

The Hon. PENNY SHARPE: Minister, I know you are keen to get this legislation through the Parliament this year, but I also know that there have been requests for a short extension in relation to the exposure draft. Are you willing to contemplate that?

Mr ROB STOKES: I can take that on notice. I think we have had a long period of talking about this. My inclination is to put forward the legislation, and by all means we can have conversations as members of Parliament about amendments that people might want to consider. But I do not think the opportunity for consultation is lost just because there is some draft legislation before the House.

The Hon. PENNY SHARPE: I have very quickly got time for one more. I will ask my annual question: How many trees have you planted through your tree targets?

Mr ROB STOKES: What I will say is we are on track. In relation to the register, we can probably get that up. I imagine the secretary might be able to give you a figure.

The Hon. PENNY SHARPE: You can come back to me a bit later about that, but I am keen to understand how many trees have actually been planted.

Mr ROB STOKES: We can get you an exact figure.

The Hon. PENNY SHARPE: Do we know how many of them are still alive?

The Hon. MARK PEARSON: Can we get somebody to water them and check them as well?

The Hon. CATHERINE CUSACK: And were any parking fines included in the course of planting the trees?

The CHAIR: Have we got the answer, or will we come back to that?

Mr ROB STOKES: We will come back to that. But I will say just quickly that that is a really good question. Part of our focus is making sure that not only are we planting the trees, but we are managing them appropriately. A lot of the contracts in relation to those have included provisions around the maintenance of trees, particularly as they are establishing when they are young.

The CHAIR: Minister, when you were environment Minister, you supported the nomination to include additional areas in the National Heritage List for the Greater Blue Mountains World Heritage Area. Can you recall that?

Mr ROB STOKES: I recall it.

The CHAIR: I believe last week on *Landline* you said that mining in new areas is probably a thing of the past. Can you recall saying that?

Mr ROB STOKES: I cannot recall *Landline*, but there you go. I would agree with that assertion.

The CHAIR: You agree with the assertion that mining in new areas is probably a thing of the past? You said that, I think, on *Landline*.

CORRECTED

Mr ROB STOKES: I have to be careful here, obviously, because I cannot prejudge applications. Certainly, I will caution mining. Open-cut thermal coalmining, I think, is something that globally we are seeing a faster contraction from that industry than was predicted 10 years ago. But mining is certainly—

The Hon. MARK PEARSON: Excuse me, Minister Stokes, could you just move the microphone a bit closer to you?

Mr ROB STOKES: Sorry. Mining per se remains a crucial and growing industry for many of the rarer materials, like nickel and copper and all these sorts of things, many of which are important in emerging battery technologies and as components of renewable energy as well. If I made as broad a statement to suggest all mining was moving to be a thing of the past, I certainly would not endorse that without specifying that I think it depends what we are talking about.

The CHAIR: What we are talking about specifically is your government has what is called a Preliminary Regional Issues Assessment [PRIA] process in place for a new area for coal exploration west of Wollemi National Park, near Rylstone. There are particular areas called Hawkins and Rumker; that is one of them. Another one is called—I will say it right in a minute to get it right for Hansard. These are areas that your government currently is considering. It is before the Government now and I understand there is a Cabinet process to consider whether, indeed, to open up these areas for coal exploration. These are some of the same areas that you supported being on the National Heritage List as part of the Greater Blue Mountains World Heritage Area. Do you support these areas being opened up for coal exploration?

Mr ROB STOKES: Firstly, I stand by my earlier statements in relation to this area. Obviously I have to be careful in a matter in which I have a—not by myself a determinative role, but as part of a Cabinet a determinative role. I cannot talk about the attitudes I would take in a Cabinet discussion, but I can obviously stand by what I have formally put on the public record. As you would appreciate, I cannot really speculate terribly much on my opinion in relation to this matter because it will have to be a matter for the Cabinet to consider. Those deliberations are, appropriately, confidential.

The CHAIR: Just to be clear, those areas that you did support for nomination are the Coricudgy State Forest and Nullo Mountain State Forest, both of which are located in Ganguddy-Kelgoola, which is in the area that is potentially going to be opened up for coal exploration.

Mr ROB STOKES: I should stress, while it is being assessed that is, as you would appreciate, an appropriate process where there has been public consultation and where the views of the public will have to be considered as part of that process. I do understand there were some very strong views from the community. I will note that in an earlier PRIA process, for example—just because there is a PRIA process does not in any sense suggest that there is a particular outcome. In fact, I am advised that the last PRIAs for exploration of tight and conventional gas resources in the Bancannia Trough north of Broken Hill, the Pondie Range Trough north-west of Wilcannia, the Neckarboo Trough north of Ivanhoe and the Yathong-Ivanhoe Trough south of Cobar resulted in the Government deciding not to release these areas. I just need to say that, yes, they are being assessed. That does not prejudge an outcome.

The CHAIR: I understand that your department produces the PRIA report, but it is not released publicly. Is that your understanding?

Mr ROB STOKES: I understand it is released once the Government has made a decision. I will refer to the secretary.

Ms FISHBURN: Thank you, yes. I will just get confirmation from Mr Ray on that.

Mr RAY: Yes. Because it is a Cabinet process, it will be released after the process is complete.

The CHAIR: The Cabinet has before it PRIA's report recommending areas to be released. We do not even know whether this assessment recommends those areas to be released. The public does not even know that yet, correct?

Mr ROB STOKES: No, but I just want to correct one thing. My understanding is that the advisory board for strategic release will consider the PRIA and then make recommendations to the regional New South Wales Minister as to whether the areas should be released for coal exploration. That is before the Cabinet process, as I understand.

The CHAIR: Who is on that advisory board?

Mr ROB STOKES: I think that is a matter of public record; I am not sure exactly. I think, from memory, there is representative of the department on it, but we can get you that information.

CORRECTED

Ms FISHBURN: We will take that on notice.

Mr ROB STOKES: We will take it on notice.

The CHAIR: Are industry representatives on there? Is that just purely departmental and government, or are there outside—

Mr ROB STOKES: I do not want to—actually, maybe Mr Ray might give us that.

The CHAIR: Mr Ray?

Mr RAY: Yes. There might be one independent representative, but it is mainly representatives from government. I will get you the answer on that, Chair.

The CHAIR: Thank you. Minister, have you personally met with stakeholders concerning the Hawkins or Rumker potential coal release areas?

Mr ROB STOKES: Not recently, but I suspect I would have in the past.

The CHAIR: You have not had a briefing on this issue?

Mr ROB STOKES: Not a separate briefing, no, but for the purposes of budget estimates, yes.

The CHAIR: With your knowledge and history, have you expressed your position or told your Cabinet colleagues that, in fact, these areas are worthy of national heritage listing and that you had supported it in the past?

Mr ROB STOKES: In relation to the current process, my involvement has not yet been triggered. I obviously am not at liberty to talk about those matters, but you do know my view in the past and I can obviously stand by that.

The CHAIR: Thank you very much. We will move to questions from the crossbench. Mr Justin Field.

Mr JUSTIN FIELD: G'day, Minister. Welcome. Just on the Hawkins-Rumker release, the entire strategic release process was an outcome that was agreed to in response to previous ICAC findings. The ICAC's recommendations were that this strategic release process should bring forward some of the decision-making in order to alleviate the stress in communities of having development proposals hanging around.

Mr ROB STOKES: Yes.

Mr JUSTIN FIELD: It recommended that that process should look a lot like the major projects process. Of course, agency submissions in that process are made public before a decision is made. Why is the PRIA not made public? Does that not go against the ICAC's findings?

Mr ROB STOKES: I will reflect on that. I will make a preliminary comment and then go to the secretary. This process is largely led out of the Department of Regional NSW, and we are involved as relevant. I suspect the question is probably best directed toward that portfolio Minister, but I will pass over to the secretary.

Ms FISHBURN: Thank you very much, Minister. The department is aware of community concerns about the transparency of the New South Wales Government's strategic framework. Several members of the community have, as you have identified, requested that the department's PRIA be made public when it is sent to the advisory body. The department did write to the chair of the advisory body asking it to consider that request, so that is the department's position. The request was denied by the advisory body and I understand that the department's PRIA will be released once it is considered by Government, as the Minister said. Ultimately, further questions really do need to go to the regional New South Wales Minister. He is the relevant Minister for the strategic release framework.

Mr JUSTIN FIELD: So you sent that letter to the chair requesting that they consider making it public. Minister, do you think that it should be made public before it is considered by Cabinet?

Mr ROB STOKES: I am not going to canvass matters that are outside of my portfolio responsibilities. That really has to be directed to the portfolio.

Mr JUSTIN FIELD: Fair enough. Minister, I know you are aware of some of the concerns around development at Culburra on the South Coast, the West Culburra development in particular. Community residents were absolutely shocked to receive a letter from your department last week indicating that the Independent Planning Commission [IPC] intended to enter into an agreement with the developer Sealark to accept their modified development proposal. Do you think such a controversial development deserves an open public hearing, so that the concerns of the community and the merits of this proposal could be canvassed and reported on by a court decision?

CORRECTED

Mr ROB STOKES: I understand that this was the result of a conference under the terms of the Land and Environment Court Act on the basis of a court-mandated process. At the end of the day, I understand this was the result of the action and the decision of the court. I will pass you to the secretary to provide further information.

Ms FISHBURN: Mr Ray, will you please provide some further detail?

Mr RAY: Yes, this has arisen as a result of the court action, the merit appeal, that the proponent was entitled to lodge following the decision of the IPC. This has come out of that conciliation process, and the notification of objectors is an important step in that process to ensure that the community is heard before the court before any final orders are made. As the Minister said, it is a court-authorized process. We certainly agree that the community members should have that opportunity, but it ultimately is a matter before the court.

Mr JUSTIN FIELD: Correct me if I am wrong, but the IPC were acting on advice from the department that the proposal was acceptable in the first instance, so the department has some sway here. Despite the letters that went to the community offering them the ability to make further comment, there is no bearing on the court's decision from any submissions made by the community. They were given a week, and there is no process technically available to them under this conciliation process for their concerns to be heard. That is my understanding of the process.

Mr RAY: It is the process, Mr Field, that is run by the court. Obviously the court is well placed to make those determinations, and that is the current method by which the court involves community members when a proposal is potentially going to be approved. I will not go into the detail, but I understand there is a considerable number of changes to the proposal that was before both the department and the IPC. Ultimately, and as part of that court process, it is a rehearing. It is a new consideration of the development application [DA], and if that development application's terms are changed and the development proposal is changed then the current provisions make the court the determining body about those things.

Mr JUSTIN FIELD: But the court will not make a judgement on the merits; the court will rubberstamp the agreement between the IPC and the developer at the recommendation of the planning department. Minister, it is such a controversial proposal. You know this community and the concerns down there. Do you think it is appropriate for it to be decided in a backroom agreement and not actually have its full merits heard in hearings in the court?

Mr ROB STOKES: It is difficult for me, because I am not the consent authority here. There is a range of consent authorities including the IPC. As the deputy secretary has pointed out, the applicant was perfectly within their rights to test the views of the IPC in the court. I think it is section 32 of the court Act that provides for these conciliation conferences. That is the direction of the court. I am not going to canvass the process of the court. That is really a matter for the Attorney General under the relevant legislation, which is not my legislation.

Mr JUSTIN FIELD: There is nothing you can do as planning Minister? Your department thinks this is an acceptable development?

Mr ROB STOKES: In one sense, I suppose, the answer to that is that sometimes communities praise the court, sometimes they condemn the court. My role is to respect the court and to respect its capacity to act independently of government.

The Hon. MARK LATHAM: Minister, is it still the Government's policy that out-of-sequence land development should be at no cost to government?

Mr ROB STOKES: As I understood, the now Minister for health, Minister Hazzard, when he was planning Minister back in 2011 invited the development community to put forward rezonings that they wanted to focus on, on the understanding that they could be advanced if they came at no cost to government. I think the lived experience has been that there is cost to government in these processes. While we will always consider applications that are brought before the system, my own preference is I think it is easier and clearer for the community to understand over time where infrastructure is required and facilitates more orderly development if we can work with landowners to identify progressively sequenced land for release. That is not to say we will not entertain developer-led proposals, but strategic planning led by the department I think ultimately, over the long term, is preferable. The secretary may have a view on this as well.

Ms FISHBURN: I certainly agree that the challenges of aligning infrastructure with land release would make it infinitely more desirable to understand over time, as the Minister details, where precincts or land will be released. However, there is always the opportunity for proponents to come out of that process, and sometimes that may end up resulting in very positive development outcomes for the community.

The Hon. MARK LATHAM: Out of all of what you have said, generally it is still the policy that if it is out of sequence, it should be at no cost to government?

CORRECTED

Mr ROB STOKES: This is why I think the lived experience is there will always be a cost to the community, whether it is direct or indirect. You cannot provide thousands of new homes or job opportunities without relying on the public purse to support at least some major infrastructure. Of course, all the local infrastructure should be provided at no cost through—

The Hon. MARK LATHAM: Right, the local infrastructure should be provided at no cost. That is what the department told Celestino when it first lodged its Sydney Science Park development in October 2019. It said the department advised that delivery of out of sequence development would need to be in accordance with the current policy of no cost to government. What went wrong? How did Celestino end up with the \$11 billion rail line with a benefit-cost ratio of 0.75 and very low passenger projections, a \$200 million Sydney Water investment and moving the Outer Sydney Orbital to avoid the science park site with additional cost to government if that road and rail line were ever to be constructed? Out of this policy, how did this billionaire company from a chicken meat background end up winning lotto?

Mr ROB STOKES: I can only speak to my involvement in processes. I can quite confidently say I have always acted in accordance with advice from the department in relation to these issues. The route of the north-south metro was determined as a process that was kicked off by the City Deal process. I think it is pretty clear that that route goes straight through that area. I will refer to the secretary if there is any more detail we can provide, but I suspect the issues on specific—

The Hon. MARK LATHAM: The Outer Sydney Orbital was going to go straight through that area too in all the planning documents until the Government moved it at additional cost to facilitate the science park. Minister, given that you were the planning Minister who gave the Gateway tick off and then the final rezoning for the Sydney Science Park, you were involved in the Westmead research agreement, which has now totally collapsed—Minister Hazzard said it expired after two years—and you were there for the announcement about a science, technology, engineering and mathematics [STEM] school that was supposed to open this year but, of course, is invisible and will always be invisible, do you now look at the Sydney Science Park as a model of how not to do urban development, because there has been huge government expense here for absolutely no outcome? There is no sign of any science and technology jobs ever being delivered. In fact, in two recent applications to your department, the science park is trying to walk it back to turn it into just another western Sydney housing estate.

Mr ROB STOKES: I certainly think the vision of an integrated jobs, research and advanced manufacturing hub proximate to Western Sydney Airport is a laudable vision. Ultimately, the Government will always encourage, through appropriate processes, additional investment in these sorts of things that provide great opportunity. One of the things that the Government is really focused on is ensuring that there are more jobs developed and not just dormitory suburbs, which is where the premise of your question leads. Ultimately, many of these matters are matters for the investment community as to whether people want to invest in things. I am a little more sanguine about the opportunities over the longer term. I think there is a great deal of excitement about the opportunities of the Aerotropolis but, as we all know, it is going to take many decades for that vision to be realised. I do not think anyone should expect things to happen overnight; it is going to take some time.

The Hon. MARK LATHAM: Western Sydney land development is always exciting, but here we have a proposal that was supposed to deliver over 10,000 jobs in the high-tech science sector. It all sounded wonderful—glossy brochures of half-a-dozen or more government agreements to do all things from automated taxis to health research to the STEM school. What is the lesson out of this in terms of how the planning model should get some form of guaranteed deliverance of these jobs before we get the expenditure of \$11 billion for a metro line that will barely be used, \$200 million for the water facilities and moving a major Outer Sydney Orbital road at additional expense to government to facilitate a science park that has become a ghost park?

Mr ROB STOKES: Ultimately, I think the rezoning is what it is, so it is still rezoned for those purposes that can be achieved over time. I do not think we should despair that this area will, over time, be developed, and hopefully for the purposes for which the current rezoning is there to facilitate. In relation to what the planning system does to ensure that things can be achieved, ultimately the planning system is to give people rights to do various things. Ultimately, whether they choose to do them or not is a matter for them. In relation to development applications, if they are not acted upon, they will expire and an applicant will have to reapply. In relation to rezonings, they stay in place until they are removed or changed or up-zoned by subsequent government action.

The Hon. PENNY SHARPE: Now that we can hear Ms O'Mara, I want to go back to the issue of how leases will operate and the difference between what will be managed EOI processes and unsolicited proposals.

Ms O'MARA: Yes, Ms Sharpe. I will just grab my notes. Essentially, what the bill is doing is that where there will be commercial development, that cannot extend beyond areas where there are existing business activities or plans of management. The bill provides additional protections for the community in the sense that there need

CORRECTED

to be plans of management that set up a framework for that, and those plans of management need to be the subject of consultation with community trustee boards. As the Minister said [audio malfunction].

The CHAIR: We have just lost you again.

The Hon. PENNY SHARPE: We have lost you again, Ms O'Mara. We will come back. I will hand over to my colleague.

Ms O'MARA: I am so sorry.

The Hon. PENNY SHARPE: No, it is not your fault. That is fine.

Ms O'MARA: We are just getting a lot of reverb. I cannot really—

The Hon. PENNY SHARPE: I can tell. It is fine. I will let you go at this point.

The Hon. MARK LATHAM: We have spent all our money on bollards.

The Hon. ROSE JACKSON: Minister, I want to ask about the fast-tracked assessments. I understand 101 projects were approved in the six tranches. Is that right?

Mr ROB STOKES: Yes. Because the incoming secretary was also the head of the planning delivery unit who was intimately involved in the works processes, I will refer some of this to the secretary as well. But, yes, that is correct.

The Hon. ROSE JACKSON: That sounds right. How many of those 101 projects commenced within the six months that was required for fast-track approval?

Mr ROB STOKES: I think the secretary will be able to get the note up. I know the overwhelming majority have and that there is a process underway to manage the ones that have not been able to meet those time lines. But my understanding is the overwhelming majority—

The Hon. ROSE JACKSON: We will get to that process in a tick. But, yes, if you had a figure—

Ms FISHBURN: I am just grabbing you the exact figure here. Can I just confirm, out of the 101 projects that were assessed and that—I want to make it clear that they were assessed—98 of those were approved. There is no guarantee, just because something is determined, that you have got an approval. Just to stress that now. I will come back to you shortly. Here we go. Eighty-nine per cent of those projects—I cannot quite do the maths there—did proceed to the next stage of development within six months. The ones that have not proceeded to the next stage of development—there are a range of reasons, some of which are within our control. We are working with councils to ensure that councils can make DAs. Others are developers where financing has fallen over over that period of time. Or, in one or two instances, it is where land has subsequently been sold for financial reasons. Materially we have been able to see those approvals translate either into a shovel in the ground or a DA in the case of a planning proposal. Eighty-nine per cent of those have done, so 14 have not translated at this point in time.

The Hon. ROSE JACKSON: Of the 14 that did not meet the requirements for fast-track assessment, has the approval that the department of planning gave them been revoked? Obviously, it was a pretty core requirement of the fast-track approval that commencement was to occur quickly, swiftly. If that has not happened, has your approval been revoked?

Mr ROB STOKES: The short answer is no, it just is approved in the ordinary process under planning law. As you would anticipate, this was an appropriate response to what was and continues to be a real challenge for our economy, particularly at that time. We were relying on guarantees from those proponents. That is why we had a very careful probative process as part of this—because, obviously, you are picking and choosing. But we were picking and choosing on the basis of three main priorities. The first was number of jobs that could be sustained, then the broader public benefits that could be demonstrated and finally that last bit, about timeliness, that the proponents were prepared to provide guarantees that work would begin in relation of a matter requiring a DA within six months and a planning proposal that DAs would be submitted within six months. In the overwhelming majority of cases, that has transpired and those guarantees have been honoured. Sadly, in those cases, for a variety of reasons—I am happy to particularise those reasons on notice—a minority of them were not able to fulfil the guarantees that they provided.

The Hon. ROSE JACKSON: I want to go to one particular example, which is the modification of the Eastlakes Shopping Centre, which was approved, I think, in tranche two. Do you recall meeting with the member for Heffron in relation to that project?

CORRECTED

Mr ROB STOKES: Yes. From memory, I met with him on a couple of occasions. He also spoke about it in the House. I think I was there to listen to his—

The Hon. ROSE JACKSON: His concerns—

Mr ROB STOKES: His concerns—

The Hon. ROSE JACKSON: —that the project would not be able to commence within six months, as you say.

Mr ROB STOKES: Yes. I recall I communicated those concerns to the department. But I will refer to the secretary in relation to any specific details she can provide in relation to that project.

Ms FISHBURN: I might talk to one of my deputy secretaries, Mr Whitworth, in relation to the Eastlakes—sorry. It is a mod. Sorry. Mr Ray. Yes.

Mr RAY: Yes. In relation to that particular application, there were two sites. There was a north site and a south site. The modification was to both the north and the south site. The north site was under construction but could not be completed until the modification was finalised. In that particular case, the completion of the north site met the criteria of the fast-track assessment program. I might just say that the determination on the modification did not do anything else other than do the fullest assessment of both of the changes, to both the north and the south site. Indeed, there were lots of benefits from the modification on the north and the south site, including less overshadowing on the park, a range of other measures to deal with concerns about loading docks and various other things. The assessment was a full one. It met the criteria because it enabled the completion of the northern site.

The Hon. ROSE JACKSON: Mr Ray, it is still your view that that proposal met the requirements for fast-track approval, which included commencement within six months, even though now, in October 2021, more than 16 months later, as was brought to the attention of the Minister—on his evidence, he passed that on to you—there was concerns that that would not occur and, in fact, that is exactly what has happened.

Mr RAY: The advice to me at the time was that the project met the requirements of the fast-track program because it would enable the completion of the works to the northern site within the six months. But I just also want to assure you that ultimately that matter would have been determined anyway, whether it was then or a couple of months later. There was a full assessment of all the issues. I am perfectly satisfied that every issue that was appropriate to be considered in the assessment of that site was considered, including all the community consultation. There were considerable benefits for the modification on the surrounding areas, compared to what was originally approved by the then Planning Assessment Commission in 2013. Yes, the advice to me was it did meet the requirements. But I am also confident that the development would have been approved on similar terms, perhaps a couple of months later, if it had not met the criteria.

The Hon. ROSE JACKSON: That may be the case. But we are talking about its approval under the fast-track assessment process, which required commencement within six months. Minister, you were told that there were serious concerns that that would not occur. You were also told by the member for Heffron that the applicant was a donor to the Liberal Party. Did you take that into consideration when you passed that correspondence on to the department?

Mr ROB STOKES: From recollection I do not recall him saying that. In any event, if he was a developer, how on earth could he be a donor?

The Hon. ROSE JACKSON: Via the Free Enterprise Foundation.

Mr ROB STOKES: From the best of my recollection, I was not—

The Hon. ROSE JACKSON: You do not recall the member for Heffron, when he told you that there were concerns that the application did not meet the requirements, also alerting you to the fact that the applicant was a donor.

Mr ROB STOKES: Hang on. No. A couple of things. We have just been told by Mr Ray that the advice of the department was it did meet the criteria for inclusion and the reasons as to why. In relation to the donor issue, I certainly cannot recall that. That would have been a material matter I would have passed on, I would imagine. Having said that, equally, it is not appropriate that I seek to interfere in one of these processes. The concerns that were raised by the member were appropriately passed on. I think Mr Ray has answered those concerns.

The Hon. ROSE JACKSON: Were you aware, prior to the granting of the consent and your correspondence with the department in relation to the application, that Daryl Maguire was acting for the applicant and had been seeking to organise a meeting with the then Premier Berejiklian in relation to it?

CORRECTED

Mr ROB STOKES: No.

The Hon. ROSE JACKSON: Had he sought to meet with you in relation to the project?

Mr ROB STOKES: No.

The Hon. ROSE JACKSON: It just seems that there were two pieces of advice or information that were received here: one from the member for Heffron, the local member, that this application would not meet the requirements under fast-track assessment because it would not be able to commence with six months; and other advice that the department acted on. It is not as though we do not know what happened. We do know what happened. It is now 16 months later. It has not commenced. The member for Heffron was, in fact, correct. It is just interesting to me how the department came to a completely different conclusion despite being alerted to the fact that there were concerns. This application was given fast-track approval when it has, as a matter of fact, failed to commence construction within six months.

Mr ROB STOKES: I just think the deputy secretary has provided the information that the determination did enable the construction of that north site. I think he has answered the questions as to how it fit within the program. But in relation to the other issues you raise, that is news to me.

The Hon. ROSE JACKSON: This site, which is one of the 14, I think, that have not at the end of the day met the requirements under the fast-track assessment—you said you are not going to revoke the approval that you granted and that you are working through those. Can you give us any more information—

Mr ROB STOKES: I have no power to revoke an approval or a determination, once again. I have no power.

The Hon. ROSE JACKSON: Even though the basis for the approval was that these were fast-tracked assessments to, as you say, get the economy moving—these 14 multimillion-dollar projects were given the fast lane to get activity moving. They have not done that. They have failed to meet—I am sure that they told you that they could but they did not. You are not going to do anything about that?

Mr ROB STOKES: There are a couple of things. The first thing is the whole idea of this program was to fast-track as many assessments as early as possible on the basis that they could generate a lot of jobs activity. It was wildly successful in achieving that outcome. In fact, the Victorian Government sought to emulate pretty much the same process. Over the period we approved, I think, \$25 billion worth of investment. They did the same thing and approved about \$7 billion. I share your frustration. Obviously, when proponents make guarantees you expect them to be met.

But nevertheless the advice of the department was they met the criteria for inclusion. This was a process that the appropriate integrity bodies were consulted on. There was a probity advisor in relation to the selection of all of the projects. There were some clear probity rules set up as part of this process. Obviously, we can reflect on the learnings of this process. It was quite novel. We were experimenting because there was a real need to get things moving. Of course, if there are improvements in process, in the future it would be my expectation that the department reflect on those and how we can do better. But I think in total the program was enormously successful.

The Hon. ROSE JACKSON: What is the value, both in terms of the job creation and the economic value, of the projects that did not commence?

Mr ROB STOKES: As I mentioned, I am more than happy on notice to provide the details of those projects and the reasons as to why they did not proceed and the values attached to those.

The Hon. ROSE JACKSON: Yes. Just to confirm, Ms Fishburn, will you include information in relation to the job creation and economic value associated with the projects that did not proceed?

Ms FISHBURN: We have been very transparent about capital investment value and jobs attached to each of the programs, so we will provide that information.

The Hon. ROSE JACKSON: That is right. The Minister obviously featured a lot of promotion of the jobs and that economic value that was created so it would be useful to know—

Mr ROB STOKES: And I was very aware that we are prophesying into the future. So it was very much couched in, "These can enable up to a certain number of jobs or up to a certain number of homes." But remember, as the secretary has identified, these were fast-tracked for assessment, not for approval. A number of them were not approved.

The Hon. ROSE JACKSON: I want to move on briefly—we will probably have to come back to it—to housing affordability. Do you accept your Government has completely failed on housing affordability now? Is that something that you can accept now, Minister?

CORRECTED

Mr ROB STOKES: I am sorry. The nature of the question—accept failure in terms of?

The Hon. ROSE JACKSON: Providing affordable housing to people who want to get into the market in Sydney. Do you not know what housing affordability means?

Mr ROB STOKES: Come on. I am trying to—

The Hon. BEN FRANKLIN: Point of order: The point of order is the obvious one that it is important to treat witnesses with respect. And while you have been doing very well, Ms Jackson, you went over the line just then.

The Hon. ROSE JACKSON: I am sure the Minister can look after himself.

The Hon. BEN FRANKLIN: Absolutely.

The CHAIR: Thank you. I was just sitting back here thinking how civil everything was at this budget estimates—incredible, really. I will remind members to treat witnesses with respect at all times if they possibly can.

Mr ROB STOKES: In one sense I accept the admonition. The reason I am struggling in some respects is that the concept of affordability is a little bit relative. And it is always—we have got to be very careful with terminology around these things.

Mr DAVID SHOEBRIDGE: It is relatively bad right now.

Mr ROB STOKES: Yes, I would accept that.

The Hon. ROSE JACKSON: I am sure that for people on incomes like ours, relatively it is not as bad as, say, a nurse or a teacher or an early career firefighter. Relative for those people, I think it is pretty tough to get into the housing market in Sydney. Would you not agree, Minister?

Mr ROB STOKES: I will answer your earlier question. This is, as you would appreciate, something that is happening in a whole range of housing markets, including Sydney. In fact, we are seeing house prices climbing extensively across the OECD. I think, of the 40 developed economies, only three are not growing in exponential ways. Many similar cities to Sydney—Toronto, Vancouver, even some of the Sun Belt cities in the United States—are experiencing double-digit increases in value. There is a whole range of reasons as to why that is occurring, some of which are in the control of the State, some of which are in the control of the Federal Government. Some are in the control of local governments. Some are, frankly, up to international monetary policy more broadly. I do not think this is really helpfully served by an exercise in seeking to apportion blame but rather to take responsibility for the levers that we have. In my case as planning Minister, the real thing that I can add to the mix is a consistent supply pipeline of well-designed homes fit for purpose in the right areas. That is the job that the department has.

We know that in Sydney we require about 40,000 housing approvals a year and, across New South Wales, about 60,000 a year. That is consistent with how we are tracking at the moment. Of course, we are dealing with an historical undersupply that is creating some supply challenges and we also have supply challenges in different markets. For example, at the moment I do not think you could describe it as an undersupply of inner-city apartments in central areas but we do face undersupplies in regional areas. Greenfield demand certainly has spiked in a way that no-one would have anticipated a couple of years ago. The challenge is that a supply pipeline requires infrastructure provision and the time lines on supply of infrastructure take a little longer than financial markets move around. Also, when there are stimulus packages, that will also change people's preferences as well. All of these things create some challenges. It is important to reflect on the various roles that we do have. My role as planning Minister is to keep that supply pipeline going.

Mr DAVID SHOEBRIDGE: Minister, what are the additional commercial activities that you are planning to allow in parklands under the Greater Sydney Parklands bill? What are the additional commercial activities?

Mr ROB STOKES: I would draw you to proposed section 6A in the Callan Park (Special Provisions) Act 2002, which is schedule 5 of the exposure draft. That does talk of additional uses for arts and cultural purposes. I think that is the relevant section. But that outlines the process where there can be leases for commercial things.

Mr DAVID SHOEBRIDGE: I was asking you what you intend. What additional commercial activities were you thinking will happen at Callan Park?

Mr ROB STOKES: It is ultimately not up to me but certainly the sorts of things that—listening to community—community has spoken about. Things like cafes or art galleries, pop-up events like—what was the one that was mentioned the other day?

CORRECTED

Ms FISHBURN: The Laneway Festival.

Mr ROB STOKES: The Laneway Festival. Those sorts of—

Mr DAVID SHOEBRIDGE: It has already happened there.

Mr ROB STOKES: Yes.

Mr DAVID SHOEBRIDGE: It has already happened. They do not need this bill. Laneway Festival already happens at Callan Park. Why do we need the bill to have something that has already happened at Callan Park? Is your advice that you need this bill to get Laneway at Callan Park?

Mr ROB STOKES: No. To get things like a cafe that you might see, for example, at Centennial Park. Under the current settings no-one has come up along with a proposal to do these sorts of things. I think there would be some great—

Mr DAVID SHOEBRIDGE: Let us deal with them one at a time. Laneway: We agree that that is already happening at Callan Park. It has already happened. You do not need that—

The Hon. PENNY SHARPE: The Greens oppose Laneway.

Mr DAVID SHOEBRIDGE: You do not need that, do you?

The Hon. PENNY SHARPE: Let us be clear here.

Mr ROB STOKES: You asked me before what sort of commercial activities we would be contemplating at places like Callan Park. Pop-up events would be some of those that could be considered.

Mr DAVID SHOEBRIDGE: We do not need this bill to get Laneway at Callan Park because it is already happening—

The Hon. BEN FRANKLIN: That you do not want anyway!

Mr DAVID SHOEBRIDGE: It is already happening at Callan Park.

The Hon. PENNY SHARPE: Not anymore!

Mr ROB STOKES: Again, I mentioned events like that. I cannot with any specificity provide you guidance as to whether the current legislation would provide for all those sorts of pop-up opportunities, but the one you mentioned has happened in the past. I understand you have opposed it in the past. Hopefully those sorts of things are things we can see happen in the future.

Mr DAVID SHOEBRIDGE: There have already been cafes at Callan Park but they have to be operated through a not-for-profit. They can be part of a not-for-profit operation. That has already happened at Callan Park. Do you accept that you do not need it to have a cafe at Callan Park?

Mr ROB STOKES: Is there a cafe at Callan Park?

Mr DAVID SHOEBRIDGE: There have in the past been cafes—

Mr ROB STOKES: I do not think there is a cafe at Callan Park.

Mr DAVID SHOEBRIDGE: There have in the past been cafes operated by not-for-profits.

Mr ROB STOKES: But I think you have just made my case for me, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: How?

Mr ROB STOKES: Because you have said that there are cafes. There are not cafes. This is the point. There was a cafe in the past—

Mr DAVID SHOEBRIDGE: No, I have said there have been cafes operating in the past through not-for-profits.

Mr ROB STOKES: It went bust, did it, because it was not able to have enough security of tenure that it could maintain operation? These are the sorts of things—

Mr DAVID SHOEBRIDGE: Are you saying that because you know that, Minister, or are you guessing that?

Mr ROB STOKES: No, but you are saying that the cafe closed. I do not know the reason why it closed, but presumably one of the reasons could have been because there was not sufficient security of tenure to sustain the business—

CORRECTED

Mr DAVID SHOEBRIDGE: Yes. Probably your Government behaved badly towards the not-for-profit and that is why it had to shut its cafe.

Mr ROB STOKES: I very much doubt that, Mr Shoebridge. I think the sorts of—

Mr DAVID SHOEBRIDGE: But we can have cafes.

Mr ROB STOKES: —uses that we want to see are the sorts of uses you see at places like Centennial Park, where there are wild walks, there is wild play and all sorts of great opportunities. There are things like sporting activities that may involve some commercial activity. There may be things like cafes or galleries that might involve a measure of commercial activity. But all of those things are based on activating these spaces so people can enjoy them.

Mr DAVID SHOEBRIDGE: Minister, you know that there can be a for-profit element of a not-for-profit activity already at Callan Park. A cafe can be run by a not-for-profit—associated with a not-for-profit—at Callan Park already. You have already had that advice, have you not?

Mr ROB STOKES: The point here, Mr Shoebridge, is we have got countless buildings of significant heritage value. Under the current legislation no-one has been able to provide a use for them. They are locked up. They are effectively falling apart because no-one is using them. We want to provide the opportunity for small private businesses to provide a service to the public. What is the problem with providing somewhere where people can have a meal, look at some artwork or do all these sorts of great things—

Mr DAVID SHOEBRIDGE: The bill is not limited to that. The bill opens the door to commercial activity—

Mr ROB STOKES: You asked me what sorts of commercial activities we were talking about. I have answered your question.

Mr DAVID SHOEBRIDGE: But the bill is not limited to that list. It is a much broader opportunity to have long-term leases of public land, is it not?

Mr ROB STOKES: Longer term leases. The longer term is to allow the investment in the sorts of heritage upkeep that we know is required there. Of course government has a role in upkeep and restoration. We are proving that commitment with a multimillion dollar investment right now. But we all know that the level of investment required in these structures is enormous. If there is no use for these buildings, then it is a very hard case to make to put taxpayer money into doing up buildings that are going to be locked up and not allowed for activation to make them better places to visit.

Mr DAVID SHOEBRIDGE: Well, there has not been the public investment in these buildings that would make them attractive for not-for-profits to date. We really cannot test it because your Government has refused to put the money forward to make them attractive venues for not-for-profits. That is the history, is it not, Minister?

Mr ROB STOKES: No, I reject that. We are putting in millions more than anyone has put into Callan Park. Of course, the challenge is that under the existing legislation no-one has come up with proposals to use a whole series of these buildings. My plea is that we can open them up so the public can use them and enjoy them. This is parkland. It should be there for everyone to enjoy.

Mr DAVID SHOEBRIDGE: Your proposal, to be clear, is to open them up to allow private entities to occupy them for a decade or more under private contracts. That is actually your proposal.

Mr ROB STOKES: To provide services and opportunities consistent with the objects of the parklands bill, which is all about activating these spaces and looking after them to ensure that there are opportunities for people to lead richer lives by enjoying our parklands.

Mr DAVID SHOEBRIDGE: Minister, you pointed out that you wanted opportunities like in Centennial Parklands. That is your starting point, is it? You want something like in Centennial Parklands?

Mr ROB STOKES: No, I was actually thinking of a wonderful cafe in Centennial Parklands. Why can there not be something like that at Callan Park?

Mr DAVID SHOEBRIDGE: What is wrong with the way Centennial Parklands is currently operating? Why do you want to take away the localised management of Centennial Parklands and put it in this city-wide board? What do you see is wrong with Centennial Parklands at the moment?

Mr ROB STOKES: I think the challenge we have is—actually, I think there is a lot that is right about the way the Centennial Park public participation provisions operate. That is why we have brought Callan Park

CORRECTED

under the aegis of that legislation in the meantime while we are working up a broader model to govern all of these parklands and find a way in which we can effectively expand them.

Mr DAVID SHOEBRIDGE: Minister, have you gone out and spoken with the community members around Centennial Park or around Parramatta Park? Have you heard the level of opposition that they have to their local management of these critical local and regional parks being sucked up into a single city-wide board? Have you heard the level of concern they have about the loss of local control, the loss of local engagement?

Mr ROB STOKES: Again, when you are talking about Callan Park, for example, there is no local control. There is no local engagement—

Mr DAVID SHOEBRIDGE: I was talking to you about Centennial Park and Parramatta Park, Minister, if you could answer the question. Address the question.

Mr ROB STOKES: Okay. We are talking about Centennial Park.

Mr DAVID SHOEBRIDGE: Correct.

Mr ROB STOKES: You mean the board that is appointed by ministerial fiat? From memory, there is one community representative. Surely we can do better than that, and surely this bill provides a way forward with community trustee boards and with a skills-based board, which was designed on the basis of feedback from the community. They want a skills base for the Minister to select from, rather than just being some sort of opaque process of direct ministerial appointment.

Mr DAVID SHOEBRIDGE: Well, Minister, you can have a skills-based board and increase the community representation on the board of Centennial Park without abolishing entirely the Centennial Park trust and having a city-wide board.

Mr ROB STOKES: But Mr Shoebridge—

Mr DAVID SHOEBRIDGE: It is a straw person argument you are putting forward to me.

Mr ROB STOKES: But the one thing I do genuinely believe is that of course Centennial Park is important to the community of Woollahra and around the Eastern Suburbs, but it belongs to all—

Mr DAVID SHOEBRIDGE: Randwick, City of Sydney.

Mr ROB STOKES: But it belongs to everybody. It does not just belong to the people of the east. This is the point, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: And Parramatta Park?

Mr ROB STOKES: That belongs to the people of all of Sydney. Of course the locals are important and of course their views are important, but that does not deny other people in other parts of Sydney the right to use these parklands and be interested in them as well.

Mr DAVID SHOEBRIDGE: Minister, you have pointed out that the history would suggest that Parramatta Park has been protected over more than a century and Centennial Park has been protected over more than a century because of the structures that have been put in place. Now you want to abolish them. Do you understand the anxiety that that puts in communities, that the protections that have obviously worked to protect them from development are going with your bill?

Mr ROB STOKES: I do not agree with the premise of your question. You are saying the protections go. Have you read the bill?

Mr DAVID SHOEBRIDGE: I have.

Mr ROB STOKES: The bill is all about putting in stronger protections and creating a stronger voice for parklands across Sydney—

Mr DAVID SHOEBRIDGE: A single monolithic city-wide board that takes away all the local engagements.

Mr ROB STOKES: That is just not what the bill says.

The CHAIR: We will now move to questions from Mr Mark Latham.

The Hon. MARK LATHAM: Thank you, Chair. I will direct a question or two to Mr Brodgen, who is online. Mr Brodgen, when budget estimates last convened in March, the Hon. Adam Searle raised with you some issues about declaration of conflict of interest. In the seven months since, have you changed the way in which your interests are declared at Landcom?

CORRECTED

Mr BROGDEN: Thank you, Mr Latham. Are you hearing me okay?

The Hon. MARK LATHAM: Yes, I am.

Mr BROGDEN: We have made a small change, which I am happy to give to you following the meeting, in terms of the paperwork on it.

The Hon. MARK LATHAM: Does that change mean that instead of declaring your interest, in the instance concerning Peter Brennan and Bradcorp, down the chain of command to your legal and compliance officer, who is subordinate to you, that as the CEO you would now declare it up the proper chain of command to the chairperson of Landcom?

Mr BROGDEN: The original policy required people to declare, as you said. Can you still hear me? Sorry.

The Hon. MARK LATHAM: Yes, I can.

The CHAIR: Yes, we can. Keep going, Mr Brogden.

Mr BROGDEN: It required a declaration of interest to be made to a member of the legal team, or to an executive general manager, or to the head of legal. That is now an "and" rather than an "or", to the best of my memory. As I said, I will get you the paperwork and, yes, the CEO is now required, as you said, to declare it up the chain.

The Hon. MARK LATHAM: So you now only declare to the chairperson of the board?

Mr BROGDEN: I missed the beginning of that, sorry.

The Hon. MARK LATHAM: So you now only declare to the chairperson of the Landcom board?

Mr BROGDEN: No, in addition to.

The Hon. MARK LATHAM: You will declare to the chairperson of the board plus the legal and compliance officer?

Mr BROGDEN: Correct.

The Hon. MARK LATHAM: I suppose that resolves a good part of the issue. Mr Brogden, I am sure everyone in the Parliament congratulates you on the outstanding work you do at Lifeline, as the chair, and all the fundraising activities, but I have got to note that one of the reasons you had that declaration concerning Peter Brennan was his role as a donor to Lifeline. Is this a structural conflict of interest, where land developers contributing to Lifeline also come across your desk as the CEO of Landcom?

Mr BROGDEN: I do not believe so.

The Hon. MARK LATHAM: Are there other developers, other than Peter Brennan, who contribute to Lifeline that raise a similar issue?

Mr BROGDEN: You would have to ask Lifeline that issue.

The Hon. MARK LATHAM: You are the chair of Lifeline, are you not?

Mr BROGDEN: Yes.

The Hon. MARK LATHAM: So I am asking you.

The Hon. BEN FRANKLIN: Point of order—

Mr BROGDEN: I do not have that information.

The Hon. BEN FRANKLIN: Mr Brogden is clearly here in his capacity with Landcom, not with Lifeline. It is an inappropriate line of questioning and should be ruled out of order.

The CHAIR: Unfortunately, I was speaking about tech issues just then so I did not hear the beginning of the question. I did hear you say you are chair of Lifeline. Mr Franklin is correct: Mr Brogden is here to represent Landcom, not Lifeline.

The Hon. MARK LATHAM: I know, but I am asking about conflicts of interest in his role as the CEO of Landcom on the basis that one was previously declared concerning Peter Brennan of Bradcorp regarding the land that was purchased at Wilton.

The CHAIR: Yes, continue. That is fine.

CORRECTED

The Hon. MARK LATHAM: One of the reasons was that Peter Brennan had donated to Lifeline. Are there other land developers involved with Landcom who donate to Lifeline, where you have had to declare conflicts of interest?

Mr BROGDEN: Sorry, I am waiting on a ruling on the point of order.

The CHAIR: I said the member could continue, Mr Brogden. I think you are missing the cues in this room.

Mr BROGDEN: Yes, sorry.

The CHAIR: That question from Mr Latham was in order.

The Hon. BEN FRANKLIN: Mr Latham has narrowed the scope appropriately now.

The CHAIR: Yes. I will take this quick minute to say we will try to address the tech issues during the 15-minute break we will take at 3.30 p.m. I am aware of how difficult it is for everybody tuning in. Mr Latham.

The Hon. MARK LATHAM: I can only repeat the question I asked earlier, which is, are there other land developers involved with Landcom activities that come across your desk who also donate to Lifeline, raising a conflict of interest similar to the one you declared with Peter Brennan and the purchase of land at Wilton?

Mr BROGDEN: I refer you to my previous answer.

The Hon. MARK LATHAM: Chair, I do not think the witness is answering the question. What, it is a matter for Lifeline? It is a matter for you, as the CEO of Landcom, as to whether you have got other conflicts of interest, surely?

Mr BROGDEN: I am not aware of every donor to Lifeline. You expect that the chairman of an organisation would be aware of every donor?

The Hon. MARK LATHAM: Well, I would expect that, as Peter Brennan went to your fundraising functions and maybe sat on your table, sat at other tables there, as the chair you know who attends and donates. I am asking, are there other land developers—as you would normally expect; it is a great charity—who you also have dealings with at Landcom, and do you declare that as a conflict of interest?

Mr BROGDEN: I am not aware at the moment; if you would like me to take it on notice?

The Hon. MARK LATHAM: Yes, if you could take it on notice and get back to us. I think it is a legitimate issue that comes out of the Brennan matter that was raised in March.

Mr JUSTIN FIELD: Minister, I would like to talk about Warragamba Dam. Obviously the environmental impact statement [EIS] is now in the planning system. In a submission to another parliamentary inquiry that is currently being conducted into the integrity of the Biodiversity Offsets Scheme in New South Wales, Ecological Consultants Association of NSW commented:

... the accredited assessor who produced the BDAR—

this was for Warragamba—

was asked to change their assessment ... by the Government—

it was unclear whether this was the Government or the company itself, but continuing—

... to downplay the impacts of the project on biodiversity loss relating to a Critically Endangered Species.

It goes on:

The consultant in question raised the issue with the department, and a private inquiry was launched, but there has been no public statement released, and the consultant lost their job.

I am not entirely clear of the veracity of this, but can you confirm, were any inquiries launched within your department? Are you aware of any inquiries that have been launched by your other departments, and do you know of any outcomes from that process?

Mr ROB STOKES: I will refer you to the secretary.

Ms FISHBURN: I will have to ask Mr Ray for his advice on this matter.

Mr RAY: Mr Field, I am certainly not aware of those circumstances, but I understand from a report in the newspaper yesterday that there was an inquiry commenced by Environment, Energy and Science [EES], but I have only read what was in the report of *The Guardian* yesterday. That is all I am aware.

CORRECTED

Mr JUSTIN FIELD: EES launched an investigation into these allegations? Is that what you are suggesting, or are you just taking that from the media reporting?

Mr RAY: Sorry, Mr Field, just to be clear, I do not have the media report in front of me. All I am saying is, I have read that media report. That is the first I have heard of that, and I understand a spokesperson for EES was quoted in that report. That is the extent of my understanding.

Mr JUSTIN FIELD: Minister, as cluster Minister, are you—

Mr ROB STOKES: This is really a matter for my colleague the environment Minister, but we are happy to take it on notice and provide any details that might help.

Mr JUSTIN FIELD: That would be great. Given that the submissions are open, at some point your department will go through and put together an assessment report. Another media report today has gone into some documents that seem to be related to this particular consultant and the interactions between WaterNSW, SMEC—obviously the people engaged to do the work—and the consultant. One of the claims in this article, or what is put in this article, is correspondence, emails, between various parties. The article comments:

... correspondence ... shows that WaterNSW, which operates ... [the dam], would not accept the ecologist's findings because they did not properly convey the uncertainty with which the agency, and its contracted engineering consultancy SMEC, viewed the depth of the impacts.

It goes on:

Regarding a number of plant and animal species, SMEC said they were altering the phrase that the inundation would "likely kill" to "may adversely impact" a proportion of the population.

This dam risks destroying habitat for critically endangered species like the regent honeyeater. It seems like this biodiversity assessment and the entire EIS may well be somewhat fraudulent.

Mr ROB STOKES: My advice is the department is reviewing the EIS and consulting with the relevant regulatory agencies on the proposal and it has not formed a position yet. I do note that it is also open for public consultation, as appropriate. I understand that has also been extended on the basis of feedback, including from yourself. I would encourage the public to be very involved. The history of dam proposals in this country—pardon me, this is not really a dam proposal, is it; this is a proposal relating to a dam—has been that they are enormously controversial. It is very important that the environmental impact assessment is prepared and presented in a way the public can have confidence in. It would be my expectation that any concerns that are raised are properly investigated. Ultimately it would be my expectation that the department's report is based on accurate advice. I would want to make sure the department can assure itself that there was not any impropriety in how that advice was created.

The CHAIR: Thank you, Minister. We will break for 15 minutes and return at 3.45 p.m., hopefully with a slightly better tech system.

(Short adjournment)

The CHAIR: We will proceed to questions from the Opposition. Ms Penny Sharpe.

The Hon. PENNY SHARPE: At the hearing earlier this week, the environment Minister talked a lot about the need to save the Campbelltown koala population and he made some statements about being able to guarantee 450-metre wide corridors through that process. Can you tell me how, in planning terms, you are going to be able to achieve that?

Mr ROB STOKES: I will make an opening statement and then probably pass to Mr Ray in terms of the specifics.

Ms FISHBURN: Mr Whitworth for south Sydney koalas.

Mr ROB STOKES: Mr Whitworth, apologies. Effectively, a lot of work has been done by the department in terms of preparing for a significant landscape-level conservation plan—the Cumberland Plain Conservation Plan.

The Hon. PENNY SHARPE: Which I believe is due at the end of this year; that is sort of what the Minister said.

Mr ROB STOKES: That is right. I have committed that in estimates and that will be delivered within that time frame. The koala sub-plan is a big part of that plan under which, for example—a couple of headlines—are the Georges River Koala Reserve, 1,800-odd hectares—

The Hon. PENNY SHARPE: Sorry, how many did you just say?

CORRECTED

Mr ROB STOKES: I think it is more than 1,800. I cannot remember.

The Hon. PENNY SHARPE: I thought you said 800 and I was about to be very concerned.

Mr ROB STOKES: No. And including not just protecting what is already there but a restoration of 80 hectares over the next five years.

The Hon. PENNY SHARPE: That is the 200,000 trees.

Mr ROB STOKES: That is right. Then there is a series of fauna underpasses and fencing, but we also got the chief scientist to look forensically at what corridor widths would be required to provide functional corridors between those important north-south connections and provide east-west connections. My memory was the functional width was assessed as 425 metres, I think. That was my understanding. But certainly any proponent there—so, for example, if any planning proposal was advanced in relation to Gilead stage two, it would have to satisfy the department that it met the requirements of the chief scientist's report. But I will hand you to Mr Whitworth to provide greater specificity and make sure that I have cleaned that up if I have messed it up.

Mr WHITWORTH: Sorry, we are hearing probably every fourth word. I heard my name so I am assuming you have thrown to me.

The Hon. PENNY SHARPE: Can you hear me, Mr Whitworth?

Mr WHITWORTH: I can, Ms Sharpe.

The Hon. PENNY SHARPE: I might just restate where we got to with that, which is that the Minister has outlined that there has been work done by the chief scientist in relation to the Cumberland plan and the koala sub-plan. He has indicated that the Gilead stage two planning will require wildlife corridors of at least 425 metres. Then he threw to you to give me some more detail about that.

Mr WHITWORTH: Thank you, Ms Sharpe. The Minister is quite correct. I do want to clarify, though, that the importance of the chief scientist's report is about functional corridors and I believe that in previous conversations it has been a conversation about whether the corridor is steep or sloping or not. So we are looking for a functional corridor that is flat. The chief scientist has set out at least three corridors that we can incorporate into the broader land use planning for the Greater Macarthur area, which will cover the Mount Gilead stage two and it will cover the South Campbelltown lands and the West Appin lands. It also provides us with an opportunity to identify those primary corridors along the Nepean and the Georges River as well.

We have been working through something called the Technical Assurance Panel with Lendlease and with Walker Corporation as the first two proponents. In discussions with those proponents we have identified the importance of those functional corridors and the importance of ensuring that they meet the widths from the chief scientist. My understanding is that the chief scientist has given us a figure that is an average of 390 metres width and that is something that we will be working to. But we can take on notice the difference between the different widths that people have been given and clear that up because it is something that has created a degree of confusion.

The other important element, of course, of those corridors is to make sure that they pass from habitat to habitat and that they can traverse Appin Road without creating danger to the koalas and also with ensuring that we can manage the traffic flow. Conversations with Lendlease and conversations with Transport for NSW have been looking at how we can ensure that those koala corridors are appropriate and that they can be constructed as, effectively, underpasses so that the koalas have safe passage through. It also gives us the opportunity to specify not just the widths of the corridor but the uses that will occur within the corridor and the way in which access to those corridors is protected to ensure that you do not get dogs and cats, for example, entering into the corridors. But we are intending to identify that as part of the strategic plan for Greater Macarthur and to also ensure that it is part of the assessment work that goes on for the Technical Assurance Panel.

The Hon. PENNY SHARPE: Thank you very much. That was actually very helpful. Minister, can I just clarify, then—your colleague the environment Minister suggested that you were getting the advice from the chief scientist. It sounds to me that you have got the advice. Is that actually public?

Mr ROB STOKES: I am not sure. I can take that on notice.

The Hon. PENNY SHARPE: Yes, that is fine.

Mr ROB STOKES: But Minister Kean—and I endorse his views—has been quite clear that, for any proposal that would advance to stage two, it would have to meet the requirements set out in the chief scientist's advice.

The Hon. PENNY SHARPE: Just to be clear, stage one is approved now and there are obviously not 450-metre corridors through stage one.

CORRECTED

Mr ROB STOKES: Well, those decisions were made prior to the chief scientist's report.

The Hon. PENNY SHARPE: Again, there was some confusion. I am just trying to sort that out. Minister, I just wanted to touch base with the Design and Place State Environmental Planning Policy [SEPP]. Can you give me a quick update on where that is up to?

Mr ROB STOKES: I will provide a few comments and then hand it to the secretary. Effectively, I committed to releasing a draft of the SEPP before the end of the year and we are on track to do that. We are just refining some of the issues. There was some strong feedback from the development industry and, I suppose, in one sense we were not surprised by that. But we are really keen to work through those issues and come up with a package that improves design quality in New South Wales.

The Hon. PENNY SHARPE: So there will be a draft SEPP and there will be the ability for consultation. You have just talked about the concerns of developers. There is obviously a lot of concern from environmental groups and others that the intentions are okay but actually you are removing the minimum standards in terms of the way in which BASIX and other things would work. Could you just talk me through that? It is very important.

Mr ROB STOKES: I want to be very clear there. I had a great meeting with the Total Environment Centre on this issue and also with the Nature Conservation Council. I totally understand where their concerns are coming from in that there is no intention to remove minimum standards. It is rather to provide alternative pathways. This is a frustration of a lot of architects, who are saying if we can actually look behind the algorithm and get to greater thermal efficiency or energy efficiency, using innovations or different technological approaches or different materials—often we are in a situation where, to quote *Little Britain*, "Computer says no," because there is this fixed algorithm that they cannot look into. So we are saying, "Great, there is flexibility to provide for innovation." But there is still that baseline of performance that is required. But if people have got other ways that they can do something better, we want to incentivise that as well. The challenge with BASIX in the past is if you meet it you do not get anything extra for exceeding it. There are no rewards for going further. So that sort of acted, if you like, as a benchmark rather than a baseline.

The Hon. PENNY SHARPE: Yes, that is right.

Mr ROB STOKES: We want to incentivise better performance because when you get the innovation that is when you get the better outcomes.

The Hon. PENNY SHARPE: Sure. Look, Minister, you will get no disagreement from me about that. My concern is that is all well and good for the architects and those wanting to do fancier buildings that will cost a lot of money that many people cannot live in, and then the very baselines around a lot of the development—and you have said we need 40,000 homes a year—and approvals, that there is just not a backing down in relation to BASIX at its most basic. But also is there any ability for BASIX, even at that baseline, to be dialled up in regard to climate and those things?

Mr ROB STOKES: Yes, and that is exactly the intention in the SEPP. Please note, I am not suggesting that it is in relation to fancier buildings or more expensive buildings. Often some of the work that can be done can reduce prices and make it more affordable, and innovation can do that.

The Hon. PENNY SHARPE: I like that in theory, Minister. I am not seeing that in affordability across the Sydney Basin, to be fair.

Mr ROB STOKES: Yes, that is true and this is always a balancing act. You want to drive the best environmental performance you can without making it unaffordable. Some of the concerns of industry are, "Well, Rob, that's all well and good and we support your aims, but you do know that this is going to increase the cost of housing." So we need to find that middle ground and go as far as reasonable, but without resting on our laurels. This is one of the paradoxes of housing supply. We need to provide more houses and cheaper houses, of course, without reducing people's standard of living and the quality of buildings. So we have to walk and chew gum and do all of these things, which is pretty complex.

The Hon. PENNY SHARPE: Thank you.

The Hon. ROSE JACKSON: Thank you, Minister. While we are talking about housing supply, I want to go back to some of the questions—

The CHAIR: Ms Jackson, for the benefit of people on the phone, just really talk into the microphone.

The Hon. ROSE JACKSON: I want to continue a conversation about housing affordability. You mentioned previously that New South Wales needs 40,000 homes a year. So that is your goal—that is what you are working towards?

CORRECTED

Mr ROB STOKES: No. What I am saying is, currently what is required for long-term supply is about 40,000 approvals a year in Sydney, about 60,000 across the State, and that is what we are currently providing. But, of course, that does not account for historical undersupply that we have to catch up on.

The Hon. ROSE JACKSON: For example, how many dwellings were provided in the 2020-21 financial year?

Mr ROB STOKES: From the top of my head, I think across New South Wales it was 54,500—something like that—over the last 12 months. That is about 13 per cent over the five-year average and about 26 per cent above the 10-year average. So we are tracking well, but I am not congratulating ourselves. We still have more to do. It is like painting the Harbour Bridge—you just have to keep going; you never finish.

The Hon. ROSE JACKSON: You would be familiar with the Intergenerational Report that was released this year. You would also be familiar that in that report the forecasts for housing supply over the next few years dip pretty considerably, down to as low as the mid-twenties—25,000 a year. Does that concern you? Have you included those—

Mr ROB STOKES: Yes. We have been there before. In the past decade the average has been about 41,000 a year. In the 10 years previous it was 21,000 a year and that is part of the problem of catch-up we are dealing with. So, yes, there are always challenges and you always need to find more opportunities to provide supply. But, equally, we need to make sure that we provide the infrastructure to match supply so we are not creating poor quality housing or housing that is not equipped, close to jobs and providing opportunities for people. You need to do both.

The Hon. ROSE JACKSON: That is great and we can talk about some of those things. But specifically on supply, as I said, over the next few years there is a projected dip—quite a considerable dip—in the amount of housing supply. Are you doing anything about changing those forecasts? Is that something that—

Mr ROB STOKES: We are doing a great deal to accelerate supply. This year alone we have finalised a number of significant rezonings which are well supported by infrastructure. I am looking forward to releasing plans for, I think it is around 6,000 new homes, in places like Wilton and Rhodes in the near future. Then we have some big plans in places like Macquarie Park and in Frenchs Forest. So there is a big pipeline of supply coming. But, remember, it is about the pipeline. It is not just delivering housing and saying, "It's done." We need to keep going. I will refer to the secretary, who might have further details in relation to those projections.

Ms FISHBURN: Yes, thank you, I am happy to discuss that. There is some complexity in data. When you talk about completions—which the Minister managed to get almost to the number, it is 54,484—the figure that is controlled materially by the department and by local government, as the two areas that manage DA approvals, is actually around approvals. The approvals in the same period were 60,684. So what we are seeing is a bit of a disjunct—almost a 10 per cent disconnection between approvals and completions. This has been something that we have tracked over the last 18 months, with changes to the market and their interest in brownfields infields apartments. I am happy to go into more detail about the reason for that, but that has accorded its own challenges with the community being much more interested in greenfields development. Of course, in greenfields you have associated infrastructure challenges that were not foreseen—that the market would completely flip over itself as a consequence of COVID.

We have been making sure that we keep our foot on the accelerator in terms of doing the work that we need to do to ensure the supply pipeline. Firstly, we have got two sources of evidence which we did not have 24 months ago. ePlanning actually allows us to track in real time what is happening in the planning system, which is enormously beneficial. The other is the urban development program, which gives a spatial understanding of Greater Sydney, including where land has been rezoned, where DA has been submitted, DA approved and then to completion. That is really important data to have because it allows you to unpack why, if land has been rezoned, are we not seeing development occurring on it, which means we can then pull the levers that we need to do in terms of infrastructure delivery.

In relation to other activities of the department to make sure we keep that supply pipeline going, we have been working very closely with councils to ensure that assessment time lines are delivered more effectively and efficiently. This is an ongoing program. We are also making sure that there is a mechanism for proponents, agencies, councils and the department to discuss, in a neutral space, issues that would impact upon supply. That is delivered through the planning delivery unit. We have also introduced a number of interagency functions to try and make sure that, across the whole of government, we have got an understanding about the supply pipeline, including in both the greenfields area, where we have greenfields coordination, and in the Central River City where we are likely to see a significant population growth, particularly as Parramatta really builds out as the second CBD.

CORRECTED

The Hon. ROSE JACKSON: As a result of all of that work, do you anticipate that there will be an increase in the number of dwellings supplied in the next few years on top of those forecast in the Intergenerational Report? Because it all sounds great, but the figures are there in your report and it looks like that over the next five years. Are you confident that you can boost that?

Ms FISHBURN: Would you like me to speak to that, Minister?

Mr ROB STOKES: Certainly, we have plans to deliver for the housing need that we can project. There is a unit of the department that looks forensically, as the secretary has indicated, into supply pipeline projections. Part of that, and part of the complexity that the secretary is also speaking to, is the fact that there is a quite a deal—I think about 162,000 lots—that are already rezoned but are awaiting infrastructure investment before they can be unlocked as well. So it is part of a long progression of pipeline. But the short answer is, yes, we are confident we can meet the housing needs of a growing community and that is a core function of the department. But I will refer you to the secretary, if she wants to add anything further.

Ms FISHBURN: Thank you, Minister. I think you have captured that really effectively. I think the challenge has been the shift in the apartment market, as opposed to people buying into greenfields. No excuses about that—no-one would have predicted COVID would have created that type of market shift. We are acutely aware of that and are monitoring it very closely. I think it is also being able to understand the pipeline through the development community as well, and what their particular challenges are going to be. Obviously the majority of housing stock in New South Wales is delivered by private industry, and we need to be appreciative of that fact as well. We need to try to understand what are the pressure points in the private sector as well—not, of course, to change planning controls or dials, but if it is around infrastructure investment, or negotiation with council, or mediation through agency outcomes, that is something where the planning department can play a specific role to make sure that we are getting housing stock into New South Wales.

Mr ROB STOKES: Also, just to add to that, looking at the intergenerational report, it notes that we will need to have an average of 42,000 homes every year. This year, as the secretary noted, we have built 54,484.

The Hon. ROSE JACKSON: Minister, scroll to page 60, chart 3.2, if you have it in front of you. There is a big, big dip heading our way over the next few years. Unless you have a plan to change that up, we are going to be going down, down, down closer to 20,000 homes per year very soon, based on your Government's own projections.

Mr ROB STOKES: Yes, and some of that obviously is market conditions. But in terms of our role, it is to provide the opportunities for people to build and opportunities to the market. Obviously in relation to the actual builds themselves, government has a role in terms of providing social and affordable housing. But ultimately we provide the opportunities for the market to deliver.

The CHAIR: We will go to questions from the crossbench. I wonder whether Mr Ray would be able to answer this question. The biocertification for stage one Mount Gilead—this is the south-west Sydney koalas again—heavily relied on the Office of Environment and Heritage [OEH] report conserving koalas in the Campbelltown and Wollondilly. This is an outlier report to the previous and subsequent reports on koala corridors around Gilead. I was wondering who wrote this report. The report itself is anonymous; it does not have an author attributed to it. Mr Ray, are you aware of who wrote that report?

Mr WHITWORTH: I can answer that, as Marcus Ray is having trouble. The author of the koala plan of management is Campbelltown City Council. Campbelltown council would have relied on consultants to prepare that report. We can take that on notice. I do not have the name of the consultant to hand, but I do remember that it is someone that had a lot of experience in the field of koalas. I think it is better to take that on notice.

The CHAIR: I was actually referring to an OEH report, Mr Whitworth, which is called *Conserving koalas in the Wollondilly and Campbelltown Local Government Areas*. That is the title of the report. It was commissioned. The question is who commissioned the report, who wrote the report and who requested the report to be written? That is fine if you want to take that on notice. It is specifically an OEH report.

Mr WHITWORTH: It is an OEH—now Environment, Energy and Science—report and it is best that we take that on notice.

The CHAIR: It was previously OEH, when it was written. I want to go to the Kamay ferry wharves proposal, Minister. I am wondering, in your role as planning Minister and now also transport Minister, how do you propose to manage situations of conflict of interest that may arise—because this is potentially one of those.

Mr ROB STOKES: It is a very good question. Despite my thrill of picking up another portfolio, as you can imagine, that was the first question that popped into my head—how am I going to manage potential conflicts? I sought advice from the general counsel of both transport and from planning, and also met with them. They are

CORRECTED

confident that conflicts can be managed as they arise. They were actually quite sanguine about that. Certainly I have asked for any briefs that come to me to identify any potential conflicts as part of that process.

The answer in most cases I suspect will be that, when you look at the Allocation of the Administration of Acts, all of the transport Acts are allocated to both the Deputy Premier and myself. In situations where a conflict arises, the Deputy Premier can act in my place, as he is charged under those relevant Acts, or he is empowered in those relevant Acts as well. They will be managed on a case-by-case basis as they arise. My understanding is that the Premier has announced this and is looking to do a broader ministerial reshuffle in the new year. It is really just a matter of ensuring that I can keep these agencies doing great reform with the great vision of the Government in the meantime.

The CHAIR: I also understand that it is a State significant infrastructure project. Is there consideration on your part then, as you are entitled to do of course, to refer this project to an independent planning assessment process?

Mr ROB STOKES: Can I take that on notice? Other than being lobbied already by the member for Cronulla, as is his job, I have not turned my mind to this because nothing has crystallised any action on my part as yet. That is a good question, and I will answer it on notice.

The CHAIR: Just while you are doing that, I have been notified that in the planning process the Secretary's Environmental Assessment Requirements [SEARs] are critically important to ensure projects consider and address all impacts, as you know. In the Kamay ferry wharves EIS many in the community felt that key issues were responded to in a superficial, tokenistic way. They felt that it was a sort of ticking the box exercise and they wanted to make sure, or in some way ask, how you can be sure that the department is rigorous in scrutinising this process. There has been concern that the consultation process has been less than adequate.

Mr ROB STOKES: I fully understand that and appreciate that. My action in relation to that will be to pass those concerns on through the secretary, so that we can make sure that the assessment of the project scrutinises whether the issues identified in the SEARs have been appropriately addressed.

The CHAIR: I now want to turn to what is a large and growing volume of scope 1 and scope 2 emissions from new coal and gas projects in New South Wales. I am wanting to ask whether there is a government policy in this regard that all scope 1 and scope 2 emissions from particularly new coal and gas projects can be offset if they cannot be avoided or mitigated. Is there such a policy?

Mr ROB STOKES: I will take part of that on notice. What I will do though is point you to clause 14 of the mining State environmental planning policy that contains the relevant matters of consideration in relation to scope 1 and downstream emissions. But also I will point you to a piece of work that the department is currently doing, which is effectively creating a consolidated, integrated set of planning principles that will guide all planning authorities—and, where appropriate, consent authorities—in their decision-making under the Act. This is learned from similar processes being conducted in the United Kingdom and also in Queensland. In the United Kingdom it is called the National Planning Policy Framework, where they have effectively got a comprehensive set of principles that guide how plans are made.

I was, as you would expect, concerned when a recent Auditor-General report, as well as recent litigation in the Land and Environment Court—the bushfire survivors and Environment Protection Authority [EPA] case. It indicated that the Government needed to do more in relation to duties around anthropogenic emissions. I have asked for those issues to be addressed in those planning principles so that we can have some clear, principle-led policies around how such matters are to be considered. I have had separate conversations with experts in this area looking, as you are intimating, into the cumulative impact of planning decisions. This is a challenge in a whole range of areas. Whether it is residential density with more traffic going on an existing road, but also in terms of atmospheric emissions as well, there is this issue of atmospheric emissions. The principles will help to address this issue.

The CHAIR: Okay.

Mr ROB STOKES: But I will also take it on notice to see if there is any other policy.

The CHAIR: Thank you. I wanted to turn to the Narrabri Gas Project. I understand that Santos gas is preparing to launch its first modification of consent for the Narrabri Gas Project, just a year after approval. I also understand that Santos gas has not completed the minimum requirements under its 2020 approval. People in the community are telling me this is expected to be a major modification, not minimal, yet it will obviously not at this stage have the scrutiny of the planning commission—just over a year ago. Firstly, I just wanted to check whether you are aware whether a potential modification has been discussed or whether any of your officials are aware that this has been requested.

CORRECTED

Mr ROB STOKES: The best thing I can do is refer you to the officials in relation to that. I would also note there has been a recent Land and Environment Court decision in relation to modifications, which has significantly tightened rules around modifications—that modifications, particularly to conditions, can only be entertained if they truly relate to the fundamental substance of the approval in the first place. But I will refer you to the officials in relation to their understanding of discussions.

Ms FISHBURN: Mr Ray, are you able to provide any further context?

The CHAIR: Mr Ray, do you have something on mute?

Mr RAY: Can you hear me?

The CHAIR: Yes, we can, perfect.

Mr RAY: It has been an interesting experience, Chair, with the reverb, which I still have on the phone. I will have to take that one on notice. I do not have that information about the discussions in relation to a modification in front of me, so I will have to take the question about whether there have been discussions with officials on notice.

The CHAIR: Okay, thank you very much, Mr Ray.

Mr JUSTIN FIELD: Minister, just at the end of my last session you indicated that any impropriety in terms of the preparation of the EIS—and we were talking about the biodiversity impact assessment in particular—you would look into or you would expect your department to look into as part of the assessment process. I do not want to put words in your mouth, so I might just let you restate it. Can you elaborate on how they would do that?

Mr ROB STOKES: Fundamentally, that is a matter for the department. Certainly if there are any concerns in relation to the effectiveness or the truthfulness of advice, it would be my expectation that a proper assessment would scrutinise that. If claims are being made, then it would be my expectation that they would be investigated, particularly on a project as significant as this one. One of the fundamental points of the planning system is so that planning decisions are legitimate in the eyes of the public because the public can have confidence in them. If there are concerns about the truthfulness of evidence in a planning process, they need to be thoroughly investigated. The department needs to satisfy itself that the information it is relying on to make an assessment is accurate. If there are concerns, then that should influence their assessment but, obviously, that is a matter for them.

Mr JUSTIN FIELD: Minister, you will no doubt be familiar—because I wrote to you about it and I am sure you were briefed on the evidence before the parliamentary inquiry that I am chairing—with concerns raised by Commonwealth and State officials in various departments about the adequacy of the EIS and also the degree to which it complied with the requirements of the SEARs. I would note that in particular with regards to offsets, the SEARs make quite clear that the EIS should provide a description of any offsets proposed and details of the offset package to compensate for significant residual impacts. The EIS is largely silent on the requirements of offsets—where the offsets might be delivered, the cost of the offsets—and certainly the package, as suggested by the SEARs, is not defined in the EIS. How is it allowed to go out for public consultation without that information?

Mr ROB STOKES: I can take part of that on notice, but certainly part of the answer to your question is in the question. In other words, you raise very valid questions that the assessing officers should take into account when preparing their assessment report. Fundamentally, the EIS needs to demonstrate adequacy in terms of its capacity to answer the issues raised in the SEARs and if it does not do so, then it is unlikely to receive a positive assessment. I say that without seeking to prejudge that at all. That is ultimately a matter for the assessment. I just make as a general observation that if the EIS does not do what the SEARs ask it to do, then that would make it difficult for an assessment to suggest it is capable of being approved.

Mr JUSTIN FIELD: I do not want to play you off against Minister Ayres, but yesterday in budget estimates when I asked him similar questions, the suggestion that he put back was that we could not really do that because until we know the outcome of the planning assessment, we are not sure how much offsets we will need to provide, and once we have that we will be able to go out there and cost them and look at them. But that is not the way the planning system works, is it?

Mr ROB STOKES: As you would expect, I am not going to engage in that; I was not party to what Minister Ayres said. What I would say is that these are matters for the assessment and it is not appropriate that I seek to intervene in those matters. My expectation is that the assessment is rigorous and that through that assessment the assessing officers are satisfied that the information they have is accurate and is also fulsome. I mean that in the more modern sense of the word, that is, it is complete and they have sufficient information to make a determination.

CORRECTED

Mr JUSTIN FIELD: The cost of the offsets are not suggested in the EIS. It is fundamental to the cost of the project and therefore consideration against various options. The Minister seemed to suggest all that will be dealt with in the business case. The business case does not get tested through the planning process and it does not go out for public consultation and feedback. Do you think that if that information is going to be left in the business case process, that should be part of the open, public, transparent assessment for this project?

Mr ROB STOKES: It may be the case and, appropriately, business cases will influence investment decisions, but they do not influence planning decisions.

Mr JUSTIN FIELD: Thank you.

The Hon. MARK LATHAM: To Ms Fishburn, could I ask, coming into this new position—and congratulations—are you a believer in the traditional principle of a non-political public service?

Ms FISHBURN: Yes, I am a full, frank and fearless public servant.

The Hon. MARK LATHAM: You might have noticed that I publicly articulated a number of concerns from DPIE employees about your predecessor, Mr Betts. Can I just read out one DPIE staff correspondence that has been sent to me that is quite indicative of a series of correspondence I have received? It is a lot of criticism of Jim Betts, of course, but I think this part sums it up: "As a DPIE employee at management level, I can confirm that many staff now live in fear of saying a wrong word that might end our career. Respect is stated as a core value at DPIE but respect is a one-way street at DPIE now. The culture at DPIE now is if you disagree with Jim's views on social-cultural issues you must be racist, sexist or homophobic"—et cetera, et cetera. This is not really building an inclusive, genuinely caring work culture, is it?

Ms FISHBURN: I cannot speak to that particular matter. I have not seen that piece of correspondence. I can speak to the DPIE values of respect, inclusivity and kindness, and they are certainly values that I will continue to embody in the organisation.

The Hon. MARK LATHAM: Do you think the best way of developing diversity in any workplace like this is to stay out of politics? If you lean too far one way on political and cultural programs in the workplace, there will be people with a diverse set of attitudes who do not agree, resent that and end up feeling like they are living in fear of losing their job because they say something wrong, or, in this case, something politically incorrect.

Ms FISHBURN: I believe diversity means respecting a variety of opinions, but it also means allowing people to come to the workplace as their authentic selves.

The Hon. MARK LATHAM: Do you think it tipped too far one way under Mr Betts?

Ms FISHBURN: I do not have an opinion on that.

The Hon. MARK LATHAM: Given that Mr Betts has been sacked, I would say so, because he ran too many political indoctrination programs in DPIE. His departing email made that very clear. No disrespect to The Greens, but he sounded more like a Greens MLC than a public servant. Do you think, given the fact he was sacked, it is time to remove the programs that caused the reason for his sacking?

Mr DAVID SHOEBRIDGE: Point of order: I am going to object on a number of bases. One is that Jim Betts was so far from being a member of The Greens it is hard to describe.

The CHAIR: That is upheld.

Mr DAVID SHOEBRIDGE: Secondly, and more fundamentally, it is asking for an opinion of a public servant and that is inappropriate.

The Hon. MARK LATHAM: He has been sacked. He is gone. I am articulating a number of concerns from public servants.

Mr DAVID SHOEBRIDGE: That is my point of order.

The CHAIR: Order! A point of order has been called, Mr Latham. If we could just hear—

The Hon. MARK LATHAM: To the point of order: These are concerns outlined by public servants about the work culture and people living in fear.

The Hon. BEN FRANKLIN: To the point of order: It has not been ruled on yet, Madam Chair.

The CHAIR: That is right. It has not been ruled on. I was just hearing Mr Shoebridge, who had not finished his point of order. If we could just hear him finish, please.

CORRECTED

Mr DAVID SHOEBRIDGE: Regardless of the perceived genesis of it, what Mr Latham is doing is asking for an opinion of a public servant. That is out of order.

The CHAIR: Yes. I remind Mr Latham to please keep his questions to public servants not in relation to their opinion, but to the work they are undertaking within the department. They are here as government officials and they are not here to proffer their opinion.

The Hon. MARK LATHAM: I am articulating concerns of employees of DPIE by saying they are living in fear. I am asking, Ms Fishburn, what will you do to eliminate the environment of living in fear that was clearly created by your predecessor?

Ms FISHBURN: I do not necessarily accept the premise of that. I will demonstrate leadership that attunes to the DPIE values, which is around inclusivity, diversity and kindness.

The CHAIR: Thank you. We will now move to questions from the Opposition. Ms Rose Jackson?

The Hon. ROSE JACKSON: It was a good discussion about housing supply. Thank you for that, Minister. But as you have stated many times, the housing affordability crisis is caused by more than just supply. Firstly, do you accept that housing affordability is at a crisis point in Sydney.

Mr ROB STOKES: Not just in Sydney. So, yes, I accept the premise.

The Hon. ROSE JACKSON: We will start with Sydney. Do you accept that there is a housing affordability crisis in Sydney?

Mr ROB STOKES: No, let's not start with Sydney. I think it is more broad than that.

The Hon. ROSE JACKSON: Do you accept—

Mr ROB STOKES: Certainly, in relation to purchasing, I think you would have to be not here to not notice the huge increases in property prices that we have seen. Rental increases have been more modest, but that is not the case in regional New South Wales, where we are seeing very, very low vacancy rates. It really depends on where you are talking about, whether it is Sydney or the regions or which part of Sydney you are talking about. I do think in some sections of the market we are seeing affordability at extraordinarily worrying levels. So, yes, broadly, I accept the premise of your question but recognise that it is different in different areas.

The Hon. ROSE JACKSON: Sure, but to be specific, do you accept that the ability of working people who live in Sydney to afford to purchase property is at crisis point?

Mr ROB STOKES: Yes, I agree with that. When you look back to the 1950s, for example—I think it is two or three times an average income that is needed and in those days many households were at one income and could afford a house. It was considered more of a commodity. Some time in the eighties and nineties it moved to being an investment vehicle, and since that has happened we have seen a rapid acceleration in property prices. Of course, the challenge here is recognising that the majority of people in this market either own or are in the process of purchasing their property. They do not want to see the value of their properties decline, for obvious reasons. That is not a good public policy outcome. But we also need to make sure that we do not leave people behind. That is going to involve more intervention, in my view, than simply leaving it to the market.

The Hon. ROSE JACKSON: Do you accept that ownership in the market is concentrated among certain demographics, namely age groups, and that there is a substantial and concerning differential in the number of people who own properties or are seeking to own properties?

Mr ROB STOKES: Yes. My views on this subject are reasonably well known. I believe that, certainly, the State needs to do its bit and think about housing supply, but there are also tax levers that are very useful to look at here. I certainly encourage the Federal Government to look at those tax levers and see how they can be used to get the great public policy outcomes that we want to see. Of course, we want a system where investors can buy multiple houses, but before we get there, let's ensure we have a system where everyone can afford one house before we start getting people multiple houses.

The Hon. ROSE JACKSON: When was the last time you spoke to the Federal Treasurer about your views on Federal tax settings in relation to housing in Sydney?

Mr ROB STOKES: I wish I had a direct line to the Federal Treasurer, but sadly I do not.

The Hon. ROSE JACKSON: So never? Other than—

The Hon. BEN FRANKLIN: Just let him answer the question.

CORRECTED

Mr ROB STOKES: That is not what I said at all. They are your words, not mine. Appropriately, at my level I speak—as you would expect—to my counterpart, the Minister for cities, and I was involved in setting up a ministerial forum in relation to planning. The last time we spoke about these matters, I think, was—if my memory serves me right—last Friday or the Friday before. I have certainly also been in correspondence with the Federal housing Minister, Mr Sukkar, in relation to tax changes that we believe would be really helpful to get a particular style of housing, build-to-rent, off the ground.

We have made significant changes here in New South Wales, but to make it feasible for the investment and development community, we really need some tax changes at a Federal level. We are engaging at a very detailed level with the Federal Government. But I do not do this to try and blame anyone else. I accept that, as a State, we have levers that we control. In my case, as planning Minister, that is supply. That is a core focus of what we are doing in the department.

The Hon. ROSE JACKSON: So at that meeting a week or so ago with your State and Federal counterparts, you reiterated your view that the Federal Government needed to change its tax settings in order to make housing more affordable?

Mr ROB STOKES: We did talk about tax settings, yes.

The Hon. ROSE JACKSON: What was the response from the Federal Government?

Mr ROB STOKES: It was a free-flowing discussion. I am very aware that the Federal Government—another example of engagement is that the Federal Government has a task force in relation to housing supply. We have been engaged in that process. We did discuss that and I gave some views in relation to tax policy and, I felt, some constructive suggestions on things that we could do to work together to make sure that we have a cohesive response. I should not leave local councils out of this as well. Local councils have a big part to play as well.

The Hon. ROSE JACKSON: One of the things that has also been raised by yourself and others is the impact of monetary policy on housing affordability. Is it the New South Wales Government's position that the Reserve Bank should raise interest rates to bring house prices under control?

Mr ROB STOKES: The New South Wales Government does not control the Reserve Bank.

The Hon. ROSE JACKSON: I am aware of that. You yourself have raised monetary policy as having an impact on housing affordability. The new Treasurer on *Insiders*, I think it was, a few days ago referred to the pressure of low interest rates on increasing housing prices. Do you have a position in relation to what the Reserve Bank should do? I accept that you do not control it, but you have introduced this topic into the conversation.

Mr ROB STOKES: I do not think it is just me that has introduced this topic. I think it is broadly—

The Hon. ROSE JACKSON: Yes, but you are the Minister.

Mr ROB STOKES: Yes, but it is broadly by a range of commentators. I think it is well understood that monetary policy has an impact. I do not presume to be the Reserve Bank Governor and I do not presume to tell that person how to do their job. It is very easy to have opinions on matters you do not control, but my—

The Hon. ROSE JACKSON: That is exactly what you have done.

Mr ROB STOKES: No, you are asking me if I have a position on what the Reserve Bank should do. I am merely pointing out that it is one of the levers that can be looked at. What I have said is my focus is on the lever that I control. I am also making the point that that may be necessary but, by itself, not sufficient to help resolve this problem. I am prepared to offer a bit more of an opinion here, just to say that monetary policy is more complex than just housing prices alone. There is a whole range of reasons why interest rates are low in the current environment, and there are some good reasons for that. I do not pretend to be an economist. I understand these issues from a planning perspective and I also understand their complexity, but I also realise that we need to all look at the levers we have at our disposal. My focus will be on the one that I have that is under my statutory control, and that is the planning system.

The Hon. ROSE JACKSON: A number of stakeholders have said that increasing housing supply should be the number one priority for the department. Is that something that you would accept?

Mr ROB STOKES: There is a whole range of issues that we need to look at, but I would not leave it at that. We also need to make sure that we supply houses in the right area, supported by the right infrastructure, and also at a decent standard so that people can have confidence and live in well-designed homes. It is not just supply; it is supply of what. That is a diversity of dwelling types and tenures to meet the needs of the market, and also to provide a decent standard of living for ordinary people.

CORRECTED

The Hon. ROSE JACKSON: Following on from the point that you just made, do you accept that growth is not occurring fairly across Sydney at present—that the burden of growth is being felt more in some areas, particularly in western and south-western Sydney, and that other areas of Sydney are not experiencing nearly as much growth?

Mr ROB STOKES: To start with, I do not categorise growth as necessarily a burden. I think there can be some great benefits of growth.

The Hon. ROSE JACKSON: But to the extent that growth does impose a burden on local communities.

Mr ROB STOKES: Yes, but I do not think it needs to—this is part of the point—if it is well supported by infrastructure. Yes, the experience in the past is that Rouse Hill was developed without any rail connections, for example. Providing that connection later came at additional expense and meant that those communities were car dependent from the get-go, and we had to retrofit that infrastructure. But if you get the planning right, and you provide the parks and the open spaces and the public transport and the jobs closer to home, growth does not need to be seen as a burden. The thing that I am excited about is actually promoting growth that makes people's lives better and that people are not fearful of, in terms of congestion or poor-quality housing or those sorts of things. I understand why communities can be concerned about growth, because there are plenty of examples from the past where growth has not been a good thing, but our vision is for good growth that makes people's lives better.

The Hon. ROSE JACKSON: That is a great vision, but you have been in government for 10 years. Do you accept that, at present, the impact of increased housing supply and the pressure that does put on local communities and local infrastructure are not being fairly distributed across Sydney?

Mr ROB STOKES: No, I do not accept that. It is distributed according to the plans put forward by the Greater Sydney Commission, which is a body that is constituted including representatives of local councils to determine where housing can be supported based on the capacity of different areas. Effectively, what we are seeking to do is what Peter Calthorpe's vision was of transport-oriented development. That is that where there are significant investments in new or upgraded public transport, or even in private transport, they are the sorts of opportunities where you can put greater density. In other areas, where there may not be significant public investment in these sorts of things, clearly there is not the same opportunity.

I also make the point about the nature of where the market prefers to go. Ms Fishburn has already given evidence that we are seeing that preferences are moving in a way that we did not anticipate from more inner-city locations to greenfield locations, partly as a result of the pandemic and people wanting more open space. In one sense, we need to provide the opportunities respectfully of where people want to live, as well. In many cases, that is increasingly in greenfield locations. But, having said that, we are still making plenty of provision for opportunities in more inner-city areas. I could point to the rezoning of St Leonards as an example. We are looking at a significant rezoning around Macquarie Park, for the very obvious reason that there are two new metro stations in that location. There is a university. There are a lot of jobs, an innovation district. They are the sorts of areas where we want to focus new housing.

The Hon. ROSE JACKSON: So despite the fact that over the next two decades Parramatta's population, for example, is set to increase by 200,000; Camden, 227,000; the northern beaches, 31,000; Mosman, 1,000—you do not think that is unfair at all or will have any impact on the lived experience of people, say, in Camden and their access to schools and hospitals versus the lived experience of people in Mosman?

Mr ROB STOKES: Okay, take Mosman. I see the distinction you are seeking to draw there. But I would also point to the fact that as far as I recall there is an environmental education centre being delivered in Mosman, but I think that is the only new school. In the electorate and district of Camden, there is a host of new schools being provided in that community. That is on the basis that that is where the growth is occurring. You are characterising housing as a burden, and I think if it is properly supported by appropriate infrastructure then it can be a great benefit. You can actually have great restored environments and great opportunities for people to live in great communities. That is the challenge. If you are thinking that Sydney is like some sort of—that the environment is all exactly the same and there should be exactly the same number of houses on every square inch of the city, I do not think cities work like that.

The Hon. ROSE JACKSON: We might come back to this, but I am running out of time. I wanted to ask about the short-term rental arrangements that have been put in place. My understanding is that the registration of short-term rental accommodation is required to be completed by 1 November. That is obviously imminent, and a number in the tens of thousands of potential short-term rental properties are not registered. Will this throw people's holiday plans into complete chaos?

Mr ROB STOKES: My first response, as you would expect, is to tell anyone who is listening to this to go and get registered.

CORRECTED

The Hon. ROSE JACKSON: Great, yes.

Mr ROB STOKES: It takes five to 10 minutes. Fundamentally, I accept that short-term rental accommodation has been a largely deregulated industry, but I think it is appropriate in the public interest that we do have a register. That has been well established. We have given an extra six months for people to meet their obligations, which when you look around the world are actually very minimal obligations. Again, given it is a very short process, my encouragement would be that before this hearing is out people can register their properties. I encourage them to do so.

The Hon. ROSE JACKSON: Okay, good. Anyone listening online, go and register. But shockingly, Minister, that may not be that many people. There are potentially tens of thousands of citizens who are desperate to take a holiday after the lockdown that we have had, who want to go and feel regional New South Wales. They have booked, but unfortunately the owner of the property is not registered. My understanding is that there are potentially tens of thousands that have not, and 1 November is just around the corner. What will you do to ensure that tens of thousands of people's holiday plans are not thrown into complete disarray because those unregistered properties are forced off the platforms?

Mr ROB STOKES: I have provided my answer to that question, but I will refer to the secretary.

Ms FISHBURN: Thank you. Putting aside the Minister's hope that many people are watching today, I can advise that as of 22 October more than 19,000 short-term rental accommodation dwellings have been registered on the register. The department has also started an advertising campaign—we are not just putting faith in estimates—and, more importantly, is working with the main providers to make sure people are aware of their obligations to register and to make sure their properties meet the fire safety requirements. We are being very proactive in getting the message out amongst the community.

The Hon. ROSE JACKSON: How many short-term rental accommodations do you estimate there are?

Ms FISHBURN: I will have to take that on notice.

The Hon. ROSE JACKSON: I think it will be a bit more than that. Your answer, Minister, is they just have to register and that is the end of it.

Mr ROB STOKES: It is a very minimal obligation. When you consider the obligations on operators of hotels and so forth, this is effectively—I cannot imagine you are suggesting that they should not be registered and should not meet fire safety obligations.

The Hon. ROSE JACKSON: No, I am not suggesting that.

Mr ROB STOKES: It is an obligation on owners who want to generate an income in this way. It has been well known, and the platforms are well aware of their obligations. We have worked cooperatively with them to ensure that the code of conduct that they participated in developing and which the register is tied to—that those minimal compliance requirements are met.

Mr DAVID SHOEBRIDGE: Airbnb admitted to having 137,900 listings.

The Hon. ROSE JACKSON: To be clear, I am not opposed to the idea that owners would be required to register, but I am concerned for families who just want to get away for a few weeks and who, through no fault of their own, have booked a property where the owner has not registered so their plans are going to be thrown into complete disarray and they are going to be really disappointed that they cannot take that holiday, and there is no provision being made for them.

Mr ROB STOKES: I have already acted to provide additional time. This concern was raised. We have acted to provide additional time for people to meet their obligations. But, as you would expect, when someone is offering a service, quite appropriately, they should meet minimum obligations. Some of this relates to safety for the patrons who are seeking these bookings. The bigger concern that I have—of course, everyone wants to take a holiday but in the back of my mind the thing that I am really concerned about is that we have some assurances that these premises are all safe and meeting fire safety obligations. I think that is an even more important concern.

The Hon. ROSE JACKSON: Yes, I hope so. I have one quick question, because I am going to run out of time, in relation to the press release you put out in relation to infrastructure contributions. It is good to see that you want to engage in relation to the detail, including with local government, but concerns have been raised that because the exhibition period closes on 10 December and local government elections are on 4 December, most councils are heading into caretaker mode and there is not a real opportunity for them to meaningfully engage in that process at this time. Is that something that you would be willing to consider?

CORRECTED

Mr ROB STOKES: Yes. Obviously the lockdown affected the local government election deadline, and this legislation and these reforms were expecting the council elections to be held in September. Obviously we will want to make sure that councils have every opportunity to work with us. I am meeting with the Local Government and Shires Association, for example. I think there have been 126 meetings that the department has held with councils and other stakeholders in relation to the closing date for submissions. I might refer you to the secretary if there is any update that can be provided. But, fundamentally, of course we want to work together. The whole point of solving this problem is to be collaborative.

Ms FISHBURN: There are a few things to address in that. Firstly, there is nothing that prevents a council from making a submission during a caretaker period of council. They are permitted to do that. Recognising that, we have sent out a letter to council general managers just a few hours ago under my signature—apologies, Minister—advising them that this will be a two-step process and acknowledging that council elections occur on 4 December. The department will be seeking a technical submission from council officers. There will then be the opportunity when the new term of council commences for a formal submission to be made by councils.

That is not a requirement, that is for councils themselves to choose whether they wish to take up that option. Noting that the council elections are on 4 December and are likely to be called around 21 December, councils will actually need to meet around mid-January. If they move into a normal cycle, you are looking at probably mid-February for submissions to come in. So there are two opportunities. The technical submission allows us to get on and do our work as a department, but we do acknowledge that the input of elected officials is always a valuable thing to get and we have provided that opportunity.

Mr DAVID SHOEBRIDGE: What is the second deadline, Ms Fishburn? That is a welcome development, but what is that second deadline going to be?

Ms FISHBURN: I need to get—

Mr ROB STOKES: I have got something here.

Mr DAVID SHOEBRIDGE: You have finally got the letter, have you, Minister?

Mr ROB STOKES: Elected councils have until the week after their first general meeting in February to make their submission.

Ms FISHBURN: Yes. Noting councils do not have a fixed date of their council meeting, it gives them the time to submit.

Mr DAVID SHOEBRIDGE: That is a welcome development. You should send more letters without reference, Ms Fishburn. That is a good development.

Mr ROB STOKES: That is a bit rough.

Ms FISHBURN: It is on the approval of the Minister, thank you, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: You got a general nod beforehand?

Ms FISHBURN: Yes.

Mr DAVID SHOEBRIDGE: Okay, good. Minister, have you now released the modelling about the impact on income to both the State Government and to councils consequent on the implementation of the infrastructure contribution reforms?

Mr ROB STOKES: This was something that was requested by this Committee when I appeared before. I agreed that we would release all the information that was germane. In relation to the specifics, I will refer you to Mr Ray, if he can hear us.

Mr RAY: Yes, sorry.

The CHAIR: Excellent.

Mr DAVID SHOEBRIDGE: He keeps changing his technology. This may be the best.

Mr RAY: It may be. I have still got an echo.

Mr DAVID SHOEBRIDGE: I am interested to see what you wear next, though, Mr Ray.

Mr RAY: I have not been changing my costume, Mr Shoebridge. I do not know what you are seeing. That is technology, it is not me.

The Hon. MARK PEARSON: I will send you a photo.

CORRECTED

Mr RAY: Obviously we have released a number of bits of information and modelling. One of the things that has been released is the modelling now done by the Independent Pricing and Regulatory Tribunal in relation to the new rate peg. We have additionally released further modelling in relation to various proposals, including land development contributions. We have got some scenarios there. We have also got some work supporting the new rates for 7.12. Obviously, as you can imagine, the effect of the reforms varies between councils because each council has its own set of contributions plans and it also has its own rate structure. Some of those are particularly idiosyncratic. We will be working through further modelling during the exhibition period.

Mr DAVID SHOEBRIDGE: Mr Ray, have you released the modelling that shows what the likely positive income effect to the New South Wales Government will be as a result of the infrastructure contributions bill being passed and what the likely negative impact will be on local councils?

Mr RAY: The modelling that was done by the Productivity Commissioner and was done through the Centre for International Economics has been released.

Mr DAVID SHOEBRIDGE: What is the likely economic cost to councils? How much are they going to lose as a result of the infrastructure contributions bill going through?

Mr RAY: The modelling provided by the Productivity Commissioner, I think—let me just find that.

Mr DAVID SHOEBRIDGE: I am not interested in unrelated other measures, just as a result of the infrastructure contributions bill.

Mr RAY: Let me just find it. As to the whole package—

Mr DAVID SHOEBRIDGE: I was not asking about the package, just as a result of the infrastructure contributions bill.

Mr RAY: Yes. The Productivity Commissioner had said that he expected that council contributions revenue would reduce by about \$117 million over 20 years.

Mr DAVID SHOEBRIDGE: What is State Government revenue likely to increase by, for the bill?

Mr RAY: I do not quite have that figure. What I can say is that we have obviously made some changes to the proposals that were before the Productivity Commissioner, as we always said we would, and we listened to stakeholders. So we brought forward proposals to increase the proposed 7.12 rates in certain parts of the city.

Mr DAVID SHOEBRIDGE: Mr Ray, given we have limited time, on notice could you provide what you now understand will be the collective financial impact on councils and the benefits?

Mr RAY: Yes. On notice, I will.

Ms FISHBURN: Thank you, Mr Shoebridge. We will make sure we clarify the difference between the council contributions in 7.12s, 7.11s and the new regional infrastructure contributions scheme, which I think is where you are travelling.

Mr DAVID SHOEBRIDGE: Correct.

Ms FISHBURN: Let us make sure we get you the correct information for that.

Mr DAVID SHOEBRIDGE: Let's do that. Thanks. Minister, have you read the Ombudsman's report that was handed down on 19 October, under section 31 of the Ombudsman Act, about the recruitment of a senior executive in the Department of Planning and Environment [DPE]?

Mr ROB STOKES: No, I have not read the report. I have read the media reports around the report. I have been briefed on it. Given that it relates to matters at an operational level in the department, I think it is appropriate I provide it to the secretary, although I would note that neither the secretary or myself were in those positions at that time.

Mr DAVID SHOEBRIDGE: Ms Fishburn, the Ombudsman found that your department misled ICAC and repeatedly broke the law in this engagement. Who has been held to account for that?

Ms FISHBURN: Thank you, Mr Shoebridge. Firstly, may I clarify. The Minister has alluded to it. In 2017-2018 DPIE did not exist as a department. The Ombudsman's report refers to the previous iteration of the planning environment. I am not in any way disputing your question. I am just clarifying. We do, of course, thank the Ombudsman for completing the investigation and issuing the findings into the '17-'18 matter. I am looking forward to the NSW Public Service Commissioner's review of it. We have, since that period of time, as DPIE, as the cluster as it now stands, reviewed and rewritten all procurement policies and guidelines, since the time of this

CORRECTED

procurement in question. You will note, Mr Shoebridge, that that was noted by Paul Miller in his finding, when he said—I will directly quote:

The Department of Planning, Industry and Environment (DPIE), which has taken over the functions of the former DPE, has agreed to implement all of the recommendations in the report.

Mr DAVID SHOEBRIDGE: Ms Fishburn, I am asking who has been held to account—on the face of it, repeated, intentional breaking of the law to get around the public service requirements about recruitment, to get around the controls on procurement. Who has been held to account?

Ms FISHBURN: This is a historical matter from 2017-18. It is before my time. It is before my predecessor's time. I am happy to take on notice your question and to provide further advice back, but this Ombudsman's report has only just come out recently. As you are aware, I am very new into the chair.

Mr DAVID SHOEBRIDGE: Have you sought a detailed report upon whether or not any of the officers who engaged in this conduct in breach of the law, misleading ICAC, are they still employed?

The Hon. BEN FRANKLIN: Point of order, Madam Chair.

The CHAIR: A point of order has been taken. Mr Franklin?

The Hon. BEN FRANKLIN: Madam Chair, the witness has made it very clear that she has taken the question on notice, that she is very new in this role and, on all matters surrounding this issue, that she needs to come up to speed and that she will provide an appropriate and detailed response. She is taking the matter on notice.

The CHAIR: I will on the point of order just remind or just note that, yes, the witness has agreed to take it on notice. If the member has a different question, proceed.

Mr DAVID SHOEBRIDGE: This is a different question. I will not repeat the question. I am sure you remember it, Ms Fishburn.

Ms FISHBURN: I will certainly remember the question, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Are you going to take that on notice as well?

Ms FISHBURN: I—

Mr DAVID SHOEBRIDGE: Have you sought a report about whether or not the people who were engaged in misleading ICAC and repeatedly breaching the law are still employed in your department?

Ms FISHBURN: My understanding, Mr Shoebridge, is that they are not employed. However, I will take that on notice. I have been reluctant to fall back on the fact that I am very, very new in the—

Mr DAVID SHOEBRIDGE: Ms Fishburn, it is a—

Ms FISHBURN: —job. But, in this instance, I will. May I finish, please. My absolute priority was ensuring that our procurement practices now, our policies and guidelines that are in DPIE now, that the activities with the old DPE—my absolute number one priority was getting assurance that we have reviewed and rewritten all of those policies in accordance with the guidelines and the recommendations in the report. That has been my number one priority, not a staffing witch-hunt. So I have—

Mr DAVID SHOEBRIDGE: I do not think it is a witch-hunt to find people who have misled ICAC and breached the law. That is actually just due diligence, Ms Fishburn. It is hardly a witch-hunt.

Ms FISHBURN: I have taken it on notice. My—

Mr DAVID SHOEBRIDGE: I suggest you do not call that a witch-hunt, because it is your job.

Ms FISHBURN: Thank you. I have taken it on notice. I have said I appreciate that it is my job. But I have told you my what priorities is. It has been my understanding that there is no-one currently employed by the department. But I do not want to mislead you. So I have taken that on notice. I will come back with a further answer.

The CHAIR: That is your time, Mr Shoebridge. Going to Mr Pearson.

The Hon. MARK PEARSON: Thank you very much, Chair. Minister, I have a message for you from nine Indigenous elders whom I met with last Sunday. I think you might be already aware of this. What their concerns are—they said to me, "Just ask that bloke Rob Stokes whether he can help us out or not." So you got the drift. You are going to be meeting them. I think you have met some already. It is in relation to the 1,618 remains of Indigenous people that have been brought back to Australia from overseas, in the Australian Museum. We can only just imagine what those people actually went through. We have one example of Tambo Tambo, who was

CORRECTED

returned to Queensland, Palm Island, after he and his family were in the Barnum and Bailey circus as freaks et cetera. Finally, he made it back. There was a ceremony in 1994 in Palm Island.

Would the Minister be willing to engage with them, and obviously where it cuts across other ministries and local government, to actually have these remains taken out of boxes in a museum, in some dark room, and placed into a grave and there to be a burial ceremony or whatever can be worked out, with the Indigenous elders' advice, in public places in and around Sydney? What is your view on that?

Mr ROB STOKES: The short answer is of course. I have had a couple of meetings on issues like this. Of course, these matters need to be dealt with very sensitively, ensuring that everyone who has a voice is heard. The issue here is, I suppose, who is speaking for all of the deceased and making sure that those views are heard and represented. There are challenges. But I think that is a really good example of how we can engage in practical reconciliation. It is abhorrent that these remains are in storage in a museum. I find that personally repellent and horrifying. We need to resolve it. I am happy to be involved in that. Obviously, it will cut across different portfolios. But, to the extent that it is appropriate for me to be involved, the answer is, of course, yes.

The Hon. MARK PEARSON: Have you been involved at all with any local councils in relation to this? Has that been part of the—

Mr ROB STOKES: No. I have met with a group who have indicated that they would like to see some memorials built on public land. Very keen to work with them to secure that. I guess the challenge is making sure that we are identifying and respectfully dealing with everyone who is a descendant of the peoples whose remains are in storage. There is a level of complexity to this, as you would appreciate. But it is definitely an issue that needs to be resolved.

The Hon. MARK PEARSON: The elders were keen for 70-tonne sandstone blocks to be used as the tombstone above the remains.

Mr ROB STOKES: Yes. I do know exactly who you are speaking of. Yes. These are the ones I am speaking of.

The Hon. MARK PEARSON: I do not quite know how large that is, to be honest, but I do not think it is too large.

Mr ROB STOKES: They are talking about various memorial stones. It is an amazing vision—really keen to work with them to achieve it. There is, as you would appreciate, some complexity. It is a matter, actually, I spoke with the former secretary on. Have not had an opportunity to brief the new secretary, who officially starts her appointment on Monday. But, on your prompting, I will have that conversation. We will see what we can do.

The Hon. MARK PEARSON: You would be aware of the memorial that is going to be placed at Bondi for the gay and transgender people who were murdered.

Mr ROB STOKES: Yes.

The Hon. MARK PEARSON: That is on public land, on that path there. That has actually been very sensitively dealt with between your department and the local government.

Mr ROB STOKES: Yes.

The Hon. MARK PEARSON: You are aware of that?

Mr ROB STOKES: Yes, I am. A similar vision, to create a more just and inclusive society that heals past wrongs, I think is a wonderful vision for us to aspire to.

The CHAIR: Thank you. I will just kick on with some remaining questions in this time. The draft Ingleside Place Strategy—you are very aware of that, Minister. I know you have been lobbied from lots of people in your community. I understand that you undertook to find documents that the NSW RFS and New South Wales Fire and Rescue and police gave in terms of the documents that they used to assess the risk of developing this area with the 980 new dwellings and you undertook to the community to find those documents, which they have been requesting for some time. How have you gone in your search for those documents?

Mr ROB STOKES: The only challenge with the premise of your question was it presupposes their existence. So what I suggested is, of course, all relevant documentation will be provided. I undertook to investigate whether there was any documentation that had not been provided and ensure that it has. That was my expectation of the department to do that. I understand that has been done and I will refer you to the secretary just for an update.

Ms FISHBURN: I will refer to Mr Whitworth for advice on this matter.

CORRECTED

Mr WHITWORTH: Thank you, Acting Secretary, and thank you, Chair. Yes, the community—the request has been for the sign-off from RFS and New South Wales police and other emergency services. That sign-off came more in the form of the agreement to—or the emails and so on that said, "Yes, this report is okay to go", or were through the participation in the project control group that oversaw the process in which the reports were prepared. We did go back and there was some degree of concern that the reports themselves should stand, as the documents are prepared by government. But I think the more important thing is that there have been a number of submissions made raising concern about the evacuation process, which gives us the opportunity to go back to council and to go back and sit down with the emergency services providers and say, "This is what the community had raised. These are the concerns. Can you help us understand and resolve them and look at those issues?"

I think it is important to reflect that we want to take a precautionary approach with Ingleside. We want to ensure that we are not putting people in danger. This was a vastly reduced proposal from the original proposal. The original proposal was 3,400 dwellings. This proposal was a reduction to 980 dwellings, which reflects on the fact that the value of community engagement is that we hear, we listen and we act. The community has raised a number of issues that we want to explore and continue to look at—and make sure that the council is at the table with us to help do that and ensure that. I think one of the lessons that we also learned is that will ensure that we can get—

The CHAIR: That is fine. Yes, it is all good. I wanted to try and squeeze in one more question. This is in relation to Whitehaven Coal's Maules Creek coalmine. I understand they have put in a modification for approval, which will allow them to bury thousands of massive off-the-road industrial tyres. Within this modification request, which I have before me, they say that the recycling of waste heavy vehicle tyres is not considered to be feasible or viable. However, I want to make sure, Minister, that you are aware that Tyre Stewardship Australia has just begun a product stewardship scheme, which would see the recycling of these tyres. In fact, the New South Wales EPA and Tyre Stewardship Australia both envisage a window of two years from now in which a tyre reprocessing facility can be built in the Namoi region.

This is important because a number of these coal companies are putting modification requests in to be able to bury thousands of these tyres with all the subsequent potential environmental impacts. But we have just had—which is exciting—this approval for a tyre reprocessing recycling facility in that region. Will you commit to having a look personally at this modification request now that you know this development has occurred?

Mr ROB STOKES: Yes. And it will be my expectation that the department will take that into account in the assessment. I will also speak personally to the relevant assessment officers and make sure that they are aware of that. That sounds like an exciting opportunity. Of course we should take advantage of it.

The CHAIR: Excellent. That is good.

Mr DAVID SHOEBRIDGE: Minister, thank you for getting the synthetic turf study done. That has been a good thing. But one of the clear recommendations in it was to change the process so that councils are required to put a DA in for any synthetic turf proposal so the community gets a say. Now you can do that with a flick of a pen. Will you do it this afternoon?

Mr ROB STOKES: We are doing two things concurrently. First, we have asked the chief scientist of energy to look at what are better alternatives in relation to synthetic grass or fields. The other thing is the Office of Sport and Planning are doing a piece of work on what guidelines should be generated and the expectations of councils in relation to that. I will get advice on that. I think we gave them a few months to get that work done.

Ms FISHBURN: The guideline will be completed in the first half of 2022.

Mr DAVID SHOEBRIDGE: Neither of those address the DA issue. That is solely in your patch. Will you provide a response to that?

Mr ROB STOKES: I am not going to pre-empt the work that the department and the Office of Sport are doing. So the answer is no, I will not pre-empt it, but I will take their advice in relation to what those guidelines should be and whether that would include, for example, requirements around DAs. The reason I am hedging a bit here is I am aware there are costs associated with these things, so I think it is appropriate to—before we go to the heavy-handed regulation, let us see what we can do through guidelines.

The Hon. PENNY SHARPE: Last question, Minister.

Mr ROB STOKES: Some 884,640 procured.

The Hon. PENNY SHARPE: Is that my trees?

Mr ROB STOKES: I anticipated it.

CORRECTED

Ms FISHBURN: Some 618,177 trees planted and 266,463 procured.

The Hon. PENNY SHARPE: You have not told me how many are dead. It's okay. If you take it on notice that would be great.

Ms FISHBURN: I am not even going to take that on notice.

The Hon. PENNY SHARPE: I have actually got a question. Minister, the aerotropolis—hundreds of thousands of people are moving into western Sydney over this period of time. You have spoken a lot today about massive amounts of housing going in. I just wanted to ask you how comfortable you are with the fact that you have reduced the amount of land set aside in the aerotropolis for parks, playgrounds, sporting fields and those things by 42 per cent from the original plan.

Mr ROB STOKES: Obviously I am keen to get as much parkland as possible, but I have got to mitigate that against also recognising that there are a lot of landowners who are affected there, some of whom—and you can contact or listen to the new commissioner's report into these issues. We do have to deal compassionately. A number of these people are not wealthy by any means and we need to be mindful of their circumstances and situations. I am satisfied that the plan that is currently on exhibition enables 95 per cent of all future dwellings to be within five minutes' walk of green open space, which is a lot better than many areas of Sydney. But we also need to not just require access to parkland—but also in terms of the development control plan requirements around tree coverage and those sorts of things to make sure that these streets themselves are leafy and cool. So it is access to parkland but also about plantings as well. Those zonings now relate to areas that are flood affected and are flood islands as well as biodiversity lands.

The Hon. PENNY SHARPE: I could ask more but I will not.

Mr DAVID SHOEBRIDGE: Fifteen minutes for Mr Franklin.

The Hon. BEN FRANKLIN: Madam Chair, it will come as no shock that we are very comfortable with both the breadth and depth of the Minister's answers today. He has answered all of our questions.

The CHAIR: Thank you, Ben. That is a nice way to wrap up. Thank you, Minister and government officials, for attending today. I am very sorry for the technical issues. We have been going a lot better than that usually. I am not sure what happened today. Normally things are very smooth. Of course, the secretariat will be in touch in terms of any of the questions you have agreed to take on notice and about any supplementary questions we will submit. Thank you very much and enjoy your evening.

Ms FISHBURN: Thank you.

Mr ROB STOKES: Thank you.

(The witnesses withdrew.)

The Committee proceeded to deliberate.