

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

**Friday 11 March 2022**

**Examination of proposed expenditure for the portfolio area**

## **PLANNING AND HOMES**

**CORRECTED**

**The Committee met at 9:30.**

### **MEMBERS**

The Hon. Mark Pearson (Acting Chair)

The Hon. Scott Barrett

Ms Abigail Boyd

The Hon. Catherine Cusack

The Hon. Rose Jackson

The Hon. Shayne Mallard

The Hon. Penny Sharpe

### **VIA VIDEOCONFERENCE**

The Hon. Adam Searle

### **PRESENT**

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

\* Please note:

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

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

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

## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

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

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



**The ACTING CHAIR:** Welcome to the additional public hearing for the inquiry into budget estimates 2021-2022. 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 Anthony Roberts, and accompanying officials, to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Planning and Homes. 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 certain documents to hand. In these circumstances, witnesses are advised that they can take the 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 your officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table beside or behind you. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. Most witnesses here have already been sworn in but I have six who need to be sworn in.

Today's hearing will be conducted from 9.30 a.m. to 12.45 p.m. with a 15-minute break at 11 o'clock. We are joined by the Minister in the morning, and in the afternoon we will hear from departmental witnesses from 2 o'clock to 5.15 p.m. with a 15-minute break at 3.30 p.m. During these sessions there will be questions from the Opposition and crossbench members only. If required, an additional 15 minutes is allowed at the end of the morning and afternoon sessions for Government questions.

**Mr MICK CASSEL**, Secretary, Department of Planning and Environment, on former oath

**Mr MARCUS RAY**, Group Deputy Secretary, Planning and Assessment, Department of Planning and Environment, on former affirmation

**Mr JOHN BROGDEN**, CEO, Landcom, on former oath

**Ms DEBORAH BRILL**, Acting Chief Executive, NSW Land and Housing Corporation, affirmed and examined

**Mr MICHAEL WRIGHT**, Group Deputy Secretary, Housing and Property, Department of Planning and Environment, affirmed and examined

**Mr BRETT WHITWORTH**, Deputy Secretary, Planning Policy, Department of Planning and Environment, on former affirmation

**Mr LEON WALKER**, Deputy Secretary, Property & Development, Department of Planning and Environment, before the Committee via videoconference, affirmed and examined

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

**Ms ANTHEA SARGEANT**, Acting Deputy Secretary, Development Assessment, Department of Planning and Environment, sworn and examined

**Ms ANITA MITCHELL**, CEO, Placemaking NSW, affirmed and examined

**The ACTING CHAIR:** Thank you for your attendance today. Good morning, Minister. Welcome to this inquiry and congratulations on your appointment.

**Mr ANTHONY ROBERTS:** Really?

**The ACTING CHAIR:** You will feel that way at the end of this hearing, I can assure you.

**Mr ANTHONY ROBERTS:** Thank you. If I might, Chair, can I make just a brief statement, probably on behalf of us all.

**The ACTING CHAIR:** Yes, you may.

**Mr ANTHONY ROBERTS:** I pay tribute to Senator Kitching, who passed away at the age of 52—a remarkable Senator and, I think, someone who brought a lot to the Senate and the Federal Government. While she was not of this State and not of my party, I think on behalf of us all I extend condolences to the family. She will certainly be missed.

**The Hon. PENNY SHARPE:** Thank you, Minister, and thanks for your condolences. The Labor Party is a bit lost this morning, so thank you very much. Congratulations on your new role and to your officials.

**Mr ANTHONY ROBERTS:** Thank you.

**The Hon. PENNY SHARPE:** Minister, we estimate that around 56,000 homes have been affected by the floods in the north and we know so far that over five and a half thousand have been inspected for flood damage. What is the role of the Department of Planning and Environment in the task from here on in?

**Mr ANTHONY ROBERTS:** Can I place on record that our heart goes out to the communities devastated by these terrible floods. The New South Wales Government is doing everything it can to assist councils to help communities recover. We are currently in the response phase of this national crisis. We are working tirelessly to offer temporary housing and accommodation for those who need it the most. As the clean-up is still underway, it is probably too early to determine the extent of the issues but the Department of Planning and Environment has been in touch with affected councils to offer advice and assistance.

As we move out of the response phase we are looking towards recovery, and our message to councils and communities in flood-impacted areas is to do what is practical, necessary and safe to support their communities. As such, I have instructed the Secretary of the Department of Planning and Environment to commence an independent review of the relevant instruments, policies and programs applying to development in flood-prone locations across New South Wales, as well as existing developments. I am pleased to inform this Committee that the terms of reference and the names of those appointed to oversee the review will be finalised shortly.

The review will cover some very sensitive issues. I encourage anyone with an opinion on flooding to make a submission and contribute to the review. I have asked for the outcomes of the review to be delivered within

the next few months. Can I say with respect to the action that the department is taking, notwithstanding we will be more involved in the recovery phase as opposed to the response phase, we have set up a team to help with flood response. The immediate aim of the team is to support flood-impacted councils with exemptions and planning tools they need right now for urgent issues like temporary accommodation and supplies for the community. Departmental officers have been in contact with flood-affected councils. Our immediate message for those councils is, once again, to do what is practical, necessary and safe to support their communities. We will follow up with the necessary planning laws and we will continue, as we are doing, to support councils through every phase of the recovery process.

**The Hon. PENNY SHARPE:** Thank you, Minister. You have indicated the terms of reference for the review. Sorry, when did you say that they will be finalised and made public?

**Mr ANTHONY ROBERTS:** Can I ask the secretary to respond to that?

**The Hon. PENNY SHARPE:** Yes.

**MICK CASSEL:** The review will commence within the coming weeks. We are working through the terms of reference at this point in time, and I can provide some more information within the coming week. As you can imagine, at the moment most of the focus is on assisting with the response phase. We will move into the recovery phase in the future.

**The Hon. PENNY SHARPE:** Sure, but in terms of the terms of reference, will it be the end of next week?

**MICK CASSEL:** I am hoping to have them finalised by the end of the next week, yes. I want to make sure that the person that we appoint is happy with the terms of reference as well, and I want to make sure they are thorough, rather than rushing.

**The Hon. ROSE JACKSON:** Who are you going to appoint to do that? You describe it as independent.

**Mr ANTHONY ROBERTS:** Through me? Can I just say that with respect to the terms of reference, we will make those public as soon as they are delivered upon because, again, what we are keen to do is have the involvement of communities, councils and so forth to actually—we want them to partake in that and contribute to that. Mr Cassel?

**MICK CASSEL:** Sorry, I think there was another question there.

**The Hon. ROSE JACKSON:** Yes. It has been referred to as an independent review and you mentioned a process around appointing someone to conduct it. I wanted to see if there was any more information about who that person or group of people might be and what process you were undertaking to appoint them.

**Mr ANTHONY ROBERTS:** I think, if I might, the department is undertaking the processes with respect to who will be appointed. As soon as that person is appointed, we will be making that public. But I can assure you, with my background around just being open and transparent, this needs to be an independent review and we need someone of the calibre to drive that review. As soon as we have that further information as to who that individual will be, we will make that public.

**The Hon. ROSE JACKSON:** Just to be clear, the purpose of this review—the idea at the end of this—is to receive a series of recommendations in relation to future planning on flood plains. Is that what the purpose of this is? Is this to mop up the different opinions that have been thrown into the public domain by senior members of the Government recently in relation to floodplain development? Is that why you have kicked this off?

**Mr ANTHONY ROBERTS:** Again, the department will be working on the terms of reference. But, for me, I think it is very important to have, basically, the sole element of truth. We need one person speaking about the review as the review moves forward. As you would have seen, there are a lot of people and a lot of various different beliefs, with some not based on, you know, any sort of science or hydrological expertise. That is why I think we need someone, an independent review, that the department will assist with in ensuring that the learnings that we—again, we have never faced anything like this. But it will be certainly without in any way interfering with the terms of reference. But that is a very commonsense approach that you put forward there. That will obviously be one of the terms.

**The Hon. PENNY SHARPE:** Just to be clear, there are sort of two options. From the way that you described it in the beginning, it sounded to me that it is really focused on the rebuild phase. There are a multitude, in a very complex planning system, of controls and policies and guidelines that councils have to follow and that the department has to follow. My understanding of what you had said, Minister, was that this review will look at all of that with a view to, I suppose, trying to find a way to ensure that the rebuild in Lismore or in western Sydney

or anywhere else would be faster. Is it also then looking at the bigger issues around building on flood-prone land? I am a bit unclear.

**Mr ANTHONY ROBERTS:** The terms of reference—what I have instructed the department to undertake—is a broader look at not just rebuilds but where people can build in the future and the various science that can be applied. That will be part of that. Mr Cassel?

**MICK CASSEL:** I am not sure I can add any more to that. As we have said, we are finalising the terms of reference and the Minister has made the commitment to you all to make those public when they are finalised, and we will make public, obviously, who is appointed in due course.

**The Hon. PENNY SHARPE:** Can you give us an idea of the qualifications you are looking at for the person who will be appointed to take on this role?

**MICK CASSEL:** Obviously, they will be very experienced in the sciences, with a good understanding of the planning process and respected by the community as an independent.

**The Hon. ROSE JACKSON:** Minister, can I ask whether, from your point of view—obviously, I appreciate that the review is going to kick off soon. Are there any things that are off the table from your point of view? Say, for example, this independent person as yet unappointed comes back and says, "Everyone who is living on a flood plain should be bought out. We should spend the \$3.3 billion and move them all off." If that is a conclusion that this independent person comes to, are you open to that or are some things off the table from your point of view?

**Mr ANTHONY ROBERTS:** An independent review—and that is why I have asked for it—is independent by nature. The findings will be based on their independence and what they have actually dealt with and the submissions that have been received, as well as applying, I would expect, the science and planning principles. But, again, I am not going to try to pre-empt what could be the result of that review, but just to say that it will be independent. I think, for just the long-term approach, I would expect this review to come down with some learnings and some potential changes—one would hope—that will carry us through almost generationally. There needs to be very much a rethink, potentially. But, again, that is up to the independent review.

**The Hon. ROSE JACKSON:** It is just that you have already said, on the public record, "We can't stop these people rebuilding because they there might be a flood." So you have already given an opinion in relation to this and put that on the public record. There are thousands of people who are sitting there saying, "What is the Government going to do? Are they going to move us? Are they going let us rebuild our homes? What is the future for us here?" You have put an independent review forward and that is actually a good step, but it is not unreasonable that they might be looking for some assurance in relation to what is going to happen to their properties. You have already said, "We can't stop these people rebuilding."

**Mr ANTHONY ROBERTS:** Let me just make this quite clear, and I am being very careful around this because I do not in any way want to influence that independent—

**The Hon. ROSE JACKSON:** More than you already have.

**Mr DAVID SHOEBRIDGE:** You are the Minister, though. You have to have a view.

**Mr ANTHONY ROBERTS:** I can have a view, but if my department is appointing someone to run an independent review of this that will come out with, undoubtedly, recommendations, I am not going to in any way taint that by having my own personal opinion. But at this point, can I say again that the damage is still being effected and people are still reeling from losing their homes. The planning system does not stop people who currently live in places from returning to their homes. They have a right to go back to their homes. As for whether residents in flood-affected areas can rebuild, again, that is a matter for councils. I make that very clear. But from the New South Wales Government perspective, I have asked, again, for an independent review and I really do not want to go further into that. This needs to be an independent review that is not clouded by politics.

My issue at the moment is that we are going to have a review. We are in the response phase and we will move into the recovery phase, where the department of planning will take a greater role. But people up there are anxious. Can I please pay tribute to the Hon. Catherine Cusack here today, who has seen firsthand the devastation not just physically and emotionally, but the loss of lives and the loss of property. Now is not the time to input more anxiety and fear into people's lives. Let us get through the response. We have got an independent review coming through, which will lead the recovery to a great extent into the future and provide, I would hope, better planning outcomes.

**The Hon. PENNY SHARPE:** In terms of leading recovery, how is it going to work with the other agencies like Resilience NSW and the other emergency services? Will the review encompass their work and their plans as well?

**Mr ANTHONY ROBERTS:** Mr Cassel? Again, the terms of reference—I would say so.

**MICK CASSEL:** Again, I do not want to pre-empt the outcome. At this point in time, I think it is important that we just focus on the response stage. I do not want to put out—

**The Hon. PENNY SHARPE:** With respect, you led with the review this morning. That is why we are now asking about it.

**MICK CASSEL:** I appreciate that statement. Yes, we did say we are in the early stages of appointing an independent and working through some terms of reference. I do not want to pre-empt any outcome from that—

**The Hon. PENNY SHARPE:** I am actually asking for the inputs. Is it your department now that is going to be leading the review across the whole of government? I am now trying to understand where it fits with all of these other organisations who are now obviously knee-deep in dealing with all of the immediate needs. The review that you have announced, will you be doing it on behalf of all of government or can we expect that the Premier will be saying that there is going to be some other review in terms of the response, which I think he has perhaps already indicated. I am trying to understand the scope of your review and how it fits with everything else that is going on.

**MICK CASSEL:** The scope of the review is around planning principles holistically and rebuilding. Yes, I believe the outcome will influence some of the decisions a lot further down the track. At this point in time the Government is in the response stage, and I really do not want to cloud the response stage and how Government is going to make a decision on the rebuild stage at this point in time. I think that is a decision for other people.

**The Hon. ROSE JACKSON:** Who are those other people?

**The Hon. PENNY SHARPE:** Yes, who are the other people?

**The Hon. ROSE JACKSON:** That is the question.

**MICK CASSEL:** It is the Government.

**The Hon. PENNY SHARPE:** The Government? Which bit of Government?

**The Hon. ROSE JACKSON:** Minister, I appreciate we are in the response phase now, but that clean-up is happening apace. It is not unreasonable that people who are living in these communities want to know when they are going to be able to rebuild their homes. Are they going to be able to rebuild their homes? What support is available for that to happen? Are they going to have to wait for this review to be done? Are they talking to Resilience NSW? How is that going to be managed, because that is actually not that far away?

**Mr ANTHONY ROBERTS:** We work with, again, all sectors of government when it is appropriate. It is coordinated by Resilience NSW and we will work within that framework. But, again, can I just remind you that we are in the response phase now and we are standing up now what we can to work through the recovery phase. We will do that, again, through working with local councils and taking submissions on this. But what we need is very much a robust medium- and long-term response to these events, and that is what we are aiming for.

**The Hon. PENNY SHARPE:** To get back to you working with councils, councils are absolutely flat chat, and all power to the incredible amount of work that they have done and recognition of the work that they have led since day dot of this current catastrophe. How are you actually able to physically help those councils, given that their capacity at the moment is very much on coordinating things on the ground and actually just helping people clean up their houses?

**Mr ANTHONY ROBERTS:** Again, the response phase is being dealt with and being led by Resilience NSW.

**The Hon. PENNY SHARPE:** Sure, but you said earlier that you were providing advice and assistance to councils. What are you doing?

**Mr ANTHONY ROBERTS:** Post-floods or pre-floods?

**The Hon. PENNY SHARPE:** No, right now and then in coming weeks.

**Mr ANTHONY ROBERTS:** For example, I instructed the department to create a flying squad. A lot of councils effectively have a dearth of planners—



**The Hon. ROSE JACKSON:** Minister, that was a response that you announced at the local government conference prior to these floods even happening. It had nothing to do—

**Mr ANTHONY ROBERTS:** I was well ahead of the need—

**The Hon. ROSE JACKSON:** Please, it had nothing to do with flood response. My colleague's question was about what you are doing in response to the floods and you have just said something you announced the week before.

**The Hon. CATHERINE CUSACK:** Point of order: I am really interested to hear the Minister's answers but he is constantly being cut off. Could he be allowed to finish his answer before the next question comes.

**Mr DAVID SHOEBRIDGE:** Ms Jackson was just trying to prevent him from making an even bigger error.

**The Hon. ROSE JACKSON:** I apologise, Minister. Continue.

**The ACTING CHAIR:** Minister, if you can complete your answer, that would be good, and the questions will be a little bit more balanced.

**Mr ANTHONY ROBERTS:** One of the issues local government has faced for some time is a dearth of planners and that of course would follow through post this event. Prior to this, we already had in place processes in the system to assist councils on delivering on applications where—

**The Hon. PENNY SHARPE:** How many people are in a flying squad, Minister?

**The Hon. CATHERINE CUSACK:** Point of order: You have just ruled that the Minister should be allowed to complete his answer.

**The ACTING CHAIR:** Yes, but I think sometimes we can ask a question for clarification on a particular point.

**The Hon. PENNY SHARPE:** It was a very direct question.

**The ACTING CHAIR:** If you can be very direct in your answer as opposed to general, Minister, that will help prevent the questions coming on top of your answer for clarification.

**The Hon. CATHERINE CUSACK:** If he could even complete his sentences, that would be beneficial.

**The ACTING CHAIR:** Minister, if you could finish your answer, that would be great, thank you.

**Mr ANTHONY ROBERTS:** With all due respect, Acting Chair, to be able to finish a sentence also assists in completing an answer. Sometimes I think we actually need to have some context around a direct answer. We are already in this space in assisting councils, particularly regional councils, in ensuring that we give them the opportunity to assist them in growing housing supply, which is critical for them. Where there is a lag, we are providing that assistance through the flying squad we stood up. I already made the commitment to local government representatives, both personally and through the department, that post these events we will provide whatever assistance we can from a planning perspective to ensure they are able to do their job, particularly after difficult circumstances. With response to the flying squad, I am quite happy to pass to Marcus Ray who is the lead on this.

**MARCUS RAY:** Thanks, Minister.

**Mr DAVID SHOEBRIDGE:** Chief pilot. Is it a flying squad or a pilot?

**The ACTING CHAIR:** Order!

**Mr DAVID SHOEBRIDGE:** Sorry.

**The Hon. ROSE JACKSON:** Go on, Mr Ray.

**Mr ANTHONY ROBERTS:** When are you going to Canberra, Mr Shoebridge?

**The ACTING CHAIR:** Thank you, Mr Ray.

**Mr DAVID SHOEBRIDGE:** Is it a flying squad or a pilot?

**The Hon. PENNY SHARPE:** Come on, it is my time. Mr Ray.

**The ACTING CHAIR:** Mr Ray, please answer the question.

**MARCUS RAY:** Thanks, Ms Sharpe and Mr Pearson. The flying squad consists of a number of different resources that are available to the department. Some of those resources are resources that are contracted to the

department and some resources are internal to the department. As to actual numbers over the period, what we were looking at with the Minister's announcement earlier this month was to be able to spend \$1 million to help councils with their DAs—

**The Hon. PENNY SHARPE:** But that is all of New South Wales, is it not?

**The Hon. ROSE JACKSON:** One million dollars statewide?

**MARCUS RAY:** Regional New South Wales, but that is just between now and 30 June. That is the initial program, and obviously once we have got into that program and had a further look at it, then we would see what we would do for the next financial year.

**The Hon. PENNY SHARPE:** When you say "resources", Mr Ray, what does that mean? Are there people physically going to go to Lismore council to help them work through this process? Are you going to have trained planners on contract do that? What does "extra resources" actually mean?

**MARCUS RAY:** That is exactly right; it is a combination of things. Some of those resources may not have to actually be in the council. They can work from home or they can go to the council. They would be contract planners, but they would all be qualified planners, whether they—

**The Hon. ROSE JACKSON:** You would hope so.

**The Hon. PENNY SHARPE:** But what are they going to do?

**MARCUS RAY:** They are going to assist councils with the preparation of reports for development applications where councils do not have those resources to actually do those things.

**Mr ANTHONY ROBERTS:** Can I add to that? Effectively we would do the application work the normal planner would do with councils, but, again, the determining authority still remains the council.

**The Hon. PENNY SHARPE:** I am not suggesting that. There is no question of that.

**The ACTING CHAIR:** I would like to start with one question which flows on from the Hon. Penny Sharpe. It is clear that there would be a lot of people at this point in time needing certainty as to whether they are going to be able to rebuild in the area where their home is. I think the Hon. Rose Jackson is correct; that time is quickly approaching. People who are already facing terrible circumstances would actually appreciate certainty about what the restrictions or otherwise will be if they are going to build again on their property. When is that certainty going to arrive?

**Mr ANTHONY ROBERTS:** Mr Ray?

**MARCUS RAY:** There are a number of different initiatives that were introduced into the planning system as a response, Mr Pearson, to the bushfires, and they were extended to a broad range of natural hazards, not just bushfires, so they include flood. There are specific provisions in the State environmental planning policy in relation to codes that enable councils and government to actually do the recovery, do the clean-up, the response phase. Those provisions were put in there following the bushfires in 2019 and 2020. There are a range of provisions in the planning system now to deal with some of the initial stages of clean-up. This is something that the Minister also mentioned but I might reiterate, for a lot of people who are not facing the question of rebuilding but are just cleaning up and moving back into their house, the planning system has no role in those matters. The planning system regulates new development or additional development. It regulates things like rebuilding and structural repair.

**The ACTING CHAIR:** Therefore, for clarification, if we are talking about the people who have lost their homes and their homes were on an area which is now in question as to whether they are going to be able to build their homes, when will they have certainty as to whether they can start building again or not?

**MARCUS RAY:** With the current provisions, that often depends on the particular local council. One of the initiatives post the bushfires in 2020 was to ask councils individually what they wanted to do about the question of rebuilding or structural repair from natural disasters. The department opened it up to each council to put a special clause in their local environmental plan that would enable the rebuilding after natural disasters, notwithstanding that current controls or standards may not allow that. For example, with the question of bushfires, that was obviously a live question because, in many cases, houses had been built 40 or 50 years ago and obviously the standards were different. The same now sort of applies in floods.

In the case of Lismore, Lismore accepted that clause and Lismore council has a clause that enables the rebuilding or the structural repair in its floodplain areas. I want to make the point that it is a decision for the council, as the Minister already said, in each case through each development application as to whether it is appropriate to rebuild. The planning system in Lismore has got that clause in there. Other councils decided not to

put that clause in their LEPs. Recently, since the floods, the department has written to those councils in the North Coast that do not have that clause to see whether they now want that clause to be put back into their LEPs or put into their LEPs for the first time.

**Mr DAVID SHOEBRIDGE:** Mr Ray, your position is, as I understand it, that Lismore council can carry the can about refusing development. That is your position: It is Lismore council's job to approve or refuse a rebuild?

**MARCUS RAY:** Lismore council has the power to approve or refuse the rebuild. It has that facility under the clause that was put in in the last couple of years. But, ultimately, there are broader questions because these floods were particularly devastating; they were not within expectation. There may be broader questions for government, and there has obviously been discussion in the press about those things. I come back to the point at the moment, other decisions may be taken or they may not be taken. I am trying to explain what the position is now. I do not think that anyone is suggesting that Lismore council is going to be left on its own to make these decisions. The department staff are talking to council officers in Lismore and other North Coast councils, and they will continue to talk. The bigger questions of recovery, obviously being led by Resilience NSW, will be brought forward to government as the days unfold.

**Mr DAVID SHOEBRIDGE:** It is an impossible and totally unworkable proposition to tell Lismore council to be making the decisions about permitting its residents to rebuild or not in land that is zoned for residential development but flood prone. That is an impossible situation to put Lismore council in, isn't it?

**Mr ANTHONY ROBERTS:** I think it is leading. But, Marcus, do you want to answer that?

**MARCUS RAY:** I do not think I am saying that. All I am saying is that there is a clause that enables it to happen. But, as I have said, I think there is a broader issue for government that, given the nature and extent of the floods, the Government, as part of the review that has already been announced, will be looking specifically at planning, planning controls and what the appropriate planning controls are, including controls for rebuilding. This is a next-level event. I think it is quite appropriate that we have that independent review, and the independent review looks at all those things.

**Mr DAVID SHOEBRIDGE:** Minister, you know full well—

**Mr ANTHONY ROBERTS:** That is the reason we are having this review: to address these issues.

**Mr DAVID SHOEBRIDGE:** Which we have not seen the terms of reference of—

**Mr ANTHONY ROBERTS:** No.

**Mr DAVID SHOEBRIDGE:** —for which there is no end-time reporting date and which you have not even found a reviewer to undertake. That is your promise, is it? No terms of reference, no reporting date, no reviewer, but that is the action you have taken.

**Mr ANTHONY ROBERTS:** You are always such a glass-half-full sort of person!

**Mr DAVID SHOEBRIDGE:** No, I am always watching your actions, Minister. Those are your current actions: no terms of reference, no date for a report, you have not even found a reviewer and you say that is your action. Is that what you have done?

**Mr ANTHONY ROBERTS:** We are going through the recovery stage and we are standing up this review, along with teams to assist councils, as we move towards the recovery and the rebuild.

**Mr DAVID SHOEBRIDGE:** When Lismore council gets the first DA to rebuild and repair a flood-damaged property—which may happen tomorrow, it may happen next week—what is your advice to Lismore council? Should it approve it or should it reject it? Because it will be making those decisions in the next few days and weeks. What is your advice to Lismore council?

**Mr ANTHONY ROBERTS:** I do not know the ins and outs of Lismore council.

**The Hon. SHAYNE MALLARD:** No-one does properly.

**The Hon. PENNY SHARPE:** Don't be rude to them.

**Mr ANTHONY ROBERTS:** But that is why we are having a very strong review on this, so that it is able to, from that review, take that on board. Mr Ray?

**The Hon. SHAYNE MALLARD:** All councils.

**Mr DAVID SHOEBRIDGE:** Point of order: I think Lismore council is going through an extraordinarily tough time at the moment. It has lost half its machinery and its staff have lost their homes. I do not think it is right for members of the Committee to mock Lismore council.

**The Hon. PENNY SHARPE:** I agree.

**Mr DAVID SHOEBRIDGE:** I am going to take a point of order against Mr Mallard. It is totally inappropriate to mock Lismore council.

**The Hon. SHAYNE MALLARD:** You are being very sensitive, David. I withdraw the mocking, if that is what you think it was.

**Mr ANTHONY ROBERTS:** If I can get this right, your public position is that people who want to rebuild in Lismore council should not be allowed to? I want clarification around this.

**Mr DAVID SHOEBRIDGE:** First of all, you do not get to ask questions, Minister.

**Mr ANTHONY ROBERTS:** I can seek clarification.

**Mr DAVID SHOEBRIDGE:** This is for you to answer questions, not to ask questions. By all means we can have a chat outside, if you want.

**Mr ANTHONY ROBERTS:** Are you asking me to go outside? I am happy to go outside.

**The ACTING CHAIR:** Order!

**Mr DAVID SHOEBRIDGE:** I am happy to have a chat outside after the hearing.

**Mr ANTHONY ROBERTS:** I am happy to go outside.

**Mr DAVID SHOEBRIDGE:** I am happy to have a chat outside after the hearing, if you like.

**The ACTING CHAIR:** Order! The way this operates is it is a committee hearing; it is not for argument, it is not for a discussion. It is for a question and an answer, as clear as possible and to the best of your knowledge. That is the spirit of a committee hearing. Let us keep it going that way.

**Mr DAVID SHOEBRIDGE:** Thank you, Chair.

**Mr ANTHONY ROBERTS:** With all due respect, Chair, I am not the one being argumentative. I was seeking clarification.

**The ACTING CHAIR:** I am talking about argumentativeness. I am not saying who is or isn't. I am making clear the spirit of an inquiry: question, answer.

**Mr DAVID SHOEBRIDGE:** Minister, when Lismore council has a DA before it—and it could come as soon as tomorrow or it could come next week or it could come the month after—

**The Hon. CATHERINE CUSACK:** This assertion that—

**Mr DAVID SHOEBRIDGE:** Is that a point of order?

**The ACTING CHAIR:** Continue your question.

**Mr DAVID SHOEBRIDGE:** I will start again. When Lismore council gets a DA to rebuild on that flood-damaged part of town—it could happen tomorrow, it could happen next week, it could happen a month from now, but it will certainly happen before your review comes in—what is your advice to Lismore council? Should it approve it or should it reject it? What is your advice?

**Mr ANTHONY ROBERTS:** Currently, we cannot stop people moving back into their homes. There are people who will be able to move back into their homes in the short term to medium term where they have not been overly affected. With respect to development applications that may or may not come before Lismore council, I do not have a crystal ball as to when they might or will not or what date or what time of the day someone walks in. I do not think they can walk in at the moment. Catherine?

**The Hon. CATHERINE CUSACK:** They cannot. The issue is actually the temporary housing, Minister. I do not see any development applications for some time, to be honest.

**Mr DAVID SHOEBRIDGE:** What is this chat?

**The ACTING CHAIR:** Order! Minister, could you finish answering the question? I will clarify the question for you. I think what Mr Shoebridge is asking is that, even though the council will have to make a decision about whether a development can go ahead to rebuild a home in an area which is in question as to whether homes

should be there, what is your and your department's advice to the council? Do you have any advice as to how they should make that decision?

**Mr ANTHONY ROBERTS:** Can I just reinforce the position that we are in the response stage; the council is in the response stage. They are currently undertaking massive clean-ups. There have been deaths. I have to say, it is fine for us in Macquarie Street—where it is nice and dry and warm, with power—to start asking these esoteric questions to a great extent, "What's happening in the future?" But can I say, we are still in the response stage. As I have said before, we are embarking, as part of the recovery, to ensure that we have a very good piece of work done that will inform future directions of council and the State. I will ask Mr Whitworth, who can probably provide some more of that process around what we have—

**The ACTING CHAIR:** I think that answers the question. Thank you, Minister. We will move on to the next question from Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** Minister, are you seriously saying to the people who have lost their homes, who are making insurance claims and wondering about rebuilding right now, that that is an esoteric question that you are not going to engage in? They are asking these questions right now, they are deeply anxious and your answer is that you are not going to deal with it because it is an esoteric question. Is that how distanced you are from what is happening?

**Mr ANTHONY ROBERTS:** Not at all. I reject the premise of that totally. We are in the recovery phase. You can scaremonger as much as you want and create more anxiety, but we are working closely with those councils, with communities right across government. We are setting up planning operations and policies; we are undertaking a review. Mr Whitworth, do you have anything to add to that?

**BRETT WHITWORTH:** I think we have to appreciate that there is a lot of work going on at the moment for people to have their houses assessed in terms of whether they are structurally safe, whether they are structurally sound. We are going to end up with three to four different sets of questions. Those people who can come back to their house because their house simply needs a clean-up, they can obviously do that and the planning controls will allow them to do that. Those who need to fix their homes—now, it may well be that there are some minor structural problems—the planning system will also allow that to occur in a fast and forward manner. Then there are those who will need to rebuild. The planning system particularly in Lismore will allow development applications to be submitted. The question as to what standards those development applications need to be made and the extent to which the density of development would be appropriate in the area will still be something that will need to be considered.

We have identified, through the updated flood planning controls that we released last year, the importance of more resilient building materials so that people are able to recover more quickly from a flood situation. I suppose there will also be an examination of the compliance or the need to consider the broader floodplain management risk environment. Lismore council does have a floodplain risk management plan, as you would expect from a council and a city and a community that deals with flooding. They will need to look at the circumstances of this event and the circumstances to which their expectations and their mitigation measures worked and/or did not work. That will also be a factor that would be part of Lismore council's consideration. When we talked about having planners go up through the flying squad, that actually helps to enable the council planners to focus on those more strategic questions. It also gives us the ability to work with them through things such as the Regional City Action Plan that was prepared for Lismore. That also included a number of these actions about how do you create a flood-resilient community, how do you ensure mitigation is built into the process of not just development assessment but also the design of infrastructure and the design of the settlement itself.

**Mr DAVID SHOEBRIDGE:** Minister, you know full well, don't you, that if that process goes through and then the council determines that someone should not rebuild, that the land should no longer be used for housing, there are zero provisions at a State level for any compensation for those home owners? They are literally going to have their primary asset taken from them with no compensation. You know that is how the system works, don't you?

**Mr ANTHONY ROBERTS:** Can I just make it quite clear that we are still in the recovery phase. As the Hon. Catherine Cusack stated before, at this stage I do not think Lismore council can take DAs.

**Mr DAVID SHOEBRIDGE:** Point of order: The Minister is deliberately not responding. The question was quite specific. He needs to be directly relevant.

**The ACTING CHAIR:** I will allow the Minister to continue to answer the question.

**Mr DAVID SHOEBRIDGE:** You think he is going to get there?

**The ACTING CHAIR:** We will give you some rope and let us see how we go, keeping it as direct as possible to the question.

**Mr DAVID SHOEBRIDGE:** About zero compensation.

**Mr ANTHONY ROBERTS:** What I am saying is that we need to, and we are, looking at accommodation support immediately for flood victims. That is our focus. I do not think we need to scare people, Mr Shoebridge. It might be in your interest to do that, but there is enough anxiety, concern and mental health issues within our flood-affected communities for you to start adding to it. But certainly, Mr Ray, with respect, or I will give it to—

**Mr DAVID SHOEBRIDGE:** Minister, you know there is zero compensation under the current arrangements. You are not offering these people, who have lost potentially everything, a single glimmer of hope, are you? There is zero compensation and you have no plans for any compensation. That is the current state of play, isn't it?

**Mr ANTHONY ROBERTS:** I am not going to answer that. That is just highly obnoxious. What the Government is developing—

**Mr DAVID SHOEBRIDGE:** Minister, you need to answer the questions.

**Mr ANTHONY ROBERTS:** We are moving into the recovery stage.

**Mr DAVID SHOEBRIDGE:** People in Lismore, people around the State are asking these questions and they expect more than this arrogant position from you.

**Mr ANTHONY ROBERTS:** I think the only arrogance here today, Mr Shoebridge, is your arrogance.

**Mr DAVID SHOEBRIDGE:** They expect more than this arrogant position from you.

**The ACTING CHAIR:** Order! I am going to put the question again. Minister, is part of the plan in response to all of this from your department going to include consideration of compensation to people who have lost so much?

**Mr ANTHONY ROBERTS:** Again, that would be a whole-of-government approach and obviously that is something the Government is looking at from all angles.

**Mr DAVID SHOEBRIDGE:** Minister, you are the planning Minister; under the system that Mr Whitworth detailed, if the third option happens and someone is told they cannot rebuild, there is zero compensation for the home owner under the planning system. That is the way it works at the moment, isn't it?

**Mr ANTHONY ROBERTS:** Again, can I say that the issue of flood-prone land and acquisition is an environmental management issue and so that question should really be directed at the environment Minister.

**Mr DAVID SHOEBRIDGE:** You are seriously saying as the planning Minister—

**The Hon. ROSE JACKSON:** Oh my God. "It's James Griffin's problem."

**The ACTING CHAIR:** Order! I think Mr Shoebridge will be able to deal with this.

**Mr DAVID SHOEBRIDGE:** You are seriously saying as the planning Minister—

**The Hon. PENNY SHARPE:** Even that is a try-on for you, Minister.

**The Hon. ROSE JACKSON:** You are a senior Minister now; you cannot get away with that.

**The Hon. CATHERINE CUSACK:** Point of order—

**The Hon. ROSE JACKSON:** Sorry, I withdraw that.

**The Hon. PENNY SHARPE:** That was just an extraordinary answer.

**The ACTING CHAIR:** I think I know what your point of order is going to be.

**The Hon. CATHERINE CUSACK:** Can I just also say—

**Mr DAVID SHOEBRIDGE:** If it is a point of order.

**The Hon. CATHERINE CUSACK:** I am really interested in the questions. Can I ask you, when you talk about option three, is this if the land is rezoned?

**Mr DAVID SHOEBRIDGE:** No, it is Mr Whitworth's option three.

**The Hon. CATHERINE CUSACK:** Because I am not following what the compensation—

**Mr DAVID SHOEBRIDGE:** That is okay.

**The ACTING CHAIR:** Continue questioning.

**Mr DAVID SHOEBRIDGE:** Minister, as the planning Minister, your answer was that, if the planning system tells somebody they cannot rebuild on their home, they then need to go knocking on the door of the environment Minister and beg for some funds. That is seriously your answer as the planning Minister?

**Mr ANTHONY ROBERTS:** Look, we are not telling—

**The ACTING CHAIR:** You can withdraw your answer, Minister.

**Mr DAVID SHOEBRIDGE:** No, I will put it again. Minister, you are the planning Minister. You have said that, if the planning system says to somebody they cannot rebuild their home because it is so flood-affected, they need to go and knock on the door of the environment Minister and beg for some compensation. That cannot seriously be your position?

**Mr ANTHONY ROBERTS:** What I can certainly say is that the issue of compensation from this Government is not an issue for Planning. I would seek that you probably direct that to where it should be directed.

**The Hon. PENNY SHARPE:** It is not an issue for the environment Minister either.

**The ACTING CHAIR:** We will move to questions from the Opposition.

**The Hon. PENNY SHARPE:** I just want to pick up on where I think we are getting at with this. We all accept that this is a difficult time and people are very distressed. As they are cleaning out the muck from their houses, they are thinking as they are dealing with that, "What happens next?" Do you foresee, through this review, that people could be moving back into their houses and then the review could determine they may have to move back out?

**Mr ANTHONY ROBERTS:** Again, I am going to wait for the review to be delivered before I comment further on that.

**The Hon. ROSE JACKSON:** But that is a possibility. People who are, as Ms Sharpe said, cleaning out their houses now, trying to get it into a state to move back in—and that is absolutely at the front of their minds, Minister—they do that and then your Government drops an independent review that says, "Actually, all those people should move." That is seriously what you are suggesting is possible?

**Mr ANTHONY ROBERTS:** No, you are speaking about hypotheticals and I am not going to be drawn into hypotheticals. We have got a review, an independent review—

**The Hon. PENNY SHARPE:** Yes, but the problem we have got, Minister, is you have dropped a review on the table this morning with no detail around it. We are trying to explore what is in and out and the scope of it. You can keep saying you are having the review, but because there is no detail you are getting these questions. Will the chief scientist be involved in the review?

**Mr ANTHONY ROBERTS:** I would have to ask—Mr Cassel?

**MICK CASSEL:** Thank you, Minister. Yes, we have discussed that and I believe the chief scientist will be—and appropriately—involved and his opinions taken on board.

**The Hon. ROSE JACKSON:** Will there be public hearings?

**MICK CASSEL:** That will be a matter for the person who is appointed to undertake the review.

**The Hon. ADAM SEARLE:** Well Minister, surely—

**The Hon. ROSE JACKSON:** Can you understand, Minister—sorry, you go Mr Searle.

**The Hon. ADAM SEARLE:** Sorry. Minister, surely that should be a question for you. You have announced this review. You must know whether it is going to be a paper review of existing policies on the documents or whether it is going to have live hearings with evidence of witnesses? Surely you can tell us that?

**Mr ANTHONY ROBERTS:** I will take the advice of person that is to be appointed to lead this, Mr Searle.

**The Hon. ADAM SEARLE:** Can you answer this? Will bushfire-prone areas be included in this review or is it limited to floods only?

**Mr ANTHONY ROBERTS:** Floods only.

**The Hon. ADAM SEARLE:** Minister, you would be aware that there is still a number of properties, including on the North Coast, that have not been rebuilt or have not recovered from the bushfires. Bushfires are also not natural disasters that we have to come to terms with?

**Mr ANTHONY ROBERTS:** What we are looking at, at the moment, is focusing on, as part of the recovery, the review into policy, planning procedures and mapping. That is our focus.

**The ACTING CHAIR:** Minister, I might ask again for you to bring the microphone as close to you as possible.

**Mr ANTHONY ROBERTS:** Sorry. This review is around the flood events and ensuring that we look at future planning policies and procedures and mapping around that.

**The Hon. ROSE JACKSON:** Minister, can you—

**The Hon. ADAM SEARLE:** But what about bushfires? I live in a bushfire-prone area. The North Coast was badly affected by bushfires and so was the South Coast. Those communities are still recovering. Is that not something that you think the planning system should come to terms with?

**Mr ANTHONY ROBERTS:** I will direct that to Mr Whitworth.

**BRETT WHITWORTH:** Thank you. The planning system, as I think Mr Ray identified, does have a number of provisions that allow for the rebuilding of homes and the re-establishment of commercial activities following natural disaster events. There was also an inquiry into the bushfires that was conducted by Professor Mary O'Kane and the assistant commissioner, Dave Owens. It provided us with a number of recommendations for the planning system, including building in greater resilience, which are still being implemented, as well as a more strategic approach to how we identify not just where new settlements should be but how existing settlements should be more resilient and more able to respond to natural disasters.

Those things are incorporated into the regional plans that we have produced up and down the coast, as well as in regional areas. Those principles no doubt will be the same sorts of principles that will be looked at as part of the review. But as the Minister and the secretary have said, those terms of reference are still being formulated with the person that is proposed to undertake the review.

**The Hon. ROSE JACKSON:** Just to be clear, in a way your evidence is that in relation to fire-affected areas there was another review, that you did a review in relation to that and this is somewhat of a similar exercise—perhaps slightly different scope—in relation to floods. I suppose that leads to the question of, in the fire-affected areas—for example, on the South Coast, where 400-plus homes were lost and only 50 have been rebuilt—the review that you did for the fires actually did not really seem to deliver much in terms of people who lost their homes and want to have them rebuilt. What assurances can you give the thousands of people who have lost their homes in relation to floods that this review is not just going to be something that takes months, is potentially huge in scope, delivers some report that does not actually deliver any action and they are sitting there going, "Yeah, but how am I going to rebuild my home and who is going to support me to do that"?

**Mr ANTHONY ROBERTS:** Mr Whitworth?

**BRETT WHITWORTH:** I think that is an unfair characterisation that it has not delivered anything. The planning system mobilised very quickly to enable people to rebuild where they could. We also—

**The Hon. PENNY SHARPE:** Just on that, though, Mr Whitworth, the numbers in the South Coast are pretty stark: over 450 houses lost and 50 have been rebuilt. Can you actually tell us exactly what assistance—you have talked about the flying squads this morning. Has there been one officer allocated to Bega Valley Shire Council to help them work through this? Where is the actual practical assistance that is allowing people to actually rebuild? Some members spent a bit of time down there recently for the by-elections and spoke to many, many people across that area who just feel like they hit a brick wall through Planning every step of the way, in terms of getting themselves back on their feet. You have done the review—sorry, there are many questions in that. The first question is: What have you actually done to provide the support to Bega, as a living example, a smaller example than what people in Lismore are facing, in terms of getting their planning issues in order so they can rebuild?

**Mr ANTHONY ROBERTS:** Mr Whitworth?

**BRETT WHITWORTH:** Firstly, we have done a lot of work to ensure that the planning system can deal with the applications quickly.

**The Hon. PENNY SHARPE:** Can you be a bit more specific?



**BRETT WHITWORTH:** That houses can be rebuilt with a development application irrespective of whether they did not comply with things like the lot size standards or the height standards because they may have shifted or changed over time. We ensured that where a complying development certificate could be used rather than the development application, it could be used. We enabled the use of containers for temporary storage for commercial activities. We also enabled containers for the ongoing operation and conduct of commercial activity. We ensured that where there was a need to have temporary housing that temporary housing—caravans, moveable dwellings, containers appropriately fitted out for habitation—could be placed on blocks of land so that people could get on and rebuild and live somewhere on their block of land while they were rebuilding.

**The Hon. PENNY SHARPE:** The work that was done there should be able to be carried over directly to Lismore, should it not? It does not need a new review. Are you able just to do that straightaway?

**BRETT WHITWORTH:** Those are the provisions that we have been talking about to the councils on the North Coast. That natural disaster clause does apply in the majority of those North Coast councils. But I think also the challenge—we keep saying, "We're in the response phase, we're in the response phase". The recovery phase has got to consider a whole range of different issues. Many of those are not related to Planning. We have got to find temporary accommodation for people so that they have somewhere safe to stay. We have got to ensure that commercial—

**The Hon. PENNY SHARPE:** Yes, I was going to—we will get to that specifically.

**BRETT WHITWORTH:** Can I make just one more point, though? There is also something that we are experiencing in any of those bushfire-prone areas, which is the ability to mobilise tradespeople and the ability to mobilise materials. The fact that we have had the pandemic occur at the same time has impacted the supply chain for those materials as well. These are all challenges that are being faced in bushfire-prone areas and those areas that are recovering from bushfire, and they will be issues that we need to address and respond to as part of the flood response as well.

**The Hon. PENNY SHARPE:** It is two years down there. How long—are we talking five to 10 years—before people in Lismore are actually going to be permanently rehoused?

**Mr ANTHONY ROBERTS:** Again, Mr Chair, we are talking about hypothetical answers to questions about a review that has not occurred yet.

**The Hon. ROSE JACKSON:** We are talking about a real flood that has occurred in the last few weeks. The Premier made an announcement yesterday in relation to a housing response. Clearly these issues are under consideration, and if they are not that is a problem in itself. This is not a hypothetical. People want to know how long it is going to take for you to get your review done and make a decision about whether they can live in their house again. Is it going to be years before you are able to give definitive answers about what development is going to be permissible in these flood-prone areas?

**Mr ANTHONY ROBERTS:** I think that question has already been answered.

**Mr DAVID SHOEBRIDGE:** Has it?

**The Hon. ROSE JACKSON:** It has taken two years for people in bushfire areas—in fact, only 50 or so of the 450 homes that were lost there have been rebuilt, and we are two years down the track from that. So is that going to be a similar scenario? What assurances can you give that that will not occur?

**Mr ANTHONY ROBERTS:** I am not going to deal with hypotheticals as to what this review will come out with with recommendations, but I can assure you that it will be very much an open, transparent review that will deal with the future of those flood-affected areas.

**The Hon. ROSE JACKSON:** The Premier announced yesterday 16 weeks. He has actually put a time frame in relation to how long people have temporary support from the Government—16 weeks' rent assistance. He has put that time frame on the table. So people in these areas go, "Right, okay, I've got 16 weeks of government rent support to figure out what I am going to do." It is not hypothetical; it is 16 weeks. After that time, the government support is going to be taken away and they are going to need a housing solution.

**Mr ANTHONY ROBERTS:** Again, we are talking about the response phase. We will move into the recovery phase, and that is why we will have an independent study and a review done more generally. In the meantime, Mr Whitworth, am I correct in saying that there are a number of options open to people with respect to moving back into their homes? They have a right to move back into their homes as we look at the medium- to long-term solutions with respect to this.

**The Hon. PENNY SHARPE:** They have a right but they may not be able to because it might not be liveable. Just to go directly to that, and I know that the member for Lismore and others have welcomed the

announcement in relation to funding for housing, but the next point by anyone who is from up there—and the Hon. Catherine Cusack would understand this as well—is that there is already a massive shortage of rental accommodation anyway, and this has just made it—

**Mr ANTHONY ROBERTS:** Difficult.

**The Hon. PENNY SHARPE:** —in some ways unthinkable worse. How are you going to address that? I know that you have talked about a few mobile homes and pods. These are all welcome, and I am not being critical of those, but there is a very real problem of just the lack of houses available for rental. Who is taking charge of that and how is that going to be addressed?

**Mr ANTHONY ROBERTS:** That being in the short-term, Resilience NSW will deal with that. If I can speak to the point of medium-term through the recovery and longer term, we were already as a department pivoting, from when I took over, to regional New South Wales on the supply of housing. It is clearly that over years there has been—

**The Hon. PENNY SHARPE:** Sorry, Regional NSW is leading that, not Planning?

**Mr ANTHONY ROBERTS:** No, I have said as a department. Sorry, I should have gone closer to the microphone.

**The Hon. PENNY SHARPE:** Yes.

**Mr ANTHONY ROBERTS:** Thank you. Upon coming back into this portfolio, particularly with discussions I had had more generally and learnings from before, there is a shortage of housing, quite frankly, in regional New South Wales—all housing. It is dramatic. There is market failure, and we have seen that. In my opinion, there is no market failure with housing in Sydney to the extent of regional New South Wales. So we are pivoting as a department, and I have made it quite clear to the secretary and, in fact, to regional councils that we are moving our focus and we are working together with Landcom, with housing providers, and together as a cluster—that is why it is Planning and Homes—together with Crown Lands to develop a number of programs such as what we did down in Cooma, working with Aboriginal land councils to start delivering more homes rapidly to regional New South Wales.

**The Hon. PENNY SHARPE:** Minister, in the Cooma example, how many houses did you deliver?

**Mr ANTHONY ROBERTS:** Cooma was 140—the exact figure is around 140 lots in the first phase to allow homes to be built there. There will be a second phase, and that will be a mixture of homes, social housing, Aboriginal housing and affordable housing. Again, that is delivering through just again making sure people talk to each other, removing the silos of excellence. So in a collaborative way, we are very much pivoting to regional New South Wales.

**The Hon. ROSE JACKSON:** Specifically an example of the Northern Rivers, the research suggested that prior to the flooding catastrophe they were already over 2,000 homes below a healthy vacancy rate for available rental properties. That is already a massive issue, as you have said. Their vacancy rate was 0.6 per cent, which is basically nothing. Now it is has just got monumentally worse. Specifically on the Northern Rivers and the North Coast, what of all of those words that you just said is going to actually deliver the thousands of homes that they need on the North Coast and in the Northern Rivers?

**Mr ANTHONY ROBERTS:** What I can say is we will shortly be delivering a regional housing strategy—

**The Hon. ROSE JACKSON:** How shortly?

**Mr ANTHONY ROBERTS:** Very shortly.

**MICK CASSEL:** The review.

**The Hon. ROSE JACKSON:** What will this regional housing strategy say?

**Mr ANTHONY ROBERTS:** Again, that is very much directing the Department of Planning together with the local council, combining with NGOs, with LAHC and the land councils, as well as private enterprise, delivering more homes more rapidly into regional New South Wales.

**The Hon. ROSE JACKSON:** Will there be additional resources from the New South Wales Government associated with the delivery of the houses that presumably it is your intention to be a consequence of the strategy? Will there be money for that?

**Mr ANTHONY ROBERTS:** Mr Cassel?

**MICK CASSEL:** Thank you, Minister. We are working on a strategy at the moment. As you would be well aware, government does not actually build the houses. We work with private enterprise and not-for-profit to make that happen. There are responses through the Land and Housing Corporation. There are responses—

**The Hon. ROSE JACKSON:** Apologies, Mr Cassel. You have said, Minister, there is market failure. Mr Cassel is correctly describing the current arrangements. You have acknowledged that is a failure. That is not working. Are you not open in your new strategy to revisiting this position—that the Government actually refuses to deliver housing itself?

**Mr ANTHONY ROBERTS:** I reject the premise that the Government refuses to deliver housing itself. We have LAHC. Mr Cassel, do you want to expand?

**The Hon. PENNY SHARPE:** You make a decision about not putting funding into it and that it be self-funding through private development. That is the policy setting.

**Mr ANTHONY ROBERTS:** Mr Cassel?

**MICK CASSEL:** If I can just go back, we facilitate for housing to be delivered through creating land lots, as the Minister talked about down in Cooma. That was actually Crown land that had an Aboriginal land claim laid over it. We worked with the local Aboriginal land council to unlock that land to bring more lots to the market. That will actually see us deliver some social housing on there but also provide the market with the opportunity to purchase some of those lots and build their own homes. So it will service a variety of different needs within the community. There are other strategies that have been used by Government for years around opening up more land supply and allowing the market to build those homes.

**The Hon. ROSE JACKSON:** The market is failing, Mr Cassel; the Minister has acknowledged that. I asked, what are you going to do to deliver the thousands of homes needed on the North Coast and the Northern Rivers?

**MICK CASSEL:** Sorry, I am not sure that the market is failing—

**The Hon. ROSE JACKSON:** That was the Ministers' words, Mr Cassel.

**The Hon. PENNY SHARPE:** The Minister just said that.

**MICK CASSEL:** Well—

**The Hon. ROSE JACKSON:** Sorry, Mr Cassel, are you suggesting that the fact that the Northern Rivers pre-floods had a vacancy rate of 0.6 per cent and needed over 2,000 homes to get anywhere near a good vacancy rate, women leaving domestic violence sleeping in cars, teachers camping in tents on showgrounds because they cannot get housing, that is not a failure to you?

**The Hon. CATHERINE CUSACK:** Point of order—

**The ACTING CHAIR:** There is a point of order being taken, and I think I know what it is.

**The Hon. CATHERINE CUSACK:** It is so combative and it is really inappropriate, if I can put it like that. I would ask that the member be clear in her questions. Is this about the housing shortage? Is this about the houses that have to be replaced?

**Mr DAVID SHOEBRIDGE:** That is not a point of order. These points of order repeatedly disrupt the flow of questioning. I do not know if that is the design, but they are points of order with no substance that are just designed to interrupt the flow of questioning, Chair.

**The Hon. CATHERINE CUSACK:** I am just trying to clarify the question.

**Mr DAVID SHOEBRIDGE:** It is not the job of other members to clarify questions.

**The Hon. SHAYNE MALLARD:** To the point of order: I think the Hon. Catherine Cusack was making a valid point of order in regard to the combative nature. You can be as combative as you want to the Minister—he can take it, he has big shoulders. But the public servant should be treated with a bit more respect in terms of the questioning and the aggression.

**The Hon. ROSE JACKSON:** I apologise, Mr Cassel.

**The ACTING CHAIR:** I will rule on the point of order. I do think that Ms Cusack and Mr Mallard do have a point. I think you need to get quicker to the question rather than statements. Thank you.

**The Hon. ROSE JACKSON:** My time is up.

**The ACTING CHAIR:** In the report and investigation into the fires, were there any recommendations to council, or even stronger, that no properties, no houses be built in a certain area for various reasons?

**Mr ANTHONY ROBERTS:** Mr Whitworth?

**BRETT WHITWORTH:** What the Bushfire Inquiry found is there are challenging places where the houses that were once built would no longer on a typical comparison with today's standard you would not necessarily allow those, or they would need to be built to such a high standard that it would be almost cost prohibitive.

**The ACTING CHAIR:** Sorry, just on that, is that a new standard which is part of the recommendation that they do not build there because of the risk of fire?

**BRETT WHITWORTH:** Mr Pearson, it is a recognition that building standards related to bushfires have evolved. Every time there is a bushfire we learn more about the way bushfires work and the Australian standards and the national building code, and our own bushfire protection evolves in that sense. What the inquiry did say, though, is that the mechanisms to consider how to deal with those properties were needed to be further developed. There needed to be more integration with the strategic planning approach that asks these very questions: If it is in an area that you would not put a house in today, should you consider putting a house there into the future?

It talked about the comparison—and this is where the Minister's comments before about the flood-prone land policy—the flood-prone land policy in New South Wales, which is the responsibility of the Minister for Environment and Heritage, does have money that is provided to councils on the basis to do flood-prone land policies and flood-prone land risk management plans and also to enable the buyback of certain homes that are in areas of such high degree of risk or hazard. There is an example of that. If people remember, there was a very extreme event in the Muswellbrook area some years ago and there was a house that was purchased back as a result of that. There have been houses that have been purchased back in New South Wales as well. The bushfire policy was actually saying—or the bushfire report was pointing to that to say—we needed to do work around that. That is something that we are progressing now with Rural Fire Service, Resilience NSW and the Department of Planning and Environment.

**The ACTING CHAIR:** Thank you very much for that. Minister, are you aware that the Cabinet or the Government has considered approaching the fossil fuel industry for compensation for these people?

**Mr ANTHONY ROBERTS:** I do not speak about Cabinet matters. I am not going to confirm or deny that but I am unaware of it.

**The ACTING CHAIR:** Mr Shoebridge?

**Mr DAVID SHOEBRIDGE:** Thank you, Chair. Do you acknowledge, Minister, that this extreme flooding event that we have seen is in significant part driven by climate change?

**Mr ANTHONY ROBERTS:** Of course. Yes, without doubt. We have not seen this event to such an extent for probably quite a few hundred years.

**The Hon. CATHERINE CUSACK:** Never.

**Mr DAVID SHOEBRIDGE:** Will you, therefore, take steps to prevent your Government adding fuel to climate change and take some steps to keep coal in the ground and gas in the ground and stop making the problem worse?

**Mr ANTHONY ROBERTS:** Can I say that the NSW Climate Change Fund, which we support, is responding to climate change through the NSW Climate Change Policy Framework and the program is to build resilience.

**Mr DAVID SHOEBRIDGE:** Minister, your department has just recommended to the Independent Planning Commission that a massively expanded open-cut coalmine in the Hunter Valley, owned by Swiss multinational Glencore, get approved and pump hundreds of millions of more tonnes of carbon dioxide into the air and make the next rounds of flooding even worse. How do you square those two statements?

**Mr ANTHONY ROBERTS:** I am not going to respond or answer to the independent planning commissioners or whatever determination they come up with. I think that is just gross for a Minister that oversees the IPC. It is independent for a reason. It is one of the reasons it was set up and obviously they took into account many of the policy frameworks and planning frameworks to reach that decision.

**Mr DAVID SHOEBRIDGE:** Minister, perhaps you do not understand how the system works, or you obviously do not understand what is happening with one of the most major coal approvals that is on the books. It

has not yet been approved but your department has recommended approval. How can your department recommend approval for another massive open-cut coalmine pumping out hundreds of millions of tonnes of additional carbon dioxide when you have just seen the damage that climate-induced extreme weather has done to Lismore? How can your department do that?

**Mr ANTHONY ROBERTS:** Well, that is matter for the IPC.

**Mr DAVID SHOEBRIDGE:** No, no. How can your department recommend approval? That is your problem—your department, your department's recommendation.

**Mr ANTHONY ROBERTS:** Recommendation to the IPC?

**Mr DAVID SHOEBRIDGE:** Correct.

**Mr ANTHONY ROBERTS:** Or the IPC—Mr Ray?

**MARCUS RAY:** Mr Shoebridge, obviously the department assesses each application on its merits in accordance with State Government policies, the technical standards and in accordance with the legal requirements of the legislation. As you are aware, there has been a full discussion of the issues of greenhouse gas emissions in the report. The current process is that the report then goes to the Independent Planning Commission, and the Independent Planning Commission makes a decision after hearing from the community. So there has been an entire process—a very transparent process—about these things. The Government's net zero 2030 policy, by which the Government is on track to reduce emissions to 2005 levels by around 50 per cent, is on track at the moment to deliver that.

**Mr DAVID SHOEBRIDGE:** Mr Ray, you know that the planning system and the assessment by New South Wales Planning utterly ignored all the emissions that will come from the burning of that coal. You know that. Why not give us a full answer? Why do you not tell the truth about how the planning system ignores that, Mr Ray?

**Mr ANTHONY ROBERTS:** Oh, look, will someone take a point of order on that, please?

**Mr DAVID SHOEBRIDGE:** Why do you not tell us the truth about how the planning system operates and that it ignores the hundreds of millions of tonnes of carbon dioxide created when the coal is burned, Mr Ray?

**Mr ANTHONY ROBERTS:** Chair, this is obnoxious.

**The ACTING CHAIR:** Can we lead to a question, please, Mr Shoebridge, for the Minister to be able to answer?

**Mr DAVID SHOEBRIDGE:** There is a question.

**Mr ANTHONY ROBERTS:** It just sounds like a spray.

**The ACTING CHAIR:** It happens.

**Mr DAVID SHOEBRIDGE:** Mr Ray, why won't you tell the truth that the planning system ignores the hundreds of millions of tonnes of carbon dioxide created when the coal is burnt?

**The Hon. SHAYNE MALLARD:** I will take a point of order. I am just waiting to work out where he is going. Point of order—

**The ACTING CHAIR:** A point of order has been taken.

**The Hon. SHAYNE MALLARD:** I think saying to Mr Ray, "Why won't you tell us the truth?", frankly is derogatory of Mr Ray. It is the same point I made before about Rose Jackson and it was acknowledged. Public servants need to be treated with respect. That is a basic principle of inquiries. You can make those allegations to the Minister and we can fight that one then, but the public servants need to be treated with respect. I ask him to withdraw the allegation that Mr Ray is not telling the truth to this inquiry.

**The Hon. ROSE JACKSON:** To the point of order: It was not an allegation; it was a question.

**The Hon. SHAYNE MALLARD:** "Why won't you tell us the truth?"

**The Hon. ROSE JACKSON:** It may not have been a polite question. It may not have been a question that is easy to answer—

**The Hon. SHAYNE MALLARD:** "Why won't you tell us the truth?", he said.

**The Hon. ROSE JACKSON:** —but it is a question.

**The ACTING CHAIR:** I have heard enough and I will rule. I think it is a question. It is a bit heated and intense but the Minister will just have to get used to that in Committee hearings. I do not think it is berating or disrespectful. So Mr Shoebridge will continue.

**Mr DAVID SHOEBRIDGE:** Mr Ray, will you answer the question now, please?

**MARCUS RAY:** Mr Shoebridge, as I said before, the department has, in the process of an assessment of a report, looked at and considered, and there is a discussion of all types of greenhouse gases—scope 1, scope 2, and scope 3—even though scope 3 emissions for export coal will actually be not the result of action in New South Wales. It will be the result of power stations overseas actually burning that coal. All that has been considered and revealed in the assessment reports—all very transparent. The department has obviously made a recommendation in accordance with the policies that apply in New South Wales, including the Future of Coal Statement from 2021, I think, or late 2020, which relates to export coal as well. All of that has been completely looked at, a recommendation made and now it goes to the Independent Planning Commission to make a decision—an independent body of experts who can look at all those issues which you talk about and make their own evaluation of whether the project should go ahead.

**Mr DAVID SHOEBRIDGE:** Through you, Minister, to Mr Ray: Mr Ray, you said in answers earlier about what, if any, controls there are about rebuilding that the Lismore City Council had adopted the special flood considerations clause for their LEP. I used the break to check, and they have not. They have not adopted clause 5.22. They just have the standard compulsory provision in 5.21.

**BRETT WHITWORTH:** I am sorry, Mr Shoebridge: That is not the evidence that we gave. We gave the evidence that the Lismore council had adopted the natural disaster clause.

**Mr DAVID SHOEBRIDGE:** So the actual provision in the standard LEP that was put in as an optional provision to actually deal with flood rebuilds—I think it was as recently as last year, but you can correct me if I am wrong—has not been adopted by Lismore council and, indeed, as I understand it, has not been adopted by a single council across the State. Is that right, Mr Ray?

**MARCUS RAY:** That is not the information that I have. The information that I have is the evidence that I gave and the evidence that Mr Whitworth gave.

**Mr DAVID SHOEBRIDGE:** I have got the LEP open in front of me and it says, "5.22 special flood considerations, not adopted."

**BRETT WHITWORTH:** Perhaps I can clarify, Mr Shoebridge. No council has yet adopted those special flood consideration clauses because we are still working through the process of how each council will assess and report on them, because what they are actually talking about is adopting controls for development that is above the one-in-100-chance-per-year flood line. There is a mechanism that we are going through at the moment and there is engagement that we are having with councils, with Local Government NSW, with development industry, with flood planning professionals and indeed with the environment, energy and science group of the department. The rollout of those clauses was always going to be a staged process, and that is something that we have identified on our website. What we have identified—

**Mr DAVID SHOEBRIDGE:** What were the provisions, Mr Whitworth, that you were referring to? If not the actual special flood considerations that have not been adopted anywhere, what were the provisions?

**BRETT WHITWORTH:** It is the natural disaster clause allowing for the rebuild of houses. I would not want to give you a legal opinion on the fly or look at the standard instrument, but perhaps we can—

**MARCUS RAY:** We can get you the information, Mr Shoebridge. These matters are quite complicated, given the nature of the various different issues that local environmental plans deal with. So I think you might be talking about the wrong clause. We will get you the right clause detail.

**Mr ANTHONY ROBERTS:** No, let him keep talking about the wrong clause. This is fun.

**Mr DAVID SHOEBRIDGE:** Minister, did you know that there was a special flood consideration clause directly aimed at this issue of rebuilding that was promulgated by the department but has not been adopted by a single council across the State? Did you know that, Minister? You are the planning Minister.

**Mr ANTHONY ROBERTS:** I am sorry, can you repeat the question, please? I sort of drifted for a little while.

**Mr DAVID SHOEBRIDGE:** I could see. You understand your role as the Minister here is to try and provide clarity on these things, and there are tens of thousands of people who want to know what the State Government's position is on this. Do you understand there are important issues at stake here, Minister?

**Mr ANTHONY ROBERTS:** That is why we are having an independent inquiry.

**Mr DAVID SHOEBRIDGE:** That is why you are in budget estimates—to try and answer some questions. Do you understand that you have a role in budget estimates to actually treat it seriously?

**Mr ANTHONY ROBERTS:** Can I say, Mr Shoebridge and Mr Chair, I take budget estimates extremely seriously.

**Mr DAVID SHOEBRIDGE:** Indeed. I am sure you do.

**The ACTING CHAIR:** Order!

**Mr ANTHONY ROBERTS:** He is being quite frightful.

**The ACTING CHAIR:** This kind of dialogue is not appropriate for a hearing. I think there is an answer that we still have not heard to the question that Mr Shoebridge asked as to whether you were aware that clause in relation to flood has not been taken on board or adopted by any council. That is the question.

**Mr DAVID SHOEBRIDGE:** Did you know that, Minister?

**Mr ANTHONY ROBERTS:** My understanding is that we are working through a process.

**Mr DAVID SHOEBRIDGE:** Minister, is there a single planning policy anywhere in the State that puts restrictions on development above the one-in-100-year flood level? You have got the whole State to choose from.

**Mr ANTHONY ROBERTS:** Mr Whitworth?

**BRETT WHITWORTH:** Mr Shoebridge, I would like to take that on notice because it is quite a specific question. But I can also tell you that there are decisions that have been taken not to support development where it is above the one-in-100-chance-per-year flood line for a range of circumstances. I have given evidence to this inquiry and other inquiries about Penrith Lakes, where the Government has refused to support residential rezonings at Penrith Lakes because of the flood evacuation concerns. The flood provisions also talk about sensitive land uses and the willingness to avoid sensitive land uses, such as hospitals, childcare centres and schools, in areas above the one-in-100-chance-per-year flood.

**Mr DAVID SHOEBRIDGE:** I should have been more specific. Apart from the one decision that was taken for Penrith Lakes, can you name a single planning decision anywhere across the State that has prohibited residential development above the one-in-100-year flood level?

**BRETT WHITWORTH:** Mr Shoebridge, as I said, I would like to take that on notice because I believe that there are a number of circumstances where those decisions have been taken. As I said to you, it is not a simple case of always just prohibiting development. It is a fact and degree matter, and we would need to look at that.

**Mr DAVID SHOEBRIDGE:** I accept, Mr Whitworth, that it is never about prohibiting development in New South Wales.

**BRETT WHITWORTH:** I do not think that is what I said, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** Minister, do you know how much of the Hawkesbury-Nepean Valley is flood affected? That means, how much of the valley is under the probable maximum flood level? Do you have any idea about the scale of the problem?

**Mr ANTHONY ROBERTS:** With respect to new residential development are you talking about?

**Mr DAVID SHOEBRIDGE:** I am asking how much of the valley is flood prone because it is below the probable maximum flood level. Do you know how big the problem is in western Sydney?

**Mr ANTHONY ROBERTS:** As I said, I think last year the Hawkesbury-Nepean Valley had moderate to major flooding, which equates to between a one-in-10-year chance to a one-in-20-year chance flood event. The Hawkesbury River-Nepean Valley is one of the most hazardous flood plains in the country. It has also been long identified as a growth area for Sydney. There are about 134,000 people who live and work on the flood plain and, of course, total damages in the past have come to billions of dollars. With respect to the percentage of that area—

**Mr DAVID SHOEBRIDGE:** Just how much? I do not need it as a percentage. Is it one square kilometre or 10 square kilometres? How much?

**Mr ANTHONY ROBERTS:** What I can say whilst we are seeking advice on that is that in recent years the New South Wales Government has rejected proposals for the rezoning of land for further residential development at Windsor, Richmond and Emu Plains and has mentioned before that we refused a proposal for 5,000 new homes at Penrith Lakes.

**Mr DAVID SHOEBRIDGE:** Minister, I am going to help out here.

**Mr ANTHONY ROBERTS:** That is nice, for a change.

**Mr DAVID SHOEBRIDGE:** Did you know that 425 square kilometres of the Hawkesbury-Nepean Valley is considered flood-prone land because it is under the probable maximum flood level? Did you know that is the scale of the problem in western Sydney—425 square kilometres?

**Mr ANTHONY ROBERTS:** I will take it, if you say it, it is 425 square kilometres.

**Mr DAVID SHOEBRIDGE:** Did you know that before I told you today?

**MARCUS RAY:** Mr Shoebridge, I actually do not think any of us here had that actual figure. We obviously knew the import—

**Mr DAVID SHOEBRIDGE:** Mr Ray, I was asking the Minister. Minister, did you know that before I told you today?

**Mr ANTHONY ROBERTS:** Mr Ray?

**MARCUS RAY:** Mr Shoebridge, that figure sounds about right, but we did not have the actual figure in front of us today. We would have gone and taken that question on notice.

**Mr DAVID SHOEBRIDGE:** Mr Ray, I am not asking if you could have found it out. I am asking the Minister if he knew it.

**Mr ANTHONY ROBERTS:** We will take that on notice.

**Mr DAVID SHOEBRIDGE:** Minister, you cannot really take on notice whether you know something today. Do you understand that? Do you understand the logical problem with that?

**Mr ANTHONY ROBERTS:** I will take that on notice.

**Mr DAVID SHOEBRIDGE:** Did you know it today?

**The ACTING CHAIR:** Order! The Minister has taken the question on notice so that he can reflect and give you the answer.

**Mr DAVID SHOEBRIDGE:** He can reflect on what he knows today.

**The ACTING CHAIR:** Next question, Mr Shoebridge. You have got one minute.

**The Hon. SHAYNE MALLARD:** It is not a quiz, you know.

**Mr DAVID SHOEBRIDGE:** That is extraordinary. Minister, why won't the New South Wales planning department issue a directive today and say, "Nobody can build a new home and nobody can build a new residential development on land that is below the probable maximum flood level in the Nepean Valley so that we don't add to the problem"? Why won't you issue a SEPP today to do that?

**Mr ANTHONY ROBERTS:** I thought you hated SEPPs.

**Mr DAVID SHOEBRIDGE:** Why won't you issue a SEPP today to do that?

**Mr ANTHONY ROBERTS:** So you only like SEPPs that agree with you.

**Mr DAVID SHOEBRIDGE:** Is that your answer?

**Mr ANTHONY ROBERTS:** No, I just want some clarification.

**Mr DAVID SHOEBRIDGE:** Right now there are 425 square kilometres of western Sydney that are at risk of flooding under the probable maximum flood level, and your answer is that kind of cheap jibe. Is that your answer, Minister?

**Mr ANTHONY ROBERTS:** What I can say is that I will wait for the independent review to take place and we will make determinations from there.

**Mr DAVID SHOEBRIDGE:** Have you been briefed on, for example, the Hawkesbury-Nepean Valley Flood Risk Management Strategy by Infrastructure NSW from 2017?

**Mr ANTHONY ROBERTS:** Yes.

**Mr DAVID SHOEBRIDGE:** The first paragraph of that talks about there being 425 kilometres of flood-prone land. So you did not get a very good briefing, did you?



**Mr ANTHONY ROBERTS:** No, again, I am taking the time to reflect. I will give you the advice on notice on the exact amount of kilometres in that valley once I review and reflect.

**Mr DAVID SHOEBRIDGE:** Are you going to do square kilometres?

**Mr ANTHONY ROBERTS:** Yes, square kilometres.

**Mr DAVID SHOEBRIDGE:** Good.

**The ACTING CHAIR:** That concludes questioning for the time being. We will now have a morning tea break of 15 minutes.

**(Short adjournment)**

**The CHAIR:** Welcome back.

**The Hon. PENNY SHARPE:** I wanted to get an understanding of the update of the *Floodplain Development Manual*. My understanding is that it is currently out for public exhibition and that closes in April. Is that correct?

**Mr ANTHONY ROBERTS:** Yes, I believe that is correct.

**MARCUS RAY:** The *Floodplain Development Manual* is the responsibility of the Minister for Environment and Heritage. It is not part of the Planning portfolio.

**The Hon. PENNY SHARPE:** How is it going to work with the review that you have talked about this morning? Because you are in the same cluster, obviously?

**Mr ANTHONY ROBERTS:** Yes.

**The Hon. PENNY SHARPE:** Are you the lead cluster, Minister?

**Mr ANTHONY ROBERTS:** Yes, I am.

**The Hon. PENNY SHARPE:** So it is your problem.

**Mr ANTHONY ROBERTS:** Thanks. I think there is a great opportunity there and we will be opening up submissions as part of this review, as you would do in any independent review. My expectation, as with any independent review, is that it would be open up for all of government to take a role in or participate in, as with organisations, councils, members of Parliament, anyone who has a particular interest be it technical or people who just have an opinion. It will be open to everyone.

**The Hon. PENNY SHARPE:** Sure. But, Minister, this *Floodplain Development Manual* is the guide for councils, is it not, in relation to making all of these decisions? I am concerned that the Premier has announced a review, Resilience NSW is doing something—although no-one is not quite sure what—you have announced a review here, and yet one of the very key documents in relation to how communities through councils manage floodplain risk, you are saying, is now a matter for the environment Minister. It is unclear to me how that fits with your review.

**Mr ANTHONY ROBERTS:** If I could clarify that, it would be my opinion—and I will seek further clarification—that would be something that would inform the review. That would be included in that. Mr Ray?

**MARCUS RAY:** Yes, Ms Sharpe, clearly that is going to be a relevant matter because it relates to a range—

**The Hon. PENNY SHARPE:** Directly relevant, correct.

**MARCUS RAY:** Yes, a relevant matter because it relates to a range of different things but it does feed into the planning system. Clearly that is going to be a relevant matter for the independent reviewer to comment on. The independent reviewer will talk to the relevant experts at Environment, Energy and Science, and clearly I would imagine that Environment, Energy and Science will make available to the independent reviewer the submissions and all of that information that has come out of the public exhibition. I would anticipate that that process would be a resource that would feed into the review and then the review would then feed into that process as well. I think that clearly it is within the cluster and that interface will be managed.

**The Hon. PENNY SHARPE:** Is it possible that we end up with a *Floodplain Development Manual* that would come out before you have finished your review?

**MARCUS RAY:** I think that is highly unlikely.

**The Hon. PENNY SHARPE:** But possible.

**MARCUS RAY:** I am not going to put a probability question on to—but unlikely.

**The Hon. PENNY SHARPE:** I am actually not trying to be cute here. My confusion, which I think is the community's confusion, is that I am not sure how many reviews the Government as a whole is now doing in relation to this current disaster, because you have announced one, the Premier has announced one, as we said, Resilience NSW we think is doing one because we think that is their job maybe, and at the same time this is the bible as far as I understand it in terms of floodplain management. It has not been updated since 2005. It worries me that you could end up with a document over here that, yes, maybe has fed in in a fairly opaque process.

**Mr ANTHONY ROBERTS:** I can see where you are coming from and what you are getting at, but can I assure you that as we go through, again, the disaster management side of this, as I said before, we have had the response and we are now standing up prepared to work in with recovery. I will certainly take that on board to ensure. I would say this review will be the principal review to which other reviews or responses of government feed into around the planning aspect.

**The Hon. PENNY SHARPE:** I wanted to ask you about the impact of the flooding obviously on the current plans for the North West Growth Area. The first question is: How many lots are there in the North West Growth Area that have been rezoned for housing?

**Mr ANTHONY ROBERTS:** I will pass to Mr Whitworth.

**BRETT WHITWORTH:** Thank you, Minister. I would have to do a bit of a calculation so we would have to take that on notice, but I can tell you the areas that we have had rezonings for. Your question is about the North West Growth Area, not the bits that are flood prone within the North West Growth Area?

**The Hon. PENNY SHARPE:** It is the whole area and then I was going to ask you about the impacted flood areas. Do you want to start with the big number first?

**BRETT WHITWORTH:** I do not have an aggregated big number, but what I can tell you is—

**The Hon. PENNY SHARPE:** You can take it on notice, though, for me?

**BRETT WHITWORTH:** Yes, we can happily take that on notice. I can tell you that there are a number of rezonings: Tallawong Station, Schofields, Box Hill, Marsden Park—

**The Hon. PENNY SHARPE:** Colebee, North Kellyville.

**BRETT WHITWORTH:** Colebee, North Kellyville.

**The Hon. PENNY SHARPE:** Riverstone.

**BRETT WHITWORTH:** Yes, Riverstone East stage one and two, and Vineyard.

**Mr ANTHONY ROBERTS:** How would you like that broken down?

**The Hon. PENNY SHARPE:** I want to know how many lots are rezoned for residential within that. The second question is: How much are affected by flood? Which is really leading me to my final question, which is: How much has changed given what we have experienced and are experiencing now? It seems to me that even the best-laid models, we are now living them in real time. Is there currently a review being undertaken of those lots before they have commenced to see whether some of those will continue to be approved and what process is there for that?

**Mr ANTHONY ROBERTS:** I can tell you that in the North West Growth Area, future residential rezoning of land in the north-west area, including Marsden Park North, West Schofields, Riverstone East stage three, has been paused. That is why at the moment we are looking at evacuation constraints and capacity for growth, and we continue to investigate those.

**The Hon. PENNY SHARPE:** They are the three. To clarify, Minister, my understanding was that planning was underway with those, but they are the ones that have been paused, is that right?

**Mr ANTHONY ROBERTS:** Yes.

**The Hon. PENNY SHARPE:** These other ones that have been through a rezoning, is there another review of those to look at it, given what has happened recently?

**Mr ANTHONY ROBERTS:** Mr Ray?

**MARCUS RAY:** Ms Sharpe, no. I think Mr Whitworth answered the question that they are not in the flood-affected areas of the Hawkesbury-Nepean Valley and so they have been rezoned.

**The Hon. PENNY SHARPE:** You do not anticipate that any of those will have to be rethought through.

**BRETT WHITWORTH:** No. Again, this is where it gets into a little bit of the science. Using the one-in-100 chance per year flood standard, we have identified that development in certain areas of the North West Growth Area which may be affected by a larger more extreme event flood is suitable, but we have also done that on the basis that we can provide sufficient evacuation capacity to enable people to evacuate and to minimise the risk to life. The pause that the Minister has identified is a pause to enable us to consider the evacuation capacity of the valley. It is also a fundamental part of the Government's response to the broader Hawkesbury-Nepean Valley issues and ties in with the work that we have been asked to do on a number of things, including the evacuation management strategy, a regional land use framework for the Hawkesbury-Nepean and the improved coordination signage of evacuation processes and so on.

There are areas where we have identified development as being suitable. They have been rezoned, there is development there and there are people living there. In the March last year event and even in the most recent event, those areas were not affected by flooding because that flood was not up to the one-in-100 chance per year line. So we are comfortable there, but we also know that we need to plan continually to ensure that any additional development that occurs in the area people can be safely evacuated from, taking into account the fact that we have already got development both in those areas as well as development in places like Windsor and Richmond.

**The Hon. PENNY SHARPE:** So the plan is that the development will happen but it is about whether people—there will be buildings that could get flooded but they will be able to get out.

**BRETT WHITWORTH:** When we released the draft plans for the zoning of West Schofields and Marsden Park North, we talked about more resilient building controls as well, ensuring that people could recover more quickly so that their buildings were more structurally sound and they could recover more quickly if there was an extreme event flood.

**The Hon. PENNY SHARPE:** What is the time frame on reviewing? There is the pause. When do you think you will be revisiting the decision to go ahead or not with these?

**Mr ANTHONY ROBERTS:** I think it would be critical to ensure that we allow the greater independent review to be completed first.

**The Hon. PENNY SHARPE:** You see the review you announced this morning is also picking up on this issue?

**Mr ANTHONY ROBERTS:** I think it would have to. Mr Cassel discussed that. But, certainly, I think that would be a very commonsense approach to ensure that that is captured.

**The Hon. PENNY SHARPE:** I might move on to something slightly different now, Minister. There have been media reports of the Government planning to provide stamp duty concessions to encourage people to move away from flood plains. Are you able to give us some detail about that?

**Mr ANTHONY ROBERTS:** No, I cannot.

**The Hon. PENNY SHARPE:** So you cannot tell us what the size of the concession being considered would be?

**Mr ANTHONY ROBERTS:** No, I cannot.

**The Hon. PENNY SHARPE:** Or eligibility?

**Mr ANTHONY ROBERTS:** No, I cannot.

**The Hon. ROSE JACKSON:** Can you not because you do not know or are you choosing not to provide that information? Why can you not provide more information on this proposition that was on the front of the newspaper?

**Mr ANTHONY ROBERTS:** It is probably a matter for Treasury and the Treasurer, but I cannot provide that information at this stage. All I can say is that there are a number of options being looked at with respect to increasing the opportunity for people to purchase their own homes.

**The Hon. ROSE JACKSON:** This is one of the options that is being considered?

**The Hon. PENNY SHARPE:** This has been put on the front page of the paper.

**Mr ANTHONY ROBERTS:** I will be very frank with you.

**The Hon. ROSE JACKSON:** Please.

**Mr ANTHONY ROBERTS:** I am sharing this same resource as you are with respect to this.

**The Hon. ROSE JACKSON:** That being *The Sydney Morning Herald*?

**Mr ANTHONY ROBERTS:** That is correct.

**The Hon. ROSE JACKSON:** You are the Minister for Homes, though; it is not even so much in your Planning capacity. You are the Minister for Homes. You were involved in the shared equity thought bubble that occurred a few weeks ago. That is fine, you were part of that. This is very much in that same space. As Minister for Homes, you are telling us that you found out about it from reading *The Sydney Morning Herald*?

**Mr ANTHONY ROBERTS:** All I can say is there is obviously a whole-of-government approach with respect to this.

**The Hon. ROSE JACKSON:** But you are not part of that, clearly.

**The Hon. PENNY SHARPE:** You are not part of it.

**Mr ANTHONY ROBERTS:** And those approaches—

**The ACTING CHAIR:** Order! Let the Minister answer the question.

**Mr ANTHONY ROBERTS:** There is, again, a whole-of-government approach. As we ensure that we are working together in delivering the package to support individuals getting into their own homes, obviously, from what I understand from the Herald, that may be one of them.

**The Hon. PENNY SHARPE:** Minister, do you see the fundamental problem with this? If people are living in an area where they are now not going to be able to build, the idea that they can then not utilise that asset to sell and be able to move to a new place makes the idea about stamp duty fairly irrelevant, don't you think?

**Mr ANTHONY ROBERTS:** I cannot comment on that.

**The Hon. ROSE JACKSON:** This is obviously of critical importance to people right now. They are thinking about their future—"What am I going to do?" They read this in the newspaper—"Oh, okay, maybe I will be able to move and not pay stamp duty. That could be of real interest to me. I might want to utilise that." For them to hear that there is no detail that you can provide and that, as Minister for Homes, you were not even aware that this was being floated publicly by your Government until you read about it in the newspaper is not going to fill them with confidence that there is a coherent strategy to get people into long-term, stable housing.

**Mr ANTHONY ROBERTS:** No. What I am saying is I cannot say whether or not that newspaper report was correct. It would be a matter for the Treasurer.

**The Hon. ROSE JACKSON:** When you say you cannot say whether or not it was correct, I draw the conclusion from that that you were not, and have not been, consulted about that proposition. As the Minister for Homes, who is responsible for homes, it would concern me. Does it not concern you that that would happen, that you would have not been consulted about that?

**Mr ANTHONY ROBERTS:** Again, we are dealing with a hypothetical insofar as obviously all of government is preparing responses for the recovery phase, and obviously a number of departments are working on various issues.

**The Hon. ROSE JACKSON:** If the Treasury officials are listening, someone should loop in Anthony. If anyone is listening.

**Mr ANTHONY ROBERTS:** Thank you, yes.

**The Hon. PENNY SHARPE:** Do you imagine that this idea will be included in your review?

**Mr ANTHONY ROBERTS:** No, it would not be included in our review with respect to—again, not having seen the completed terms of reference, which is being independently put together with the independent overseer and leader in the department. Again, we would be very much looking at the Planning side of things. What the Government decides to do from a Treasury perspective is a matter for Treasury and what is brought before the Cabinet.

**The Hon. PENNY SHARPE:** So we have another review. We are now up to five, I think.

**Mr ANTHONY ROBERTS:** Sorry?

**The Hon. PENNY SHARPE:** If it is someone else's problem in government, they will be looking at a separate review, one would presume.

**Mr ANTHONY ROBERTS:** Or proposals, not necessarily a review. It could be a proposal. Again, as much as I would like to tell you more, I cannot.

**The Hon. ROSE JACKSON:** I want to dig into what is happening in relation to housing and housing affordability, which I had understood, as Minister for Homes and for Planning—because Planning, whilst not the entire solution, is obviously a critical part of the solution that you are responsible for. How is that being coordinated? I will have to get the exact name: the Special Cabinet Committee on Housing Supply Issues. Does that still exist?

**The Hon. PENNY SHARPE:** You are not sure?

**Mr ANTHONY ROBERTS:** There are subcommittees of Cabinet.

**The Hon. ROSE JACKSON:** Is one of them on housing?

**Mr ANTHONY ROBERTS:** No.

**MARCUS RAY:** Ms Jackson, my understanding is that there will be oversight through one of the Cabinet subcommittees, probably the infrastructure committee on housing.

**The Hon. ROSE JACKSON:** Who told you that, Mr Ray? How did you gather that understanding?

**MARCUS RAY:** I cannot recall at the moment how I got that understanding.

**The Hon. PENNY SHARPE:** Do you know?

**MARCUS RAY:** But I was told that there will be a process.

**The Hon. ROSE JACKSON:** So the Cabinet subcommittee on infrastructure is your understanding?

**MARCUS RAY:** Yes.

**The Hon. ROSE JACKSON:** Minister, does that accord with your understanding of who is responsible for this whole-of-government housing response?

**Mr ANTHONY ROBERTS:** Because of the nature that it could require funding, it would come through that committee.

**The Hon. ROSE JACKSON:** Do you chair that committee or does Minister Stokes chair that?

**Mr ANTHONY ROBERTS:** Minister Stokes.

**The Hon. ROSE JACKSON:** But you are on that committee?

**Mr ANTHONY ROBERTS:** That is correct.

**The Hon. ROSE JACKSON:** So we have the Cabinet subcommittee on housing. It is bringing together these housing issues. In terms of regional housing specifically, the strategy you have articulated that you were working on with DPIE is going to that committee? That is the oversight of the delivery of that strategy?

**Mr ANTHONY ROBERTS:** The delivery and expenditure.

**The Hon. ROSE JACKSON:** What is the expenditure that you envisage associated with that regional housing strategy?

**Mr ANTHONY ROBERTS:** That will be a matter for that committee to address and discuss.

**The Hon. ROSE JACKSON:** Correct statement of how the process works. I am asking you, as the Minister for Homes, who is developing a strategy? What are you going to be putting forward? What is your case to them about what is needed to deliver your regional housing strategy?

**Mr ANTHONY ROBERTS:** That is a matter for me to take to the committee and, it being a Cabinet committee, I am not in the position to outline that.

**The Hon. ROSE JACKSON:** Will there be any money? Can you tell me that? Will there be any new expenditure associated with the delivery of the regional housing strategy?

**Mr ANTHONY ROBERTS:** I would expect so.

**The Hon. ROSE JACKSON:** The million dollars for the regional flying squads and I think it was \$30 million or \$33 million for the—

**Mr ANTHONY ROBERTS:** It is \$30 million for the Regional Housing Fund.

**The Hon. ROSE JACKSON:** Yes. Are they part of that process? Are they part of the regional housing strategy and part of that expenditure?

**Mr ANTHONY ROBERTS:** I do not know. You are not going to pick me up on this. That is old money.

**The Hon. ROSE JACKSON:** That is old money. Okay.

**The Hon. CATHERINE CUSACK:** Minister, is there anything in relation to the questions and the evidence that has been gathered so far today that you wanted to add to or amplify? I wanted to give you that opportunity.

**Mr ANTHONY ROBERTS:** Look, thank you—

**The Hon. PENNY SHARPE:** You actually have that at 12 o'clock. You have 15 minutes at the end for this.

**The Hon. SHAYNE MALLARD:** You are not the Chair. The Chair just gave us the call.

**The Hon. PENNY SHARPE:** No, but there is actually—

**The Hon. ROSE JACKSON:** We normally do government, crossbench. The crossbench is not here, so we get the time and then you get 15 minutes.

**The Hon. PENNY SHARPE:** The Government made a decision this morning and you were late.

**The Hon. ROSE JACKSON:** I was late, too.

**The ACTING CHAIR:** I think we will allow one question to continue. In the spirit of—

**The Hon. SHAYNE MALLARD:** It is from someone who is experiencing the floods.

**The Hon. CATHERINE CUSACK:** I am finding this very stressful.

**The Hon. PENNY SHARPE:** Sure.

**The Hon. CATHERINE CUSACK:** Thank you.

**The ACTING CHAIR:** Would you like to answer that question, Minister?

**Mr ANTHONY ROBERTS:** Yes. One thing that is coming out of this, and we are all in strong agreement, is that there needs to be a review based on what is before us now. As we move through the response and into recovery, there needs to be a very strong piece of work done to underpin future planning policy and process. I want to thank, again, those councils that we are working with, and I want to probably clarify that I could have come down here today and not given this Committee the evidence that we were standing up this independent review. I am sorry that we are not at the point of providing the information specifically around the terms of reference, but I did that in very much good faith to assure this Committee that, as we work through into the recovery mode, we are doing everything that we can in Planning to provide, probably, a much better planning framework in response to these weather events. But I think the point here, very much so, is around ensuring that we get people housed in the short term, and today, of course, I think Minister Maclaren-Jones has announced 120 mobile housing vehicles that will be delivered. What that does is take pressure off any existing rental market, or what is left there. But, again, we will continue to work through this.

**The Hon. PENNY SHARPE:** Sorry, Minister, but just to be clear, there are 2,000 houses. I mean, 120 mobile homes are great, but the scale of this is much bigger.

**The Hon. CATHERINE CUSACK:** It is a good start. We are trying to clear the evacuation centres.

**Mr ANTHONY ROBERTS:** Again, this is the first part of the response moving into recovery. We need to do things such as provide housing immediately for those people who are currently in our evacuation recovery centres. I think, from my discussions with the honourable member and people on the ground, particularly in Lismore and Ballina, in those recovery centres you have many people who are not happy to be there, but people who are there tend to be from particularly around our social housing point of view or perspective. If you are not in a cohort that is normally at risk, you are in a recovery, generally, or evacuation centre. If you are someone who has friends to go to or the ability to move for the time being, I think people have done that. But I want to make it very clear that we will continue to work across government to ensure that, through the response and into the recovery phase, we come up with a coordinated approach. Once again, we stand ready to assist those councils in ensuring that, when it comes to the rebuild, the department of planning is standing with them and we will provide whatever assistance we can.

**The ACTING CHAIR:** Thank you, Minister. I have a couple of questions and then I will move to the Opposition. I am not sure, Minister, if you are aware of the Kamay ferry wharves project. It is a building of wharves between La Perouse and Kurnell in order to reinstate a ferry service. I am going to ask a couple of questions about this, so if you are not on top of it you will probably be taking these questions on notice.

**Mr ANTHONY ROBERTS:** If we can answer you today, sir, we will.

**The ACTING CHAIR:** There is concern from the community and from the EPA that there have been failures to meet the secretary's environmental assessment requirements in terms of, firstly, the consultation process and that there has not been meaningful and effective engagement with key interest groups as they have not been consulted. Also, the EPA in their submission have stated that the secretary's environmental assessment requirements have not been met "as the nature and extent of contamination have not been fully assessed." They state that a "detailed site investigation involving more testing is required". My question, Minister, is would the Minister consider referring this project to an independent planning committee for appropriate scrutiny to ensure the integrity of the process, considering we not only have community concerns and concerns from environmental groups, but even the Government department or the independent department of the EPA has raised concerns? The concern is that this has been marked to go ahead, but they are calling on the Minister—yourself—to halt it until such an investigation is done and a report has been furnished.

**Mr ANTHONY ROBERTS:** Thank you, sir. I can tell you that the department is currently assessing the proposal. Mr Ray?

**MARCUS RAY:** Minister, I might say a few words even then pass to Ms Sargeant. Obviously we are aware of those issues. The department is aware of those issues and there has been engagement with the proponent and with the EPA over those issues. The proponent has been asked to address those issues that were raised by the EPA. I would expect that all those issues would be fully assessed and the EPA's views about whether they have been appropriately addressed in the material that has been forwarded since the EPA's submission would be a critical matter for the department to consider before making any recommendation in relation to that. But I might just pass to Ms Sargeant if she would like to add anything further on this question.

**ANTHEA SARGEANT:** Thank you. Probably the only thing that I would like to add is that we did receive a response from—

**The ACTING CHAIR:** Can you move the microphone a little bit closer to you? Thank you. It helps Hansard as well.

**ANTHEA SARGEANT:** Is that better?

**The ACTING CHAIR:** That is much better.

**Mr ANTHONY ROBERTS:** It seems to be a common issue in my department, including the Minister. Sorry.

**ANTHEA SARGEANT:** We have received a response from the proponent responding to the issues that were raised in the submissions. However, we still do have some outstanding concerns, particularly in relation to the matters the EPA have raised. We have requested that the proponent address some of those outstanding issues further, and we are still waiting for that response. As has already been said, the application is under assessment and we will ensure that all of those matters are properly addressed.

**The ACTING CHAIR:** So no work is going to commence until those matters are addressed, or not?

**ANTHEA SARGEANT:** That is correct.

**The Hon. ROSE JACKSON:** I am going to ask a couple more questions about regional housing. In terms of the strategy, can you give us any more information about what might be some of the meat on those bones? What are the actual plans that you have, even if they are in development, to address the crisis that we have in housing in regional New South Wales?

**Mr ANTHONY ROBERTS:** Thank you. As I said before, on coming back to this portfolio, I made it abundantly clear to the department that we have an issue in regional New South Wales. You do not have to go to regional New South Wales without knowing about it. You can talk to anyone in regional New South Wales. We are seeing our teachers, doctors, nurses, police, tradies, social housing—there is an issue there. That is why I think my priority—well, I know it is—is to redirect the department into a more regional-focused environment, reaching out to local councils and delivering some of the work that has already been done around identifying where we need houses and homes in regional New South Wales and looking at the assets we have. I will pass to Deb in a second about what we are doing with land and housing there. But the opportunity is there for us to assist councils with their DAs. I think they are about 30 per cent down on planners generally across the board, would that be correct?

**MARCUS RAY:** Minister, I would have to check the actual figures, but clearly in some regional councils they are having considerable difficulty in attracting staff, yes.

**Mr ANTHONY ROBERTS:** And that is a key issue where you have people that just want to build a home and that is taking 300 days to go through assessments, let alone rezoning proposals and so forth. That is why we are providing that extra money, \$1 million between now and 30 June. As I said, Ms Jackson, if it requires more money I will provide that out of our own existing fund.

**The Hon. ROSE JACKSON:** I am really pleased to hear that it is such a priority for you and I see that is genuine. My question is that this is not a new problem. The Government has even done the Regional Housing Taskforce. Stuff has happened in looking at this problem; it is now time to move urgently to the action stage. One of the only specific things I got out of that response was working with councils on rezonings and approvals. The Regional Housing Taskforce explicitly said that faster rezonings and approvals will not solve the problem. In fact, their view is that there is sufficient zoned land for housing; it is just that turning those approvals into completions and delivering the infrastructure was the problem. The work that you have already done has in a way belied the response that you have given. What you doing about the findings of the Regional Housing Taskforce?

**Mr ANTHONY ROBERTS:** It is obvious that where we can assist councils and the delivery of infrastructure, we should be taking the forefront there and providing that money up-front to assist them. We have done it before, when I was Minister last time, in some of the key centres where we delivered funding up-front, for example, for roads or other services to enable those homes to be built. But we are also looking at new ways that will be announced shortly, and that is delivering new homes through cooperative measures through land councils, utilising Crown lands and utilising the land and housing side of the department. We also are now—and again, I am quite happy to say it—speaking with some of the superannuation funds to see what they can do about providing housing in cooperation with us as an investment. We are looking at all avenues, plus we are looking at a number of opportunities not just on the supply side—because, again, it is not just about supply. There are other levers that need to be pulled. There are some financial levers with respect to getting people into a home. What we are looking at doing is effectively a home for everyone across New South Wales. It should not be the great Australian dream; it should be a reality. I note I have just been reminded about the NSW Regional Housing Fund of \$30 million.

**The Hon. ROSE JACKSON:** I am glad that you mentioned that. That fund was in a way a response to the Regional Housing Taskforce, delivering at least an effort: \$1.4 million per council. But a number of councils that are in complete crisis—such as Byron shire, areas around Kiama, Coffs Harbour and Bellingen—were not eligible for the fund. Why were so many councils who are experiencing extreme housing issues not eligible for the Regional Housing Fund?

**The ACTING CHAIR:** I just make the point that this will be the last question from the Opposition at this point.

**The Hon. ROSE JACKSON:** We are going to go to Abigail, are we?

**The ACTING CHAIR:** And then we will go to Ms Boyd for 10 minutes.

**The Hon. ROSE JACKSON:** That is fine. Sorry, Abigail.

**The ACTING CHAIR:** But Minister, please answer that question and then we will go to Ms Abigail Boyd.

**Mr ANTHONY ROBERTS:** I will pass to—I believe it was with respect to funding rounds, but that is not to say that there will not be further rounds, I hope.

**The Hon. ROSE JACKSON:** Okay.

**Mr ANTHONY ROBERTS:** The Argyll Estate is a good opportunity where we can start using these as models—Cooma is the same—to deliver more housing to regional New South Wales.

**The Hon. ROSE JACKSON:** Does anyone have an answer about why all of those—I mentioned a few, but there are others.

**Mr ANTHONY ROBERTS:** Mr Raimond?

**TIM RAIMOND:** Thank you, Minister. The fund was open to councils who were not eligible to apply under the NSW Public Spaces Legacy Program that was announced in 2020.

**The ACTING CHAIR:** I hate to interrupt, but could you move your microphone closer to you?

**TIM RAIMOND:** It was particularly focused on councils that were experiencing the highest level of demand—the highest housing pressures. Due to their size, the councils that are eligible are expected to provide a lot of housing and so they were the natural focus for infrastructure grants to help unlock that housing.



**The Hon. ROSE JACKSON:** I have more questions on that but I will pause for Ms Boyd.

**Ms ABIGAIL BOYD:** Thank you both, and good morning.

**Mr ANTHONY ROBERTS:** Good morning.

**Ms ABIGAIL BOYD:** We are still in the morning, I think?

**Mr ANTHONY ROBERTS:** Just.

**The ACTING CHAIR:** Minister, you can breathe a sigh of relief. She is very nice, most of the time.

**Ms ABIGAIL BOYD:** All lies!

**Mr ANTHONY ROBERTS:** Where has the other one gone?

**Ms ABIGAIL BOYD:** Good cop, bad cop. That is right.

**The ACTING CHAIR:** He is going through your file.

**Ms ABIGAIL BOYD:** I wanted to ask you, Minister, about scope one emissions, greenhouse gas emissions from projects that the department has approved. I had a conversation in estimates in relation to environment previously where we talked about how we could ensure that new mining projects actually complied with greenhouse gas emission limits, basically. Anyway, we went around in circles, but we got to the point where it appears that although the department and the IPC can put conditions onto an approved mine there is no mechanism for actually ensuring that those conditions are complied with. Also, the EPA does have the power but chooses not to put any kind of scope one emissions limitations on its licences. With that background, my question to you is: Are you concerned, and what can the department do to ensure that scope one emissions limits are complied with?

**Mr ANTHONY ROBERTS:** I cannot speak on behalf of the EPA, but I have a very strong record, and that is that the law is the law. Regulations need to be followed and any determination by the IPC around the scope of their decision needs to be enforced. If you have regulations and laws, they need to be enforced. But I will ask Mr Ray to outline that further by way of process.

**Ms ABIGAIL BOYD:** Thank you. Just to clarify before we do that, I understand that there are no enforceable conditions. That is the concern that we have here.

**MARCUS RAY:** Ms Boyd, I would not necessarily agree with that statement, but let me try to explain the situation.

**Ms ABIGAIL BOYD:** Please.

**MARCUS RAY:** Obviously the broader modelling shows that the Government is on track to meet its target of a 50 per cent reduction from 2005 levels by 2030. That is the broadbrush approach. The department assesses the applications that are before it in relation to coalmines—I actually had this discussion with Mr Shoebridge earlier on this morning—as well as scope three emissions and fully considers each of those in the assessment of individual coalmining projects. The assessments are done in accordance with some economic guidelines in relation to mining that deal with the question of externalities—a cost-benefit analysis framework that has been around for probably around six or seven years that was updated most recently, from a technical point of view, in 2018.

Generally, the conditions that have been imposed on projects recommended by the department and accepted by the Independent Planning Commission have been ones that require the minimisation of greenhouse gases—scope one and scope two—that are reasonable and feasible in the circumstances. So I do not agree that there is not an enforceable condition because over time, as technologies improve, things may become more reasonable and feasible to do to reduce the scope of those emissions. There is a program—there is an auditing program, so there is an audit every three years. Those emissions for each mine are audited, and if there are technologies that come on stream that make things that were not reasonable and feasible three years ago, if they are now—

**Ms ABIGAIL BOYD:** Could I bring you a specific example so you can explain it to me?

**MARCUS RAY:** Sure.

**Ms ABIGAIL BOYD:** Maules Creek, for instance, estimated a particular level of scope 1 emissions when it was going through the approval process. It is calculated to emit well over 300, 400 per cent of that estimate. Clearly it got the estimate wrong, but that estimate formed part of the basis for why it was approved. What can the department now do about that?

**MARCUS RAY:** I just will have to get my note in relation to that. The advice I have about that question on Maules Creek is that what has happened in that case is that there were, as you say, predictions in the EIS and there was concern that there was a greater amount of scope 1 fugitive emissions than were predicted in the environmental assessment. Part of that seemed to be linked to the mine having to dump out of pit, therefore the haulage was greater, so people obviously were concerned about that. The advice that I actually have is that the problem was that there are two methods of calculating. It was a methodological issue. There were two methods of calculating those emissions. In the EIS they used method two, and they reported but they reported on method one.

So the advice that I have is that when those issues were examined, the difference in the reporting mechanism was identified, and I am advised that when the appropriate method was applied—the method one, which is the same as what was in the EIS—the emissions are actually under what was predicted. In that case, an emission standard was used—a methodology was used in the original EIS, but they reported using a different methodology for a number of years. When that was investigated and the original methodology was applied, they were actually meeting their emissions requirements.

**Ms ABIGAIL BOYD:** That is the same for the others that have been identified, is it—for example, the Narrabri underground mine that is apparently emitting 240 to 340 per cent of its estimate?

**MARCUS RAY:** I would have to go back and check that. I do not have that information. I will take that on notice.

**Ms ABIGAIL BOYD:** Clearly I cannot dispute the information you have given me about Maules Creek. I do not know, but I can have a look at that.

**MARCUS RAY:** Sure.

**Ms ABIGAIL BOYD:** Theoretically, if you had investigated and it turned out that actually they were exceeding those thresholds quite significantly, what action could the department then take?

**MARCUS RAY:** That is a hypothetical. I have already explained the question of reasonable and feasible. There was an independent environmental audit of Maules Creek last year, which found that they were complying with—

**Ms ABIGAIL BOYD:** Sorry, I am trying to get to the point of what is the consequence for these mining companies if they do not comply. If there had been an underestimate of the scope 1 emissions and it was then investigated and found to be actually, yes, it is so much higher, what would the department then be able to do?

**MARCUS RAY:** Let me answer it in this way. Obviously I have already spoken about the reasonable and feasible minimisation condition, and so the department would obviously look about what could take place under that. Then I would have to take on notice because I am not familiar with the full details of the development consent for Maules Creek, but it would be a matter that would play out under the conditions of the consent for Maules Creek.

**Ms ABIGAIL BOYD:** So if a condition has been breached, then there is a power of the department to take some action?

**MARCUS RAY:** Yes. Depending on the nature of condition, that power can be a criminal power, a penalty notice or a prosecution, or, depending on the nature of condition, it can be remedial work.

**Ms ABIGAIL BOYD:** Some of these mining consent or condition—sorry, I have forgotten the phrase that you just used—the conditions, we are talking hundreds of conditions.

**MARCUS RAY:** Yes.

**Ms ABIGAIL BOYD:** Is that entirely reliant on self-reporting or for somebody to find these things out, or does the department do any active investigation to make sure that there is a compliance with those conditions?

**MARCUS RAY:** Yes, Ms Boyd, the department does a number of things. As I said, the mine has to provide annual reporting of these things. There is an audit requirement every three years. If, for whatever reason—whether it is because of information that comes through to the department from some other source or whether it is information that comes through in reporting—the department needs to investigate something because there is a noncompliance, then the department can do that and does that.

**The Hon. PENNY SHARPE:** I have the auspicious position of Acting Deputy Chair while the Deputy Chair is out of the room and we have lost our Chair. Mr Searle, you are up.

**The Hon. ADAM SEARLE:** Minister, why did you sack Kiersten Fishburn as soon as you took over as Minister for Planning again?

**The Hon. SHAYNE MALLARD:** He did not sack her.

**The Hon. ADAM SEARLE:** Well, she was the secretary of the department. She had only just taken up her role.

**The Hon. SHAYNE MALLARD:** Rob Stokes—

**The Hon. PENNY SHARPE:** Do not interject, Mr Mallard.

**The Hon. ADAM SEARLE:** Minister, you can answer it in any way you like, but I ask the question: Why did you remove her as the secretary of the department?

**Mr ANTHONY ROBERTS:** She was not sacked. When the Premier contacted me and asked me to take on the responsibility of being the Minister for Planning, and the Minister of Homes, the Premier at the time outlined his expectations that we had to achieve this with the department, and this was to be particularly focused on housing affordability and supply significantly in regional New South Wales. At the time of the reshuffle, the Premier allowed for cluster leaders and Ministers to choose their secretary. With the Premier's expectations in mind, I believed that the person that could lead the department with experience in housing supply and regional New South Wales was Mick Cassel. I contacted Mr Coutts-Trotter and advised him of my request. Can I just say, for the record, I believe Kiersten Fishburn to be a tremendously hard worker and very experienced, and she is an extremely valuable asset of the New South Wales Government. From that, the secretary of DPC offered Kiersten an alternative role in another area of government.

**The Hon. ADAM SEARLE:** So the change in her role did not occasion any payout to her—she just moved into that newest deputy secretary role at Transport?

**Mr ANTHONY ROBERTS:** I am not aware of the—it is a very mercantile question. I am not aware of—I am very happy to take that on notice.

**The Hon. ADAM SEARLE:** That is good. During 2020 and 2021 the department paid more than \$14 million in various redundancies. Can you advise the Committee why the amount was so high and how many staff were made redundant in that period?

**Mr ANTHONY ROBERTS:** For 2021?

**The Hon. ADAM SEARLE:** Yes, 2021 and 2020.

**Mr ANTHONY ROBERTS:** Having not been the Minister at the time—I probably have a bit of an idea about Corrections and Counter Terrorism, but—

**The Hon. ADAM SEARLE:** Surely your agency staff with you would be able to hazard a guess, or would you just take that on notice?

**Mr ANTHONY ROBERTS:** A guess or facts? We can probably take a guess.

**The Hon. ADAM SEARLE:** Facts.

**Mr ANTHONY ROBERTS:** I will ask Mr Cassel.

**MICK CASSEL:** Mr Searle, I think I will take that question on notice. I obviously was not in charge of DPE at that stage as well, and I am not—that is a number that I have not had a previous discussion about. So I would rather take that on notice so that I do not mislead you at all and get the exact breakdown.

**The Hon. ADAM SEARLE:** All right.

**MICK CASSEL:** But I will say the conditions under which senior executives are employed at the department are covered by the legislation. The legislation requires a 38-week payout if that employment is terminated. There is no discretion in that amount.

**The Hon. ADAM SEARLE:** Okay. In previous estimates questions were asked of the former secretary about the obligations of DPIE, as it then was, to meet the latest expenses cap set by central agencies. Has that pressure to meet those labour expenses caps generated the need for redundancies in DPE?

**Mr ANTHONY ROBERTS:** I will pass that to Mr Cassel. I can break down the labour expense cap, operating expenses and so forth, but I will ask Mr Cassel to outline our position there.

**MICK CASSEL:** Thank you, Minister. Mr Searle, I cannot speak for Mr Betts or Ms Fishburn. I can say in my time that has not been a driving force in how we have restructured the organisation.

**The Hon. ADAM SEARLE:** From the number of machinery of government changes in December and that are still being worked through in your department, can you outline what internal structural changes you are expecting to be required as a result of those?

**Mr ANTHONY ROBERTS:** Mr Cassel?

**MICK CASSEL:** Thank you, Mr Searle. I think I have been very public in saying I think we have too many senior executives and I would like to move more people to delivering frontline services. So I would expect there will be some minor tweaks as we streamline operations. Obviously, in the time I have come in, the floods have come up, so I need to consider that as well and how we are going to respond to that. But if there is any movement at this point in time, then it will be in senior executive positions.

**The Hon. ADAM SEARLE:** Bearing that in mind, do you foresee any staff cuts or redundancies as a result of that in the rest of this financial year?

**Mr ANTHONY ROBERTS:** Mr Cassel?

**MICK CASSEL:** Thank you. I do not see any forced redundancies or staffing cuts below senior executive level, no.

**The Hon. ADAM SEARLE:** Okay.

**MICK CASSEL:** We meet regularly with the unions and I have given them that commitment as well.

**The Hon. ADAM SEARLE:** Okay.

**The Hon. ROSE JACKSON:** I wanted to ask about Communities Plus. Obviously you are familiar, Minister, with the Communities Plus program? Yes? The Minister is nodding.

**Mr ANTHONY ROBERTS:** I am sorry, yes.

**The Hon. ROSE JACKSON:** It is a 10-year commitment, 2015 to 2025. How many new—new, not replacement—new net additional social housing dwellings has Communities Plus delivered?

**Mr ANTHONY ROBERTS:** I will pass to Mr Cassel. I have some expertise in this matter.

**MICK CASSEL:** Thank you, Minister. I think the Communities Plus model is a great model and I think the objectives are tremendous. I will pass to Ms Brill to run you through those numbers, but I do want to reiterate that there are processes to go through, including community and tenant consultations, which sometimes make these revitalising projects challenging. I think we need to keep that in mind when we are assessing whether projects have been successful or not. Ms Brill?

**The Hon. ROSE JACKSON:** Yes, thank. Ms Brill, my question was how many new net additional social housing dwellings has it delivered?

**DEBORAH BRILL:** Ms Jackson, the commitment under Future Directions for the first pillar, which was new supplies so your Communities Plus is captured there, talks about replacing new and replacement social housing with 23,000 properties. So the numbers I have—and I am happy to talk you through them—are actually a combination of new and replacement.

**The Hon. ROSE JACKSON:** Actually, Ms Brill—

**DEBORAH BRILL:** I will take that on notice. Given that was the commitment, that is how we record those figures. But absolutely happy to take that on notice and split those out for you.

**The Hon. ROSE JACKSON:** Okay. If you have a figure there, what is that?

**DEBORAH BRILL:** Between July 2016 and December 2021 we have had 3,524 new homes, so that is across social, affordable and private housing delivered. Of those 2,393 is social, so that will be the new and replacement social; 101 affordable; and 1,030 private dwellings. Also, if you are interested, I can talk with you about the numbers that we have committed, so what we have in the pipeline as well.

**The Hon. ROSE JACKSON:** We might get into that this afternoon, thank you, Ms Brill.

**DEBORAH BRILL:** Okay, not a problem.

**The Hon. ROSE JACKSON:** Minister, we are going to take on notice how many of those 2,393 are actually new. Some of those are replacement; some of those are new. That commitment was for 23,000, made in 2015 and running to 2025, and we have delivered 3,500. I mean, it is a catastrophic failure, is it not?

**Mr ANTHONY ROBERTS:** We will continue, and my commitment is to ensure that we continue, to deliver on social and affordable housing, in particular.

**The Hon. PENNY SHARPE:** But you are not delivering.

**The Hon. ROSE JACKSON:** You are actually not. You said 23,000. It is 2022 and you have delivered 3,500 homes, and a number of those are not even new homes. A number of those are not even new ones; they are upgrades. That is fine to upgrade homes, but that is a very, very poor record more than halfway through a program, is it not?

**Mr ANTHONY ROBERTS:** What I would say is that my commitment is to deliver upon our plans in regional New South Wales to increase the number of social and affordable homes there. I will have more to say about that into the future. But anything to do with issues around what we have achieved or have not quite achieved in the past I will refer to either Ms Brill or Mr Cassel.

**DEBORAH BRILL:** With your permission, Minister, it is probably worth also noting that the first pillar of Future Directions also really focused on increasing the capacity and supply through community housing providers. So one of the things that the social housing system has worked really hard to do is to increase that capacity with community housing providers. We have increased the number of houses that community housing providers manage and through that they will be able to deliver more social housing as well. I would also note that while those figures I provided you, Ms Jackson, were from the Land and Housing Corporation, the assumption in that first pillar of Future Directions was also around innovative financing and around other mechanisms that would lead to growth. So when we are looking at the whole, we also need to take into account the Social and Affordable Housing Fund, which is operated by Treasury with DCJ, and also the Community Housing Innovation Fund, which is operated by DCJ with the community housing sector. If it is helpful, what we will do to take on notice is when we are talking about the new supply on LAHC land, we can also talk about the new supply delivered under those two programs as well that were not on that land.

**The Hon. ROSE JACKSON:** That is fine, if you wish to do that on notice, Ms Brill. I appreciate that. It is just that this is often the case when we talk about social and public housing. We know that there is a huge problem; the waiting list is now over 50,000 people. When we get responses, there are references to all of these other programs, yet the actual numbers clearly show that very few new social housing properties are being delivered. I will take you to the Waterloo Estate. Why is this billion-dollar project only delivering 100 additional social housing dwellings when the City of Sydney—the relevant local government—suggested that that figure could be substantially more? Why has the Government chosen to deliver so few additional social housing dwellings on this massive estate?

**The Hon. SHAYNE MALLARD:** There is no affordable housing at the moment.

**The Hon. ROSE JACKSON:** We will get to affordable. It is even worse.

**The Hon. SHAYNE MALLARD:** Well there is none there at the moment.

**The ACTING CHAIR:** Order!

**The Hon. ROSE JACKSON:** Why have you chosen a path that delivers so few additional social housing dwellings?

**Mr ANTHONY ROBERTS:** Can I just say that the Waterloo social housing estate is a mix of housing types over a 19-hectare area located of course in the City of Sydney. The Waterloo renewal is one of Australia's largest residential projects. It will unlock significant metropolitan housing supply and is expected to produce some 6,000 new homes over 20 to 30 years, covering three main precincts—Waterloo South, Waterloo Central and Waterloo North. The renewal project is expected to be delivered in partnership with private and not-for-profit sectors, including a developer community housing provider—

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

**Mr ANTHONY ROBERTS:** Excellent. I was wondering who did.

**Mr DAVID SHOEBRIDGE:** I didn't.

**The Hon. PENNY SHARPE:** We do. We really do.

**The ACTING CHAIR:** Order!

**The Hon. ROSE JACKSON:** I am asking you why you have chosen to redevelop Waterloo South in the way you have, which is delivering so few additional social housing dwellings, when there were other options put forward that delivered substantially better results in terms of new social and affordable housing.

**The Hon. SHAYNE MALLARD:** Labor didn't try to do it.

**Mr ANTHONY ROBERTS:** I think you will be nicely surprised with some of the figures that we have for you. Deb?

**The Hon. ROSE JACKSON:** Currently there are 749 dwellings there. Your proposal is going to have 854. I am familiar with the figures.

**The Hon. SHAYNE MALLARD:** It is an increase.

**The Hon. ROSE JACKSON:** It could have been so much more than that. Why isn't it?

**DEBORAH BRILL:** Ms Jackson, you would also be aware that the Land and Housing Corporation did have higher aspirations for that site. However, we have gone through a range of planning processes to end up where we are now. But, of course, you are also aware that the process we use for Waterloo and other high-value areas is that we are looking for the private housing to pay for the social and affordable housing on the site. That is the policy framework that we work in for high-value areas.

One of the reasons we do that is so that we can utilise other resources in regional areas where we do not have that land value. When we first went to the master plan for Waterloo in January 2019, we were aiming for 2,380 social and affordable housing properties across all of the Waterloo Estate. Just looking, we are dividing into three and we are just doing the south area at the moment, and we are looking at how we can best get social housing on that site. But you are right, where the planning proposal is up to at the moment—that was released last week—we do have 847 social housing properties on site.

**The Hon. ROSE JACKSON:** Minister, to be fair to the Land and Housing Corporation, they are operating within a policy framework that your Government has imposed upon them, which is that you will not invest additional money in delivering social housing in these areas; it has to be self-funding. You will not put additional money on the table to deliver social housing in these areas. That is the position of your Government.

**Mr ANTHONY ROBERTS:** Can I just make a point here for clarification? I believe the framework in which it operates was actually imposed by a former government. That is correct?

**The Hon. PENNY SHARPE:** You have been in government for 10 years, Minister.

**The Hon. ROSE JACKSON:** That is not going to work with me. Nice try. It is your Government's policy. You will not invest any new money and so we have so few additional social housing dwellings being built.

**The ACTING CHAIR:** You need to pitch that as a question, please, Ms Jackson.

**The Hon. ROSE JACKSON:** I asked a question and he decided to make a political comment in response, which he is entitled to do.

**Mr ANTHONY ROBERTS:** It would be remiss of me not to, but point taken. I think what we need to actually address is that there is new money coming in; we had the stimulus money. Deb, did you want to outline that?

**DEBORAH BRILL:** I am happy to, Minister. Yes, there has been stimulus money—

**The Hon. ROSE JACKSON:** Is this the \$880 million?

**DEBORAH BRILL:** It is \$866.4 million.

**The Hon. ROSE JACKSON:** So the Victorian Government have committed over \$5 billion and Queensland over \$2 billion. That money was fast-tracking already committed social and affordable housing developments. So that is your response?

**Mr ANTHONY ROBERTS:** It was a response to you saying that there was no additional money. We have had additional money.

**The Hon. ROSE JACKSON:** To fast-track commitments you had already made. There were no new commitments under that, or very few new commitments under that. Is that not the case?

**Mr ANTHONY ROBERTS:** Mr Cassel?

**MICK CASSEL:** I will pass the question to Ms Brill in a moment. But having run the Land and Housing Corporation at that time, I do not believe that statement is correct.

**The Hon. ROSE JACKSON:** How many new—

**MICK CASSEL:** Hang on—

**The Hon. ROSE JACKSON:** —social housing dwellings were a result of that \$880 million?

**The Hon. SHAYNE MALLARD:** Point of order: Mr Cassel was saying, "I don't believe that statement is correct." He needed to go on to say what the correction was and he was cut off by the member. If he is saying it is not correct, he should be allowed to finish off that statement.

**The ACTING CHAIR:** I uphold the point of order. Ms Jackson, you might actually get an answer if we let him finish. Thank you, Mr Cassel.

**MICK CASSEL:** We have many projects in the pipeline that are ready to go to market. The money released those projects and allowed us to take them to market. The pipeline of future projects is managed extremely well inside LAHC. I might just now hand over to Ms Brill, who can talk to you about the pre-planning for those projects. I just want to make the point that I think it is a little unfair to suggest all that money was already planned projects. If we did not have already planned projects, the moment we got money we would end up sitting around for a couple of years trying to plan them. The pipeline always needs to be full.

**Mr ANTHONY ROBERTS:** I might just add to this. I have been given advice that from 2012 to 2021 the number of social homes increased by 8 per cent in New South Wales, which was ahead of the national increase of some 4 per cent. There was a—

**The Hon. PENNY SHARPE:** Is that a net figure, Minister?

**Mr ANTHONY ROBERTS:** It is an increase.

**The Hon. PENNY SHARPE:** No. Is it net in terms of taking into account what has been sold off?

**The Hon. SHAYNE MALLARD:** Of course it has. It is an increase.

**DEBORAH BRILL:** It is the total number.

**The Hon. PENNY SHARPE:** No.

**The Hon. ROSE JACKSON:** Even in that time, Minister, total housing stock increased by 14 per cent. So as a percentage of total housing stock, New South Wales is going backwards. It is the lowest it has been in five years.

**Mr ANTHONY ROBERTS:** With respect to the growth, we have seen 8 per cent in New South Wales, 2 per cent in Victoria, 3 per cent in Western Australia, 1 per cent in Queensland, 8 per cent in Tasmania and negative 6 per cent in South Australia. While those other States are playing catch-up, if you actually have a look at expenditure over the past five years, New South Wales has invested some \$9.3 billion. Other States have invested less, with Victoria at \$5 billion, Queensland at \$4.9 billion, South Australia at \$2.8 billion and Western Australia at \$3.8 billion. So I think it is important to compare apples with apples.

**The Hon. ROSE JACKSON:** Let us compare 2021 to 2024. Over the next few years we are pushing ahead; we desperately need more housing and more social housing. The Victorian and Queensland governments are responsible for 80 per cent of new net additional social additional housing in that time. That is 80 per cent from Victoria and Queensland between 2021 and 2024.

**Mr ANTHONY ROBERTS:** That is because they started late and they are playing catch-up.

**The Hon. ROSE JACKSON:** No.

**The Hon. SHAYNE MALLARD:** It is.

**Ms ABIGAIL BOYD:** Coming back to finish off these questions in relation to greenhouse emissions and mining projects, I am looking at the *Net Zero Plan Stage 1: 2020-2030 Implementation Update* that was published last September, I believe. There is a statement on page 28 that talks about the State being on track to achieve the emissions reduction projections based on current policy settings, but then there is this line that says:

In light of this, the NSW Government policy is that the NSW Government's objective set out in this Plan, to reduce emissions by 50% below 2005 levels by 2030, is not to be considered in the assessment or determination of development and infrastructure applications under the *Environmental Planning and Assessment Act 1979*.

Is the result of this paragraph, or that sentence, an explicit policy guidance for the department that you are not to consider greenhouse gas emissions when you are approving coalmines?

**Mr ANTHONY ROBERTS:** Mr Ray?

**MARCUS RAY:** Ms Boyd, the department is required to consider the policies, including that policy, but the department actually does consider greenhouse gas emissions in each of its assessments in relation to coalmines. I think you have got the evidence of that, in that assessment reports clearly articulate scope one, scope

two and scope three. We are required to do that under the State environmental planning policy relating to mining. While that statement is in that document, the department has also got a very explicit reference in the mining State policy where it has to consider greenhouse gas emissions, so the department considers greenhouse gas emissions.

**Ms ABIGAIL BOYD:** Minister, this document is a little bit conflicting then. Will it be updated to match what Mr Ray is saying that the actual requirements are on the department? Because at the moment it is saying that greenhouse gas emissions are not to be considered in the assessment or determination of development infrastructure applications—sorry, just to clarify, that the reduction of greenhouse gas emissions and that objective is not to be considered.

**Mr ANTHONY ROBERTS:** Can I seek advice from Mr Ray?

**MARCUS RAY:** Ms Boyd, clearly there is a bit of an inconsistency in the way that is worded. That is a matter that obviously we will take up with our colleagues at environment and energy. As I said, there is an express requirement for the department to consider greenhouse gas emissions in the mining State policy. That has been there for a while, and the department's practice has been to consider greenhouse gas emissions since at least the Anvil Hill case in about 2006.

**Ms ABIGAIL BOYD:** When you say "consider greenhouse gas emissions", do you mean consider the objective of reducing greenhouse gas emissions or do you mean that it is part of the assessment and cost-benefit analysis?

**MARCUS RAY:** The cost-benefit analysis is simply one tool that assists in quantifying those issues, but the department's consideration is a broader consideration and that consideration is the one that is laid out in the mining State planning policy. As I have said, the question of the reduction of greenhouse gases is at the forefront of the department's consideration. I have already talked about the minimisation condition if things are reasonable and feasible. The short answer is yes.

**Mr ANTHONY ROBERTS:** If I can provide some assistance, the question of updating the document I understand could probably be in the hands of the Minister for Environment and Heritage, or the energy Minister I should say. If you are still within the remit or scope of questions—

**Ms ABIGAIL BOYD:** Supplementary questions.

**Mr ANTHONY ROBERTS:** Yes, supplementary questions.

**Ms ABIGAIL BOYD:** Thank you, that is a good idea.

**Mr ANTHONY ROBERTS:** To assist you there, I would probably direct it in his direction.

**Ms ABIGAIL BOYD:** Thank you.

**Mr ANTHONY ROBERTS:** I am always happy to help. It is like Service NSW.

**Mr DAVID SHOEBRIDGE:** Minister, are you aware that under the New South Wales *Floodplain Development Manual*, which guides planning decisions about building on the Hawkesbury-Nepean flood plain, that councils are only required to consider the risk of flooding up to the one-in-100-year floods? Were you aware of that?

**Mr ANTHONY ROBERTS:** Sorry, can you repeat the question?

**Mr DAVID SHOEBRIDGE:** Under the New South Wales *Floodplain Development Manual*, which is required to be considered by councils when they make their planning decisions and indeed is implemented in part in the guideline for residential development on low flood-risk land, that councils can only consider flooding up to the one-in-100-year flood level unless they seek an application under exceptional circumstances to do differently. Were you aware of that?

**Mr ANTHONY ROBERTS:** I will pass to Mr Whitworth, thank you.

**Mr DAVID SHOEBRIDGE:** No, Minister, I am asking if you are aware of it, and you cannot pass that to somebody else. Were you aware of it?

**Mr ANTHONY ROBERTS:** No, this is a specific—

**Mr DAVID SHOEBRIDGE:** If you are not aware of it—

**MARCUS RAY:** It is a highly technical area, Mr Shoebidge.



**Mr DAVID SHOEBRIDGE:** Minister, it is one of the core issues about planning right now in western Sydney, whether or not people can build on flood-prone land. I am asking if you are aware of the current planning rules.

**Mr ANTHONY ROBERTS:** This is very technical. I am not a planner.

**Mr DAVID SHOEBRIDGE:** I can see that.

**Mr ANTHONY ROBERTS:** You are not a planner. Let us go to a planner and seek advice from the planner. Mr Whitworth.

**Mr DAVID SHOEBRIDGE:** You are the Minister.

**The Hon. CATHERINE CUSACK:** Point of order: The member is entitled to ask his questions but he cannot direct the Minister's answer. He has requested all of these advisers to attend the hearings in order to provide information as the Minister refers it. I ask that the Minister be allowed to refer his answer to give the member the information he says he is requesting.

**Mr DAVID SHOEBRIDGE:** To the point of order: I am asking what the Minister is aware of—what is in his knowledge—and that simply cannot be referred to a department official.

**The Hon. CATHERINE CUSACK:** No, you are directing the Minister's answer. The question is fine; directing the answer is not fine.

**The ACTING CHAIR:** I will rule now. The question is merely as to whether you are aware that this report—or whatever it is Mr Shoebridge is referring to—exists. He is not asking you if you know the detail. Could you answer that question?

**Mr ANTHONY ROBERTS:** I am certainly aware that it exists, but I will pass to Mr Whitworth to give the appropriate response as a planner and as an officer of the department.

**BRETT WHITWORTH:** Thank you, Minister. In July last year—

**Mr DAVID SHOEBRIDGE:** Mr Whitworth, my question was what the Minister knew. If you can add any value to what the Minister knows sitting there now, I would be appreciative of it. My question is about what the Minister knows. Do you know what the Minister knows?

**Mr ANTHONY ROBERTS:** That would be a question from Mr Whitworth to me.

**Mr DAVID SHOEBRIDGE:** Mr Whitworth, do you know what is in the Minister's brain at the moment?

**The Hon. CATHERINE CUSACK:** Maybe have that chat later.

**Mr DAVID SHOEBRIDGE:** Do you know what is in the Minister's brain at the moment, Mr Whitworth?

**The Hon. CATHERINE CUSACK:** Point of order: I would ask that the member move on and ask a budget estimates question.

**Mr DAVID SHOEBRIDGE:** That is not a point of order.

**The Hon. CATHERINE CUSACK:** This is going in circles. The question has been asked multiple times and answered by the Minister.

**The ACTING CHAIR:** I will rule on it. I do not think a question can be asked of somebody as to whether they were aware of what a Minister knew or did not know or was aware of. If Mr Shoebridge wanted more detail as opposed to the Minister's awareness or otherwise, let us go to the detail.

**Mr DAVID SHOEBRIDGE:** We may get there.

**Mr ANTHONY ROBERTS:** We may not.

**Mr DAVID SHOEBRIDGE:** With you as the Minister, we may not.

**The ACTING CHAIR:** Order!

**The Hon. CATHERINE CUSACK:** Are you not asking for information?

**Mr ANTHONY ROBERTS:** In response to that, again, it is a document that belongs to the Minister for Environment and Heritage. I am aware it exists, but it is very detailed and it is very technical. As a result, I am trying to assist the honourable member, Senator Shoebridge, that Mr Whitworth may be able to provide further—

**Mr DAVID SHOEBRIDGE:** Point of order: The Minister does not get a chance to just ramble. He has to answer questions.

**Mr ANTHONY ROBERTS:** When have I rambled? I have not rambled once.

**Mr DAVID SHOEBRIDGE:** It is not a James Joyce novel coming through Minister Roberts.

**The Hon. CATHERINE CUSACK:** It is the approach that the member is taking that is causing this confusion.

**Mr DAVID SHOEBRIDGE:** I would like to be able to put a question.

**The ACTING CHAIR:** Order! The Minister has the privilege to answer the question in whatever way he wishes to.

**The Hon. CATHERINE CUSACK:** Hear, hear!

**Mr DAVID SHOEBRIDGE:** There was no question.

**The ACTING CHAIR:** If one is not satisfied with the answer, we then have to move on, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** But there is currently no question.

**Mr ANTHONY ROBERTS:** No. You have not asked many questions today. You have just rambled all day, Mr Shoebridge.

**The ACTING CHAIR:** Minister, let us not reduce the dialogue to that level.

**Mr ANTHONY ROBERTS:** Sorry, I am just getting frustrated.

**The ACTING CHAIR:** Let us keep it respectful. Mr Shoebridge, could you ask a question?

**Mr DAVID SHOEBRIDGE:** Minister, have any councils been given permission using the exceptional circumstances provisions to apply controls to planning over and above the one-in-100-year flood level in the Hawkesbury-Nepean zone?

**Mr ANTHONY ROBERTS:** I will take that on notice.

**Mr DAVID SHOEBRIDGE:** Mr Whitworth, through you—

**Mr ANTHONY ROBERTS:** No, I am taking that question on notice. I am not directing it. I will take it on notice.

**Mr DAVID SHOEBRIDGE:** Minister, are you aware of the fact that there are currently 10,000 homes potentially about to be in the Blacktown LGA itself in potentially flood-prone land? Are you aware of the fact that that is the scale of the problem—10,000 homes in the Blacktown LGA itself?

**Mr ANTHONY ROBERTS:** I will take that on notice.

**Mr DAVID SHOEBRIDGE:** Do you have any understanding at all about the size of the flood risk and the amount of land zoned for residential development in the Hawkesbury-Nepean Valley right now? Do you have any idea at all about the scale of the problem?

**Mr ANTHONY ROBERTS:** I will take that on notice. Most of it is hypothetical.

**Mr DAVID SHOEBRIDGE:** Minister, this is not hypothetical. In the Blacktown LGA there is currently planning approval to build an additional 10,000 homes, to add to the problem of flood risk. Many of those 10,000 homes are on flood-prone land. Are you just going to allow them to be built?

**Mr ANTHONY ROBERTS:** I will pass to Mr Whitworth.

**BRETT WHITWORTH:** The Minister and I gave evidence earlier about the pause on development. What you are referring to is the rezonings at Marsden Park North and West Schofields. The former Minister announced the pause on development in March 2021 to ensure that we could understand and respond to the floods in March 2021. Since that time we have also modified the directions relating to flood planning. You referred to the special considerations clause. There was also a 9.1 direction that was released that was part of that package, and that 9.1 direction did change previous policies that restricted planning controls on residential development above the one-in-100 chance per year flood so that councils are now able to consider and seek to impose planning controls for development above the one-in-100 chance per year flood.

As I have pointed out, these are things that we were proposing as part of the exhibition of the Marsden Park North and West Schofields plans, including a restriction on the number of dwellings to ensure that we could

ensure safe evacuation, as well as a restriction to ensure that dwellings within that area between the one-in-100 chance per year flood and the PMF would have resilient building controls, resilient building materials and so on.

**Mr DAVID SHOEBRIDGE:** Basically, Mr Whitworth, the only provisions that the department is currently looking at for those 10,000-odd homes in flood-prone land is making sure that there are enough roads for people to escape when the flood comes and trying to see whether or not the house when it gets inundated will be slightly less damaged than if it is built with particle board and gyprock. That is effectively all that Planning is doing at the moment, isn't it?

**BRETT WHITWORTH:** That is a fairly comprehensive approach to flood issues, Mr Shoebridge. We are also working with the State Emergency Service, Infrastructure NSW and Transport for NSW to ensure that houses in the area are built in a way that can be evacuated. That has to take into account the existing people who live in the valley. That has to take into account the people who live at Windsor and Richmond, and the need to ensure that they can be evacuated safely as well. This was why the pause on development was announced, so that those fairly complex issues could be investigated through flood evacuation modelling and so on.

**Mr DAVID SHOEBRIDGE:** Minister, rather than build thousands of new homes on flood-prone land and add some roads so that people can escape when the flood comes, don't you think it might be a better idea not to build them in the first place? Don't you think that is the more cautious and sensible idea?

**Mr ANTHONY ROBERTS:** I look forward to seeing your submission to the independent inquiry.

**Mr DAVID SHOEBRIDGE:** Minister, this is happening right now. Separate to your independent inquiry, that is the process that has been undertaken right now for 10,000 new homes in Blacktown. Not "don't build them" but "make sure there's maybe a better road and a bit less gyprock, so that when they get inevitably flooded people can escape and maybe reduce the rebuild cost." That is your current Planning model.

**Mr ANTHONY ROBERTS:** Can I just say, I look forward to your submission to the independent inquiry.

**Mr DAVID SHOEBRIDGE:** Minister, you are letting this happen right now on your watch.

**Mr ANTHONY ROBERTS:** No, we put a pause on it.

**Mr DAVID SHOEBRIDGE:** No, if you had listened to Mr Whitworth's answer, that is the process that has been undertaken during this so-called pause. It is not about not building; it is about trying to find, by hook or by crook, some way to keep putting tens of thousands of homes on the Hawkesbury-Nepean flood plain. That is what your department is doing now. Do you not understand?

**Mr ANTHONY ROBERTS:** I do understand, and I will wait for the independent inquiry. Are you a planner or a hydrologist?

**The ACTING CHAIR:** Minister, no questions.

**Mr ANTHONY ROBERTS:** Sorry, I am not—

**Mr DAVID SHOEBRIDGE:** Are you a Minister?

**Mr ANTHONY ROBERTS:** Yes.

**Mr DAVID SHOEBRIDGE:** You would not know.

**Mr ANTHONY ROBERTS:** Oh, dear. Really? Crankypants.

**Mr DAVID SHOEBRIDGE:** Mr Whitworth, how many of the 10,000 homes in those two releases in the Blacktown LGA are below the PMF, the probable maximum flood?

**BRETT WHITWORTH:** I would like to take that on notice and give you a detailed answer. But I can say that it is between a quarter to a half, and it does depend on the design of the subdivision that was being proposed. I also want to make the point—and make it quite clearly—that every single one of those potential homes, if they were to be rezoned, would be above the one-in-100 chance per year flood, because that is the line at which we identify what is an appropriate point, taking into account the risk and the need for housing, particularly in the Sydney area, for development to occur in a way that is safe and minimises the risk to life. The provisions that we have been talking about above the one in 100 and the PMF are there to ensure that in those very extreme events—and I do recognise that there is a concern that those extreme events need to be understood in the context of climate change—people can evacuate safely. I think that is an important thing: Human life is paramount and the protection of human life is paramount for those planning decisions.

**Mr DAVID SHOEBRIDGE:** Minister, were you aware that in reviewing these planning controls and the focus on the one-in-100-year flood level, Infrastructure NSW said about the Hawkesbury-Nepean:

Given the large flood depth range between the 1 in 100 chance per year flood and the PMF in the Hawkesbury-Nepean Valley ... the focus on the area below the 1 in 100 chance per year flood level does not adequately address flood risk. This increases the scale of emergency evacuations and does not provide for flood compatible buildings appropriate for the levels of risk.

Were you aware of those concerns from Infrastructure NSW that are not recent; they have been on record since at least 2017? Were you aware of that?

**Mr ANTHONY ROBERTS:** There have always been issues around flood evacuation and flood mitigation in those areas, but it is a way of managing and getting the balance right to ensure that we have resilient communities and in the one-in-100 flood event—again, as Mr Whitworth said, life comes first, property second—we enable those people to evacuate.

**Mr DAVID SHOEBRIDGE:** Minister, you have heard about the 10,000 new homes in Blacktown, where there is rezoning and serious flood risks. Were you aware that there is some 240 hectares of the Hawkesbury City Council local government area which is in that same flood-prone land?

**Mr ANTHONY ROBERTS:** My understanding is it is not one in 100.

**Mr DAVID SHOEBRIDGE:** Flood prone. I did not say one in 100, I said flood prone—below the probable maximum flood level. Do you understand that that is flood-prone land; it is below the probable maximum flooding level?

**Mr ANTHONY ROBERTS:** Yes, but there are ways of managing that.

**Mr DAVID SHOEBRIDGE:** That is what I put to you.

**Mr ANTHONY ROBERTS:** That is why we are having an independent review that will look at all of this across the State at how we manage this into the future. Are there going to be more flood events?

**Mr DAVID SHOEBRIDGE:** You have not even set the terms of it. How can you know it will look into it?

**Mr ANTHONY ROBERTS:** You were not here, Mr Shoebridge, when I outlined before that I came to this Committee—I am not going to bother—

**Mr DAVID SHOEBRIDGE:** Excellent. Mr Whitworth, given that there is so much more flood-prone land in the Hawkesbury LGA, does the department have any understanding of the number of potential housing lots that are already approved for additional residential development on flood-prone land in the Hawkesbury LGA?

**BRETT WHITWORTH:** I would like to take that on notice because that is an incredibly detailed question. But I can assure you that there is no proposal in front of us in the North West Growth Area within the Hawkesbury LGA to rezone land for residential.

**Mr DAVID SHOEBRIDGE:** I am talking about land already rezoned.

**The ACTING CHAIR:** That question has been answered. We will break for lunch and come back at two o'clock.

**(The Minister withdrew.)**

**(Luncheon adjournment)**

**The ACTING CHAIR:** Thank you very much, everybody, for coming back to this afternoon's hearing. Did you want to explain, Mr Cassel, what has happened, and that there is a chance you might have to fly in and out for a bit?

**MICK CASSEL:** Yes, thank you, Chair. Unfortunately we have had an incident with one of our National Parks and Wildlife contracted choppers down in Kosciuszko. It has crashed and we have a few people injured. Initial reports suggest there are some serious injuries but no fatalities, so if I get some calls I have to jump out for that reason.

**The ACTING CHAIR:** Thoroughly understandable. I will go to the Opposition for questions.

**The Hon. ROSE JACKSON:** Yes, thanks, Chair. Mr Cassel, just to make clear, that is fine. If you do need to leave, just let us know. I am sure that I speak for my colleagues and I—we can manage. If you are required to leave, that is understandable. I might ask a couple more questions about just the Regional Housing Fund. Mr Raimond, you had said prior to the break that the decision in relation to which councils were included in the

first round was because it was those that were not eligible for the public spaces program. Is that right? I wanted to revisit that answer.

**TIM RAIMOND:** There were a couple of reasons. The largest one is the 21 large regional cities across New South Wales that are experiencing high rates of growth or are under housing supply pressures. But, yes, it was targeted at those councils that had not received a previous grant from another similar program.

**The Hon. ROSE JACKSON:** As you would have heard me saying in relation to that first reason you gave, there certainly were councils that were right up there with regional housing pressures that were not included. Were they on the list of councils that were potentially experiencing high rates of growth and under housing stress, but then were taken off because they were eligible under the other grants program? Is that how it worked?

**TIM RAIMOND:** Sorry, I am not aware of exactly how it worked.

**The Hon. ROSE JACKSON:** What can you tell me about how the list was developed?

**TIM RAIMOND:** I think I have told you what I can tell you, that the list was developed based on councils that were under housing pressures, but also councils that had not received a previous grant of a similar nature.

**The Hon. ROSE JACKSON:** Who was making those decisions? Who developed the list?

**TIM RAIMOND:** The programs, like all programs, have a set of criteria, a set of guidelines, and the department would prepare that, ensure that that was approved by the Minister and then that forms the basis of us seeking submissions against that set of guidelines and criteria.

**The Hon. ROSE JACKSON:** Did the Minister's office approach the department and say, "We're keen to have a program to support local government to deliver this infrastructure?" or, "Can you guys come up with something?" Was that the genesis of the Regional Housing Fund from the department?

**TIM RAIMOND:** Thank you for the question. The genesis was actually the Regional Housing Taskforce that the Minister for Planning and Public Spaces announced in June last year. This was really an initial response to the findings for that. Obviously the Minister has flagged there is a broader package coming, but this was an initial response to help those councils that were under pressures.

**The Hon. ROSE JACKSON:** Yes, that does make sense to me because, having read the task force report, that issue about local infrastructure, I agree with you, was very much identified by them, so the department has looked to action that response. The \$30 million funding envelope, how was that set? How was that determined?

**TIM RAIMOND:** I must admit I am relatively new to the department—as in, weeks—so I would have to take that on notice.

**The Hon. ROSE JACKSON:** I am sorry.

**TIM RAIMOND:** I am not exactly sure.

**MARCUS RAY:** Ms Jackson, I might be able to throw some light.

**The Hon. ROSE JACKSON:** Apologies, I was directing questions to Mr Raimond because he answered initially, but others should be able to jump in.

**MARCUS RAY:** Of course. Am I close enough to the mic?

**The Hon. ROSE JACKSON:** Yes.

**MARCUS RAY:** In the previous year there had been an announcement about the Public Spaces Legacy Program fund. The Public Spaces Legacy Program fund was a total of \$250 million. There were 60 councils that were granted funding in relation to that. There was \$30 million leftover and it is that \$30 million—that is why there was \$30 million of money already allocated. It is also why not every council at the time—one of the preconditions of the first round of grants, the \$220 million, was that it was open to councils. Part of the Public Spaces Legacy Program fund was to speed up the processing of development applications and rezonings. They were not necessarily targeted on housing, but obviously housing was a component of that. But in order to be able to monitor that, those councils had to be at that time on the Planning system, and not all the regional councils were connected to ePlanning at that time. My understanding is that that is why. All metro councils were, and those 60 councils were. That is why in this case, for the remaining funds that were available, it was decided to restrict that to those regional councils that had not had an opportunity, but also the ones that, as Mr Raimond has said, are facing significant housing pressures.

**The Hon. ROSE JACKSON:** Just to be clear, the intention is to have other rounds? Because now, obviously—based on your evidence, Mr Ray—the money is spent, to the extent that there was \$250 million allocated: \$220 million on the Public Spaces Legacy Program and the remaining \$30 million has gone on this program. When the Minister gave evidence I thought it was suggested that there was the potential for further rounds. What is the status of that, considering the funding envelope is complete, in a way?

**MARCUS RAY:** Those matters are actually matters that are before the Government at the moment.

**The Hon. ROSE JACKSON:** Right, okay.

**MARCUS RAY:** Which I cannot comment on.

**The Hon. ROSE JACKSON:** That is fine. Just to be clear, either Mr Ray or Mr Raimond—

**MARCUS RAY:** Sorry about that, Ms Jackson. Sorry about how close the names are.

**The Hon. ROSE JACKSON:** That is alright. The development of the list of councils in the first round was done within Planning and it went up to the Minister's office obviously for approval. Can either of you provide any information as to whether the list that was provided by DPIE was approved as is by the Minister or amendments were made or instructions given back to the department to change the list that had initially been provided?

**MARCUS RAY:** Ms Jackson, I would have to take that on notice. I think the list that went up was the list that was proceeded with, but I am not 100 per cent sure, so I would have to take that on notice.

**The Hon. ROSE JACKSON:** I understand that applications close today, so it is not fully complete, although it is obviously imminent. I did wonder if there was any information about how many applications had been received?

**TIM RAIMOND:** No, there is no information about how many had been received, but it is also worth noting that we have offered an extension to councils that are flood-affected, in case they need it, to 3 June.

**The Hon. ROSE JACKSON:** Could you take on notice, perhaps, how many applications have been received so far, noting that there is a little bit of extra time for some to put in?

**TIM RAIMOND:** Of course. Thank you.

**The Hon. ROSE JACKSON:** I wanted to ask a couple more questions on the regional flying squads. I know we had a discussion about it this morning, and I think my colleague Ms Sharpe asked a question. I do not know if we had a clear answer—perhaps because there wasn't one—but I wanted to just be really clear. Mr Ray, I think you answered those questions. Of the \$1 million, how many people will that actually involve being in a flying squad? When you call something a flying squad, the understanding that people can reasonably take from that is it is a group of people. How many people are we talking about?

**MARCUS RAY:** Ms Jackson, as I said, I think it is predominantly focused on contract planners.

**The Hon. ROSE JACKSON:** How many of them?

**MARCUS RAY:** I do not have that. I mean, I can give you an estimate. We are looking at a range of different contract planners to do with that, but obviously that will depend on their own workloads. There may be some contract planners who can be devoted full time, there may be some who can be devoted only part time to this, but the idea would be that a million dollars' worth of effort would be put in to assist regional councils with their housing DAs.

**MICK CASSEL:** Ms Jackson, if I could offer a bit more context here. In previous estimates meetings we talked about the Office of Local Government working closely with Planning and bringing forward councils' issues. This has been generated partially out of conversations with the Office of Local Government, which are continually telling us they do not have enough planners to get through proposals that are before them. That was a part of the genesis of the idea. A similar thing had been used previously, I believe, in assisting councils. We thought the best way to take this forward was to have one large pool of money, talk to the councils, try to figure out a priority list and start to get in and help them.

**The Hon. ROSE JACKSON:** Just to be clear, and I do not want to get too caught up on semantics here, but is there one squad or will flying squads be developed—a group of five for the North Coast and five for the South Coast? That is the imagery that I am getting when you are describing flying squads.

**MICK CASSEL:** I appreciate that. I think what we need to do is understand the full load of work and then try and prioritise in some way, which is usually, "Okay, where do you get the best bang for your dollar?",

and allocate the resources in that way. As Mr Ray said, conceptually there are a few people from the department to administer it, but predominantly contractors or consultants will be used to carry out the assessments.

**The Hon. ROSE JACKSON:** The Minister raised these regional flying squads in response to our questions about assistance to the North Coast. I presume these decisions have not been made yet, but assistance to those councils who have had their capacity seriously affected by the floods and are obviously priority councils, in terms of getting things moving, accords with your understanding of the priority parameters for the flying squads?

**MICK CASSEL:** I think as the Minister said this morning, conceptually the flying squad started before the floods. Obviously now that paradigm has changed considerably and we will reallocate those resources as needed. I think one of the clear points from this morning is how quickly are DAs going to get into some of these councils and how can they actually deal with it. I do not know that we really know the answer to that. We are not on the ground there. Things are obviously very challenging and I would not imagine councils will be opening their doors in the next week or two, but what we can do is look at that. I know initially there was feedback that the eastern seaboard and the councils up in the north were predominantly letting us know that they were short on resources and could not keep up with the assessments. That compounds itself a little bit if you cannot keep up with the current ones that you have got and more keep coming in, obviously. It is a lot more difficult to get ahead. I do not want to say I am sending them all to Lismore because there may not be anything to assess for a while—

**The Hon. ROSE JACKSON:** There are no DAs to assess, yes. Again, I appreciate the final parameters have not been set, but is it your view that these individuals, these consultants, will be required to visit the communities in which they are making the decisions, the local government areas? A lot of the more difficult applications, some of the ones that have been held up are because there are tricky local issues to be worked through. Is it your expectation that part of the \$1 million will involve funding for people to go to Coffs Harbour or Lismore or whenever and actually have some local understanding of the applications?

**MICK CASSEL:** I will pass over to Mr Ray, who knows the assessment process far better than I do. But my commitment would be that if to carry out the assessment properly you need to visit the site, then so be it. I want to be sure, though, that we are on the same page here. They would be doing the assessment and providing a recommendation. Predominantly those recommendations will go to the planning panels, who have the local knowledge.

**The Hon. ROSE JACKSON:** Apologies. I am aware that they are doing the assessment; they are not the decision-makers. The decision-making framework remains unchanged. But in terms of developing their recommendation—

**MARCUS RAY:** Yes, I do not have anything more to add than Mr Cassel has already spoken about. If the site is one of sufficient complexity, of course they should be visiting the site as part of preparing their assessment.

**The Hon. ROSE JACKSON:** I will ask some questions about social housing. Ms Brill, in the previous round of budget estimates at the end of last year a question was asked, either on notice or as a supplementary question, about forecast revenue from the sale of social housing in this financial year. I believe the figure that was provided was \$345 million. I wondered if you are able to provide an update on that? It was a forecast for the year.

**DEBORAH BRILL:** I am sorry, Ms Jackson, was it 2021?

**The Hon. ROSE JACKSON:** Yes, it was.

**DEBORAH BRILL:** The forecast is \$195 million.

**The Hon. ROSE JACKSON:** Sorry, I understood that was how much was generated from the sale in 2020-21. An additional question—

**DEBORAH BRILL:** It was. My apologies.

**The Hon. ROSE JACKSON:** That is okay. An additional question was asked in relation to a forecast for 2021-22, which as I said was obviously a projected figure in November last year. I just wondered if there was an update on that or whether that figure remained unchanged? Year to date, how much has been generated?

**DEBORAH BRILL:** I do not have year to date. If you would like that, it would probably be something I could take on notice.

**The Hon. ROSE JACKSON:** That would be useful, to take the year to date on notice.

**DEBORAH BRILL:** Forecast, we are looking at \$344 million. Again, I will perhaps confirm during the break that that also includes the revenue from the Sirius building, which was provided to us in December.

**The Hon. ROSE JACKSON:** It would be good if you could confirm that. But the figure essentially does remain the same. It would be useful to have a year to date. How many properties is that? How many properties does LAHC intend to dispose of in the 2021-22 financial year?

**DEBORAH BRILL:** Again, this is obviously a forecast. We are looking at approximately 300.

**The Hon. ROSE JACKSON:** That is 300 dwellings?

**DEBORAH BRILL:** Yes.

**The Hon. ROSE JACKSON:** Do you have a figure as to how many individuals that figure was? Presumably a lot of those places have not had people living in them for some time. Are they units, are they houses? I am just wondering if you had any figures about how many individuals were being housed in those 300 properties.

**DEBORAH BRILL:** What the capacity of those properties would be?

**The Hon. ROSE JACKSON:** Yes. There is a difference between bedrooms and dwellings, as I am sure you know.

**DEBORAH BRILL:** I will have to take that on notice. Are you interested in the number of bedrooms or the last occupant and how they were using it?

**The Hon. ROSE JACKSON:** I think the number of bedrooms is probably easiest and would be fine for my purposes.

**DEBORAH BRILL:** Okay.

**The Hon. ROSE JACKSON:** That would be great. In that 2021-22 financial year—the year that we are in now—how many additional properties does LAHC intend to bring online? I am not talking about renovated properties. How many additional properties does LAHC intend to bring online for social housing in that year?

**DEBORAH BRILL:** In 2021?

**The Hon. ROSE JACKSON:** In this year. In the financial year that we are in now.

**DEBORAH BRILL:** We are still working through those numbers. The COVID shutdown has impacted on how many we will complete this financial year. That took out three months of building time for us. We are not sure about the floods either. We know it will be more than last year, which was 408, but the forecast is literally still being worked through as we are getting our heads around the impact of the three months and how much we can speed up in the time that we have left.

**The Hon. ROSE JACKSON:** Just on that, my understanding is that the construction shutdown was only two weeks. Perhaps it was slightly longer than that, but my understanding is that construction was not shut for three months. The construction shutdown was shorter than that, was it not?

**MICK CASSEL:** Do you want me to take that?

**DEBORAH BRILL:** Yes, thank you.

**MICK CASSEL:** I think there are a few things in the COVID shutdown, and you are specifically talking about potentially the two-week period in western Sydney—

**The Hon. ROSE JACKSON:** That is right, the pause on construction.

**MICK CASSEL:** I think what we have got to take into account is that supply chains have been significantly impacted through all of that. We have also got to take into account the number of people who actually contracted COVID through that period of time. There were other requirements through the health orders put in place with the number of people that could be on construction sites, even residential construction sites. I know it is well reported and I talk to them often—the industry was impacted significantly through that period. So it is not just that two-week shutdown period.

**The Hon. ROSE JACKSON:** I understand that.

**MICK CASSEL:** Also, we potentially had some natural disasters/impact very early on in that program just after the June start, from memory, because I was back there running that business. Around the question of how many new homes versus how many homes we have sold versus how many homes are vacant, it is a difficult business to run because you are in this constant cycle of constructing new homes, relocating people, selling the right number of properties to refund the pipeline and developing that pipeline at a point in time. A lot of work has to occur on the analysis of "How do we redevelop those properties to bring them into the supply chain when there is people currently living in those properties?" So always trying to stay ahead of yourself is very difficult.



**The Hon. ROSE JACKSON:** I do appreciate that it was not just the two-week construction pause. For that entire period it was difficult to keep activity occurring as normal. How many properties does Land and Housing currently have that are vacant? How many of your books do not have someone living in them?

**DEBORAH BRILL:** Right as of today?

**The Hon. ROSE JACKSON:** Any figures that you have but, yes, as of today.

**DEBORAH BRILL:** As of today? One moment. I will not have today's figures, let's be clear, but we can see what we can get you during the break. Let me just check my notes to see if I have an end-of-financial-year one.

**The Hon. ROSE JACKSON:** That would be useful as well.

**MICK CASSEL:** I can probably add something, if you wish.

**DEBORAH BRILL:** Do you have a number? Sure.

**MICK CASSEL:** Traditionally, the Land and Housing Corporation has around 1 to 2 per cent vacancies at any point in time. The term "vacant" is also a little subjective because it is not actually vacant if you are upgrading it or if the tenants left and you are putting new carpet in and painting it. They do deal with a lot of churn through the properties. From memory, I think that figure could be up to 200,000.

**The Hon. ROSE JACKSON:** Is this the difference between "vacant" and "untenantable"?

**MICK CASSEL:** No—

**The Hon. ROSE JACKSON:** I am trying to get an understanding of how many properties you own that you cannot have someone live in them; they are not up to standard for tenancy. That is one particular—

**MICK CASSEL:** That is a very specific number.

**The Hon. ROSE JACKSON:** Yes.

**MICK CASSEL:** I am sure we can provide that one on notice. You have to have it at a point in time, otherwise it is—

**The Hon. ROSE JACKSON:** Sure, I appreciate it changes day to day. You are taking that one on notice, Ms Brill?

**DEBORAH BRILL:** Yes, thank you.

**The Hon. ROSE JACKSON:** How much money does LAHC spend annually—I guess this needs to be a 2020-21 figure because that is the last annual year that we have; obviously, we are halfway through a financial year now—on maintenance of your social housing properties?

**DEBORAH BRILL:** On maintenance? We get about 1,700 maintenance calls each day. Last financial year we spent around the \$500 million mark on maintenance: \$517 million last financial year.

**The Hon. ROSE JACKSON:** Do you have a figure that you can give me on the backlog of maintenance that is required to ensure all of the LAHC assets meet sort of minimum tenantable standards?

**DEBORAH BRILL:** We have no maintenance backlog.

**The Hon. ROSE JACKSON:** But there is a figure of a number of properties that cannot be lived in. This is not properties that are fine but just no-one is living in them right now. There are properties that are boarded up and no-one can live in them because they are not up to standard. You do not have any properties in that category?

**DEBORAH BRILL:** This is your question about if there are any untenable properties.

**The Hon. ROSE JACKSON:** Untenable, yes.

**DEBORAH BRILL:** We just took that on notice, so let's—

**The Hon. ROSE JACKSON:** It would be good to get a figure of how many that is. Do you have a cost estimate, even, or a figure or a projection about what it would cost to ensure all those properties are at the minimum standard? I appreciate it changes because some come on line and some come off line, but there must be some sense of how much is required to ensure the entire portfolio is able to be utilised.

**DEBORAH BRILL:** I think I need to be able to get you both the number and then the cost, if there is actually a number. What I can talk with you about, if you are interested, Ms Jackson, is the amount of money it

took to restore each vacant property last financial year. The 7,000 that were vacant and then re-letted cost on average \$8,600 to restore each of those. But in terms of your earlier question, I will have to take that on notice.

**The Hon. ROSE JACKSON:** Are you familiar with the Productivity Commission report on government services that came out earlier this year? I think it was in late January.

**DEBORAH BRILL:** Not in detail.

**The Hon. ROSE JACKSON:** The Productivity Commission releases a report on government services—

**DEBORAH BRILL:** Sorry, the report on government services? My apologies. Yes.

**The Hon. ROSE JACKSON:** Sorry if I was not clear in my description.

**DEBORAH BRILL:** It is my language, yes.

**The Hon. ROSE JACKSON:** In that document, it talked about the number of untenable properties. It suggested that that had increased from around 768—I think that that was around 2012, but I can find out the exact year; it was some years ago—and that that figure had in fact increased to 2,216 in 2021. That is a pretty significant increase in the number of untenable properties, Ms Brill, from 760-odd to well over 2,000.

**DEBORAH BRILL:** Let me take that on notice. I do not know the methodology the report on government services uses. In fact, that is pretty much the same question that I just took on notice earlier. So let me do that, and we will get back to you with commentary on the methodology as well.

**The Hon. ROSE JACKSON:** Is it not the case that the methodology is to ask the New South Wales Government to provide that information? Sorry, I have got it here: It is 2017 to 2021. In quite a short period of time I am seeing that as quite a large increase. I appreciate you are not entirely clear on the methodology, but it would be based on information provided by the New South Wales Government to the Productivity Commission, I am sure. Do you have any explanation as to why the Productivity Commission would have reported such a large increase?

**DEBORAH BRILL:** Let me take that on notice, and I will be able to provide you a more fulsome answer than I can at the moment.

**The Hon. ROSE JACKSON:** Similarly, the number of tenable properties—I guess it is a bit the inverse but they are different in some ways—had decreased from 109,000, so almost 110,000 properties, in 2017 to less than 95,000 in 2021. Again, that is quite a sizable decrease in the number of tenable dwellings that the Productivity Commission is reporting has occurred in New South Wales.

**DEBORAH BRILL:** I am wondering if that is a line item related to public housing and that there is another line item related to community housing. Some of those numbers shift will be the social housing management transfer that happened around—they started happening in 2019. It is the baseline number in the report on government services that talks about the system as a whole and will capture that transfer between the public housing and community housing in New South Wales.

**The Hon. ROSE JACKSON:** Well, perhaps it is that, but perhaps you will take on notice if that is indeed the case.

**DEBORAH BRILL:** Not a problem.

**The Hon. ROSE JACKSON:** Just continuing on with the issue of maintenance, I wonder if you are familiar with the research that was done by the University of Wollongong last year that found that a quarter of social housing properties recorded temperatures below the healthy minimum, which is 18 degrees, for 80 per cent of winter and more than half were below the healthy minimum temperature for more than half of winter. Are you familiar with that research?

**DEBORAH BRILL:** I am not familiar with that research.

**The Hon. ROSE JACKSON:** I am happy to provide it to you. I mean, I could get it photocopied and table it, but it is research that the University of Wollongong has conducted. It showed that the heating in particular in a number of social housing properties is so inadequate that a quarter of residents are spending 80 per cent of winter at below healthy minimum temperatures. What is the program within the Land and Housing Corporation to ensure that we do not have residents of social housing, many of whom are single elderly people, literally sitting freezing during winter?

**DEBORAH BRILL:** I cannot talk with you about what sort of changes we are making in that respect at the moment. Can I take that on notice, please?

**The Hon. ROSE JACKSON:** Yes. These tenants reported having to relinquish showers and cooked food in order to manage the costs—

**DEBORAH BRILL:** The costs of energy.

**The Hon. ROSE JACKSON:** —of their energy because the premises were so cold during winter months. Presumably those kinds of things happening with vulnerable people who are living in social housing would concern you; so I am interested in what programs are available or what work is available to ensure that residents are not skipping meals and showers in order to ensure that they can be properly warmed.

**DEBORAH BRILL:** There are some solar programs that are happening to reduce energy costs for social housing tenants. I will see if I can find that as I continue to talk. The Aboriginal Housing Office has done quite a concerted piece of work around more solar panels for their houses. By the end of this year we are projecting that all Aboriginal Housing properties will have solar panels on them. We have also done solar panels as part of the stimulus program with the maintenance money that the Government provided last year. But, I am sorry, I am not finding that in my notes.

**The Hon. ROSE JACKSON:** That is okay.

**DEBORAH BRILL:** If you want more details, I can take that on notice.

**The Hon. ROSE JACKSON:** Yes. That is excellent news about Aboriginal Housing. But when is it projected that all of the Land and Housing Corporation assets will have solar panels? You have a projection for Aboriginal Housing.

**DEBORAH BRILL:** Yes.

**The Hon. ROSE JACKSON:** Is there a projection for the rest of the portfolio assets?

**DEBORAH BRILL:** Again, let me take that on notice. I am not aware of those—I am not familiar enough with those numbers to provide them right now to you.

**MICK CASSEL:** Ms Jackson, if I can provide a little bit of context. Homes that were built 50 or 60 years ago obviously are not as thermally protective as are those of today. That is why we have a redevelopment program and that is why we do the divestments—to divest properties that are no longer suited to the tenets, et cetera. As Ms Brill has outlined, there are a number of programs that are designed to reduce energy consumption within the properties. As the properties are renewed, those costs will obviously go down. I know the team has done an horrendous amount of work regionally with the solar program because the temperature variation is so significant.

I know we also have safety concerns with woodfired heating. Those had to be removed but when we remove those out of the homes we installed the solar program and reverse cycle air conditioning to address that. So there are programs in place that the Government has sponsored, and the same as on the water side of things. Water conservation is obviously a big issue in regional areas as well. There are a lot of those programs that are on foot but the context around why the redevelopment actually occurs is because the stock is no longer suitable for the tenants or the tenant cohort and has gone past its use by date.

**The Hon. ROSE JACKSON:** Thank you for that. Ms Brill might take on notice some of those other questions.

**DEBORAH BRILL:** Yes.

**The Hon. ROSE JACKSON:** How many social housing dwellings have been impacted by the recent floods?

**DEBORAH BRILL:** I have got those, yes. Obviously again, that is changing on a daily basis.

**The Hon. ROSE JACKSON:** Yes. It is happening right now.

**DEBORAH BRILL:** Exactly. So in the Lismore area, what we know at the moment is about 119 properties. We are still working through those assessments. We have got staff on the ground at the moment who have gone up to start doing the assessments. Our priority, obviously, is to get people in their houses as quickly as possible.

**The Hon. ROSE JACKSON:** Of that 119, do you have a figure about how many are just damaged or are uninhabitable, or any more detail? Not at this stage?

**DEBORAH BRILL:** Not to that degree. That will be what the assessment team are doing at the moment.

**The Hon. ROSE JACKSON:** To the extent that some of those are damaged and uninhabitable, presumably they will go right to the top of any list about investment in maintenance, getting them back online.

**DEBORAH BRILL:** Absolutely. The aim is that we get as many people back into the houses, the homes, that they were in before as soon as practicable.

**MICK CASSEL:** Just again for a little bit of context, I think it became clear over the last few years that it was much quicker and easier to build more social housing in the regions because the council were more accepting of us coming, and even in some cases actually said to us, "We're willing to assist you in any way we can in building more social housing." I think that one of those key components was the MOU with the Newcastle City Council where a deal was brokered that they contributed to the team coming up and starting to look at redeveloping those homes. Regional is an easier and in some cases a lower price point to deliver on the construction costs of those properties.

**The Hon. ROSE JACKSON:** That is good and, as you know, there is lots of demand.

**MICK CASSEL:** Yes.

**The Hon. ROSE JACKSON:** The waiting list, like, the dashboard from DCJ is still showing that the waiting list in areas like Coffs Harbour is over 10 years, so there is lots of demand. I will now pass to Mr Searle.

**The Hon. ADAM SEARLE:** Can everyone hear me?

**The ACTING CHAIR:** Very well.

**The Hon. ADAM SEARLE:** I want to ask you about the fast-track assessment projects. We have received information within the last round of estimates and supplementary questions that not all of them were being progressed. Can you give the Committee an update on how many have yet to be commenced?

**BRETT WHITWORTH:** Thank you, Mr Searle. We have 13 of the 99 projects that have not yet either commenced in that they have not had a development application lodged or they have not yet commenced construction. They were a DA. Of those 13, we understand six will be starting before the end of this calendar year. For the remainder, we are still continuing to make contact and talk to both the council and the proponent as to what the delay is and what can be done to resolve some of those issues. In some cases the property has been sold and we have been following up with the new owner as to the intent. In other cases there have been some issues with the delay in the ability for the company to start because of some of the COVID, not restrictions but COVID challenges in terms of supply chain and so on. In others we are aware that there are some further approvals that have been needed and we are working to ensure that those further approvals can be obtained before the development commences.

**The Hon. ADAM SEARLE:** In order to be eligible for fast-track assessment, didn't they have to make certain commitments that they will be commenced within six months?

**BRETT WHITWORTH:** We reached out before they were put into the program. We said, "We'd like you to make a commitment that these projects are going to either have a development application lodged or that there would be an ability to commence construction." It is not within the power of the planning system to, sort of, grant an approval and then withdraw it on that basis, remembering that these were not approved because they were COVID-related. The assessment process was fast-tracked because it was COVID-related. There would still have been an assessment of these and at some point in the process they would still have reached a conclusion in terms of their approval or not.

But, yes, I mean, we did seek out commitments from the developers that they would continue, and we have written to the proponents many times to ensure that we can continue to follow up. I will say that the program itself has been the subject of a performance audit, conducted by the Audit Office. Although it raised a number of fairly minor matters, including the need for a program evaluation to ensure a complete sweep and review of all the conflict of interest declarations, the Audit Office was happy with the work that the department had done, both in terms of the identification of the projects, the assessment of the projects and the follow through subsequent to the approval and/or, in some cases, refusal of the projects.

**MARCUS RAY:** Mr Searle, if I can just add a little bit of context, 86 projects have actually started and those projects have a potential economic benefit of \$24.8 billion. The started projects have created the opportunity for almost 50,000 jobs. I know we are focusing on the 13 that have not started, but 86 have. Clearly, that fed into the performance audit for finding that the program was a successful program. The other thing that I just wanted to add is, as Mr Whitworth said, no corners were cut in the assessment of any of the projects. They were fully assessed against the appropriate rezoning standards and fully assessed against the appropriate standards applied to development applications and, in the normal course of events, they would have been approved, perhaps not as soon as they were—it was the assessment that was brought forward—but they would have been approved. They may well have been approved three months later, four months later or six months later. So from that perspective, I think the overall project was quite a success. The program was quite a success. We have got the bulk—I think

the total value of approved projects was only around about \$26 million, so \$24.8 of that billion dollar CIV has actually started construction.

**The Hon. ADAM SEARLE:** Yes. That still leaves the last tranche. Is it right to say that you do not have full visibility of the reasons for delay? I think you said you were in the process of reaching out to the different proponents.

**BRETT WHITWORTH:** I would say only in one circumstance where the site was sold. We have managed to secure an understanding as to who it was sold to, but that has taken us a little bit of time and a little bit of digging to do. But with the other sites, we have reasonably a good degree of visibility as to the challenges and, you know, the complications that have meant that these have not been able to commence, for some of those reasons that I explained to you before.

**The Hon. ADAM SEARLE:** Could you provide the Committee on notice, if you like, the reasons you have received as for the blockages on those other projects?

**BRETT WHITWORTH:** Yes.

**MARCUS RAY:** We certainly can do that, Mr Searle. The advice that I have before me is that there are six further projects that will meet their commitments in this calendar year. We are working with the others. But we will provide you with an answer on each of the 13 as to why they have not proceeded.

**The Hon. ADAM SEARLE:** Can you also provide an update of the expected completion dates for each of those projects, including the ones that have commenced; the number of construction jobs, either created or to be created; and the number of ongoing jobs created for each of those fast-tracked assessment projects? Again, I am happy for you to provide that level of detail on notice.

**MARCUS RAY:** Yes, we will do that.

**The Hon. ADAM SEARLE:** You mentioned the audit report, which indicated that not all the departmental staff declarations were in place for those staff working on the fast-tracked assessment projects. How did that happen and what are you doing to make sure that failure to have those in place does not occur in future?

**BRETT WHITWORTH:** We have made a commitment through our governance team to ensure that we track back and ensure that everyone has their conflict of interest declarations updated. It was not that people did not have—because everyone has to have a conflict of interest declaration and for the senior executive service a register of interest. It was not that the conflicts did not exist; they just needed to be updated. So we are looking at using both an IT solution as well as a, sort of, regular reminder to ensure that people's conflict of interest declarations are not just up to date but reflect the changing circumstances of the projects that they are dealing with. I should also say that at no point was there a decision-maker or someone who was the final recommender of a project that had a conflict of interest.

**The Hon. ADAM SEARLE:** That is reassuring to know. Can you enlighten us as to Wollondilly council's request for the rezoning of land in Appin to be halted until the plans to provide water, sewerage and transport for the area had been developed, whether there has been a response to that?

**TIM RAIMOND:** The redevelopment of the area of Appin and that general area of south-west Sydney that is part of the Greater Macarthur area—we are currently doing planning for that area, with councils and all State government agencies. We are working together. There are no, sort of, planning proposals yet in that area. We are just working together to determine the—

**The Hon. ADAM SEARLE:** No rezoning proposals?

**TIM RAIMOND:** That is right. We are just working together to determine the best way forward to make sure that we understand all the environmental constraints, the transport needs and so on before we look at the potential for development in that Appin area.

**The Hon. ADAM SEARLE:** So you are saying there are no plans to rezone land in Appin.

**TIM RAIMOND:** At the moment, we are looking at a Greater Macarthur plan. Eventually that Greater Macarthur 2040 does have a vision for new homes in that part of Sydney, but we want to ground truth the limitations and the opportunities before any of that proceeds.

**The Hon. ADAM SEARLE:** Are there other parts of Sydney where there are delays in providing water and sewerage services, which, in turn, may delay the delivery of housing lots in those areas, that you are aware of?

**TIM RAIMOND:** I think Sydney Water, along with Transport and all the other utility agencies—we all work together to determine the optimal sequencing of rolling out infrastructure to support new housing growth. That is, sorry, a very generic answer, I know. But that is probably the way it works.

**The Hon. ROSE JACKSON:** Just on that, Mr Raimond, are you not aware of the issue around the Austral-Leppington region, where a number of people have experienced significant delays in building new homes because Sydney Water has delayed the delivery of sewerage? Are you aware of those issues?

**BRETT WHITWORTH:** Ms Jackson, I am aware of that. The issue associated with that—I mean, there are short-term and interim solutions that are being utilised in a number of areas across Sydney for sewerage. Sydney Water is working and is seeking approvals now for an advanced water recycled water treatment facility in Wianamatta-South Creek. That would service the aerotropolis and that would service those areas of south-west Sydney, such as Austral and Leppington.

**The Hon. ROSE JACKSON:** Would that be for drinking water, Mr Whitworth?

**BRETT WHITWORTH:** No, it is an advanced recycled water treatment facility. It takes the sewage; it treats it to tertiary-plus level quality, which means that we can retain water in the landscape. It helps us with the rehabilitation and renewal of South Creek and associated streams. It is one of the reasons why we have been working with Sydney Water in terms of the aerotropolis Mamre Road industrial area for them to be the regional stormwater authority. The issue with Austral is not drinking water; it is the availability of a sewerage scheme. Sydney Water's plans have always been about ensuring they can use that new plant to service the rest of south-western Sydney rather than putting more sewage through the mains that take it out to the ocean and the Liverpool treatment plant, which is a good thing for ensuring environmental outcomes, improved stream flow and improved stream health in south-western Sydney.

**The Hon. ROSE JACKSON:** That land was rezoned in 2013 so obviously that is some time ago, and developers have been selling plots to purchasers who are hopeful of building their dream home out there in south-western Sydney and a number of those people now face the possibility that their contracts will be rescinded because they have not been able to register the land. I appreciate it is a delay of Sydney Water in delivering the sewerage, but I just wondered what work you are doing to try to ensure that there is better synergy here and that we do not have a situation where people purchase land and think, "Yes, this is it, I am ready to go," only to find delays. There is really quite a bit of heartbreak for the people out there in terms of the frustrations that they have had—with Sydney Water, but it is disrupting the delivery of new homes.

**BRETT WHITWORTH:** I am not sure whether the secretary wanted to say it, but we have a number of processes in play. One of those is the Urban Development Program, and we have recently renewed and released the Urban Development Program so it gives us a much better and a much more dynamic understanding as to where the housing fronts are and the development approvals that are occurring so that that in turn gives the agencies a much better and much more instantaneous understanding as to where they need to be investing in that infrastructure. We also have the greenfields executive committee that I co-chair with the Western Parkland City Authority CEO to ensure we bring along Sydney Water, Transport, the utility providers, School Infrastructure and so on to ensure that there is an understanding and alignment and a better alignment of those.

I do think that everyone would express a degree of frustration that it has taken longer for the Sydney Water proposal to come through the process. But it is also leading edge, very advanced technology that will have a significant environmental benefit, and so I do appreciate and have seen those media reports of the people at Austral. In the greenfields executive committee we had identified a need to focus on Austral, in particular, because it is an area where there is fragmented land ownership, which makes it difficult for the compilation of larger blocks so that it is easier to get developers to provide some more of that infrastructure. You have got smaller developers doing bit by bit. We are definitely looking at Austral as an area where we can put more focus in because that will help us to unlock more homes more quickly.

**The Hon. SHAYNE MALLARD:** Mr Whitworth, it is unusual for the Government to ask a question but Rose has allowed me to ask one and it would be remiss of me not to because I have a lot of experience in Liverpool. Liverpool council would be reading this transcript. It is not just sewerage; it is stormwater drainage infrastructure. What is going on with that in Austral and Leppington and those areas because, particularly at the moment, it is a very apt concern?

**BRETT WHITWORTH:** It is; it is a very apt concern. I suppose there are a couple of different elements. The water, the sewer, is obviously a Sydney Water element. In Austral itself we have not appointed Sydney Water as the regional stormwater authority, so that is the council. We have been working with Liverpool council in terms of how we can assist and expedite the processes of its own approvals for stormwater systems. When you are compiling a trunk drainage system, it means combining contributions policy with the delivery and

the coordination of that from a council infrastructure and engineering perspective and coordinating that in with the development activity in the area as well.

As I said, Austral is one of those areas where we wanted to bring a focus not just on individual infrastructure lines of delivery but actually to start looking at the place and say, "What do we need to do in these places to unlock the development in that area?" and use whatever levers and funding mechanisms that we have at our disposal, such as using special infrastructure contributions that we have already collected, or work across agencies to ensure that we can get agencies to better understand and coordinate their use of land, better link in with environmental outcomes and environmental standards and so forth.

**The Hon. ADAM SEARLE:** As a follow-up on Ms Jackson's point, do you have an estimate of how many housing blocks have been delayed from delivery because of the inability to deliver water infrastructure?

**BRETT WHITWORTH:** We can take that on notice, Mr Searle, but it is not a straightforward answer.

**The Hon. ADAM SEARLE:** That is okay; take it on notice. That is fine. I want to ask a question about the Technical Assurance Panel. The mayor of Wollondilly has expressed concerns that the staff of council have had to sign secrecy agreements required by the Department of Planning. What is the Technical Assurance Panel and why has your department required Wollondilly staff to sign secrecy agreements, if you have in fact?

**MICK CASSEL:** Mr Searle, I will hand over to Mr Raimond. I do just want to clarify one thing. They are called non-disclosure agreements not secrecy agreements.

**The Hon. ADAM SEARLE:** Yes.

**The Hon. ROSE JACKSON:** You got us.

**The Hon. ADAM SEARLE:** The point the mayor has made is that the staff of the council are unable to tell the elected council what they have signed and what it means and that is creating, I understand, some practical issues for the council. Why have they been required?

**TIM RAIMOND:** Thank you very much for your question. The TAP process to which you are referring is a Technical Assurance Panel process and it is a pilot program that was established in late 2020 for both Appin and Gilead stage two. The program is essentially a new attempt to identify and resolve local and State planning issues prior to any statutory rezoning processes commencing. The TAP includes local government and State government agencies and it involves collaborating and sharing information about a whole lot of things that are at different stages of development. Members were asked to sign confidentiality agreements to enable information to be shared across government agencies and local councils and to protect that information that has not been publicly released from unauthorised or premature publication.

But it is really important to note that signing that confidentiality agreement does not prevent TAP members from discussing the TAP program, such as its objectives, its progress, the next steps. What it does do is ensure a free exchange of information, an exploration of options, to resolve local and State planning issues before we actually get to the point of planning proposals and so on.

**The Hon. ADAM SEARLE:** Why can they not discuss that with the elected council at Wollondilly? Why should those non-disclosure agreements extend to the council, if it does?

**TIM RAIMOND:** The idea of the TAP pilot was actually discussed with Wollondilly councillors before it was agreed that the council members could sign that agreement. The sorts of information that is shared, some of it is commercial-in-confidence information, some of it is very preliminary work. It is with that kind of information that we want to create a free and open environment within that technical process so that people can share information without fear of it being used or published prematurely.

**The Hon. ADAM SEARLE:** And that includes not being able to discuss it with the councillors. Is that correct?

**TIM RAIMOND:** I think I have already answered the question.

**The Hon. ADAM SEARLE:** I will move on to the issue of the infrastructure contributions bill that was introduced into Parliament last year. There was an upper House inquiry that Ms Jackson and I were part of. It recommended that legislation does not proceed until the draft regulations and other information were able to be shared with stakeholders. Can you tell us where that process is up to?

**BRETT WHITWORTH:** I have the pleasure of that policy in my area.

**The Hon. ADAM SEARLE:** Lucky you.

**BRETT WHITWORTH:** Yes, lucky me. The Minister extended to councils the opportunity to make submissions up until 25 March. So in some sense the policy is still open for people to make comment and submissions on, particularly councils. It was quite a comprehensive package of information that was released, which included the details on the proposed regulations, the guidelines, the regional infrastructure contribution and how the regional infrastructure contribution would work, and the proposed land value contribution. It also had complemented earlier reforms that had since been completed in the local government space, and that is in terms of the IPART review of rates and the ability to levy increased rates in those areas where population growth has occurred.

We do have submissions that we are already starting to review and we are looking at the issues that are coming out of those submissions. But from a sense of the policy itself, it is still subject to consultation and, therefore, subject to further review and report from the department into government and for the Government to make a decision at the appropriate time.

**The Hon. ADAM SEARLE:** How many submissions have been received to date?

**BRETT WHITWORTH:** Always with questions on numbers, I like to take those on notice.

**The Hon. ADAM SEARLE:** While you are doing that, could I ask you to break that down by those who are in support of the proposals, those who are opposed and those who are neutral? I assume that you would be getting a lot of feedback about the detail. If you could provide us as detailed a breakdown of the nature of the sponsors as you can.

**BRETT WHITWORTH:** Certainly. We do know that there are a number of very similar submissions around the land value contribution, for example, but we are also waiting for submissions from councils. The nature of these submissions is such that you are unlikely to get a "we are definitely opposed" or "we are definitely pro". They are more about—

**The Hon. ADAM SEARLE:** About the detail.

**BRETT WHITWORTH:** They are more about the detail, which is what the committee was seeking when it asked the former Minister to put the entire package out for engagement and consultation.

**MARCUS RAY:** Mr Searle, if I might add, we will be putting all the submissions on the web. We will be publishing all the submissions on the department's website. If I might add to what Mr Whitworth has said, obviously people have started to go through some of the submissions that we do have, and some submissions are clearly based on old material and not the Government's policy. There were significant changes made to the policy towards the end of October, before it was released, and some of the submissions are not fully taking into account those changes to the policy or the additional information. So there will be a range of responses that will come out of that.

I think there was a further announcement with further changes. I think the former Minister made an announcement in November with the then president of local government shires New South Wales, Councillor Linda Scott, about some further changes that he would be proposing to Government. I believe there have been some amendments to the legislation tabled in the lower House as a response to that engagement with Councillor Scott.

**The Hon. ADAM SEARLE:** Did you say that these have been introduced into Parliament?

**MARCUS RAY:** No, they have not been introduced into Parliament in the context of the passage of the legislation. They were tabled by the Minister in the House as amendments that came out of the discussions with Councillor Scott.

**The Hon. ADAM SEARLE:** How many meetings has the department had with the Leppington Progress Association? What has emerged from those meetings?

**MARCUS RAY:** I would have to get back to you. I am pretty sure that the department has met with the Leppington Progress Association in respect of the contributions. I presume you are talking about contributions specifically and not about any other matters?

**The Hon. ADAM SEARLE:** No, about these matters.

**MARCUS RAY:** I am pretty sure that the department has met with the progress association, but I will have to get back to you on the details.

**The Hon. ADAM SEARLE:** Similarly, can you provide or notice any information you have about meetings with the Rouse Hill Heights Action Group?



**MARCUS RAY:** Yes, we will.

**The Hon. ADAM SEARLE:** Do you have a list of consultations with stakeholders who you have engaged about this legislation to date?

**MARCUS RAY:** We could make that available, yes.

**The Hon. ADAM SEARLE:** And if you could break it down by whether any of those stakeholder engagements have included the Minister or the Minister's staff.

**MARCUS RAY:** I can give you round figures. We have had seven webinars with councils and four briefings with peak bodies. We have reached a total of 696 stakeholders through those. We had 31 stakeholder meetings, including formal meetings and bespoke issue-based briefings, reaching a total of 475 stakeholders; and we have updated 32,518 stakeholders through newsletters and bulletins. But, obviously, submissions are still coming in. I am not quite sure of the date at which those figures were, so obviously we are still continuing to meet and discuss the issues. But I will get you those details.

**BRETT WHITWORTH:** As an example of the fact that submissions are still coming in, we gave the Leppington Progress Association further time to make its submissions as well. So it has been a fairly dynamic and active process.

**The Hon. ADAM SEARLE:** Why was the consultation process extended until the end of March? Was it that stakeholders were requesting extensions?

**MARCUS RAY:** I think that some stakeholders were requesting extensions and some councils were too. Originally, councils were going to be asked to provide comments by 10 December. But given that the council elections were delayed until the week before that, it was decided to allow additional time for the new councils, those constituted with their councillors, to be able to make submissions. That was a March date anyway. I thought there was a view that an additional three weeks was suitable in the circumstances.

**The Hon. ADAM SEARLE:** I wanted to ask a question about Landcom and the leadership of Landcom. Can you indicate whether Mr Brogden has indicated that he will not be seeking a further term? If that is the case, where is the Government up to with selecting a replacement?

**MICK CASSEL:** Mr Brogden is here, Mr Searle.

**The Hon. ADAM SEARLE:** I could not see Mr Brogden. He can answer himself

**MICK CASSEL:** I will ask him to respond on his own behalf.

**JOHN BROGDEN:** The end of my four-year contract is in April this year. As per the contract, I indicated six months prior to the expiry of the contract that I did not wish to seek an extension. The other half of the question I think related to the recruitment process for a new CEO. Is that right?

**The Hon. ADAM SEARLE:** That is correct.

**JOHN BROGDEN:** I appropriately had nothing to do with that, which is appropriate in terms of one CEO not appointing their successor. The board has a subcommittee of three directors, who have undertaken a recruitment process using Spencer Stuart, the recruitment firm. That is all I know. I am not able to give any more information because I am not privy to it.

**The Hon. ADAM SEARLE:** Mr Cassel, are you able to shed any further light on the process and the time frame?

**MICK CASSEL:** No. Given the entity is an SOC and board-governed, I have no role in it.

**The Hon. ADAM SEARLE:** Mr Brogden, that recruitment firm, that was the same one that oversaw the last recruitment process?

**JOHN BROGDEN:** I understand so, yes. Sorry, yes.

**The Hon. ADAM SEARLE:** This question—I do not know if it is to you, Mr Brogden, or whether it needs to involve Mr Cassel. Has the Government or the relevant Minister at any time given Landcom an additional five-year charter? Mr Brogden, in previous estimates you had talked about five-year charters that successive Ministers have given Landcom under your leadership—a body of work to do over time. The last time we discussed these matters you indicated you had not received a further five-year set of directions. Is that still the case for Landcom?

**JOHN BROGDEN:** You might have a better memory than me on the exact timing of that. But the Landcom Corporation Act provides for the planning Minister, who is our portfolio Minister, to issue a set of

directions at any time he or she wishes to. There are some complexities around how close to the end of the financial year they issue those. Putting that aside, the last statement of directions was from the previous Minister, Dr Stokes, who made two main requests of Landcom: The first was that we increase our affordable housing component from between 5 per cent and 10 per cent to a hard 10 per cent by 2024, off the top of my head; and, secondly, that we engage more in the provision of land for public spaces. That was some years ago—I think in about the second year of Dr Stokes' second run in Planning—and it is now up to the new Minister, Mr Roberts, as to whether or not he issues another set of directions to Landcom. Those directions then are considered by the board. They are also considered by the shareholding Ministers, who are the Treasurer and Minister for Finance. It is a process of agreement effectively between those four: the board, the portfolio Ministers and the shareholding Ministers.

**The Hon. ADAM SEARLE:** Just following up on that, Mr Brogden, is it possible to get a copy of that set of those directions? Are they available?

**JOHN BROGDEN:** Yes, I think we have given them to the Committee before. The staff might know. I would be very happy to provide you with that, yes.

**The Hon. ADAM SEARLE:** How has Landcom tracked against those directions?

**JOHN BROGDEN:** We are tracking well in terms of meeting the 10 per cent target by 2024, in terms of moving to the 10 per cent target on affordable housing. We continue to be very strong in the provision of open space as part of our communities, so that continues. For instance, we continue in our developments to provide open space. That is often a requirement of the local council and one that we will certainly meet, if not try to do better, working with the local council. We are on track.

**The Hon. ADAM SEARLE:** So you are on target?

**JOHN BROGDEN:** Yes.

**The Hon. ADAM SEARLE:** Perhaps this is a question for Mr Cassel because the Minister is not present. Is it still the policy of the Government to maintain Landcom as a separate agency? Some time ago there was speculation that it might be abolished or folded in with other agencies operating in the same space. As far as you are aware, Mr Cassel, is it still the policy of the Government to maintain Landcom as a separate body?

**MICK CASSEL:** Mr Searle, it is really a question for the Minister.

**The Hon. ADAM SEARLE:** I am happy if you could take it on notice.

**MICK CASSEL:** I have heard those same rumours, too, but I have never had anything factually confirmed.

**The Hon. ADAM SEARLE:** Mr Cassel, perhaps I can ask you this then: Some time ago—I think it was last year in the first round of estimates—I asked the former secretary about the gender pay gap for senior executives in the department and a whole bunch of questions were taken on notice. My recollection is that when the answers came through the indication was that the information I sought would be in the annual reports, which they were not. Can I ask you, Mr Cassel, to take on notice what is the average pay for a male SEB1 in your department and what is the average salary for a female SEB? And also, the same information for SEB2s and, in fact, for each group, broken down by each group, in your department?

**MICK CASSEL:** Certainly.

**The Hon. PENNY SHARPE:** I wanted to ask about interim occupation certificates. I understand they were removed from the Environmental Planning and Assessment Act in 2019. We have previously pursued some issues on this. We have been informed that we should ask the department of planning. Mr Ray, it is coming to you. Do you keep records of how many interim occupation certificates were issued in New South Wales?

**MARCUS RAY:** Ms Sharpe, my understanding is that the requirement in the past has been that each council has to keep the records of the interim occupation certificates. However, since ePlanning has been extended to all councils and to accredited certifiers—so most of the interim occupation certificates would be issued by accredited certifiers but some would be issued by council staff. Since that extension, there would be records in the ePlanning database of those interim occupation certificates.

**The Hon. PENNY SHARPE:** Are you able to tell me how many? Obviously not here and now. I am happy for you to take it on notice.

**MARCUS RAY:** We will come back and give you a snapshot. It is only from 1 July last year, so I think we would be able to give you a figure from 1 July last year.

**The Hon. PENNY SHARPE:** You are saying it is a snapshot. Would you be able to provide me with the total number of interim occupation certificates, preferably broken down by suburb?

**MARCUS RAY:** Suburb might be a bit too much, Ms Sharpe.

**The ACTING CHAIR:** What about streets?

**MARCUS RAY:** I think that would probably even take more effort than some of the Standing Order 52s we get from the council. Could we do it by council area? That would be easier for us.

**The Hon. PENNY SHARPE:** That would be helpful, yes. That would be good. Are you able to tell me how many are still in force?

**MARCUS RAY:** Ms Sharpe, I would only be able to tell you the ones that are actually lodged since 1 July last year for it to be meaningful, but I could check on that. I do not know whether I will be able to show you that.

**The Hon. PENNY SHARPE:** We are trying to get a sense of how many are still in force. It sounds like no-one really knows; it is kind of in the ePlanning portal. Is that a reasonable assessment of things?

**MARCUS RAY:** We are having the discussion now. This is one of the benefits of ePlanning. We are actually able to say to you that we would be able to get that information since 1 July. Before 1 July last year we would have had no idea. It would have been a matter for individual councils. That is one of the benefits of the system. We will get you the information that is available to us. I just do not want to over-promise that we can actually tell you.

**The Hon. PENNY SHARPE:** That is fine.

**MARCUS RAY:** Often what happens is that an interim certificate may be replaced by a final certificate or it may be replaced by some other interim certificate. It is a bit difficult. There is an additional functionality built in ePlanning as part of the Building Commissioner's reforms to the quality of construction, so that is an ongoing measure. We will do our best with some figures by council area.

**The Hon. PENNY SHARPE:** I understand it is a complicated question that I am asking you. The Design and Place SEPP—who is the best person to ask about that?

**BRETT WHITWORTH:** That would be me.

**The Hon. ROSE JACKSON:** He wins again.

**The Hon. PENNY SHARPE:** I think you are the winner today, Mr Whitworth. Submissions closed in February and the original time frame for implementation was the first half of this year. Do you anticipate that that time frame is on track?

**BRETT WHITWORTH:** I think we need to look at what is coming out of the submissions. It is another area where there has been a number of issues raised during the submissions that we need to take a pretty detailed look at. It is fair to say that there are still comments from industry about the impact on costs of housing now versus the long-term benefits that the design and place package has from a societal perspective. I think councils have raised some concerns about the shift. It was a fairly fundamental shift away from a more standard compliance-led approach to the assessment of development to a principles-based assessment. There were concerns about how those principles might be read in any sort of legal process. There is still a lot of discussion and work that we will need to do. I fear that if we gave you a commitment, it would be a challenging commitment to meet in terms of time frame.

**The Hon. PENNY SHARPE:** No, I appreciate that. I suppose my interest is—I do not expect you to comment on this, but clearly this was something that the previous Minister was extremely enthusiastic about. Have you got a sense from the new Minister that this may not proceed?

**BRETT WHITWORTH:** I think what we got very clearly from the Minister is the importance of ensuring that we can deliver new homes for the State. I think when the Minister made his commentary around the extension of time frames for the submission on contributions, he made the point that he wanted to ensure that there was no impact on the ability to deliver homes and homes already in the pipeline. I believe that if we were to ask that question of the Minister in terms of the Design and Place SEPP, he would more than likely give us that same response. But have we had a particular direction about design and place? No, we have not.

**The Hon. PENNY SHARPE:** Obviously New South Wales has got a commitment around halving emissions by 2030. We have also got the net zero commitment. Building and construction is a significant contributor in relation to emissions. My understanding was that the Design and Place SEPP was intended to start

implementing changes, everything from infrastructure around electric vehicles through to other kinds of emissions reductions, urban greening and those kind of things. Do you think these things are still going to be picked up?

**BRETT WHITWORTH:** I think some of these things already exist in the planning system now, in terms of some of the principles in the existing *Apartment Design Guide* and some of the principles around the way in which our urban settlements are designed to reduce vehicle kilometres travelled to create more walkable communities. Probably the most significant contributor from the planning system to net zero in terms of our buildings and the design of our buildings is the BASIX process. BASIX has been a system that we have had in place since 2004.

**The Hon. PENNY SHARPE:** Yes.

**BRETT WHITWORTH:** Part of the Design and Place SEPP was the increase again in terms of greenhouse gas reductions—

**The Hon. PENNY SHARPE:** That is the seven stars NABERS—

**BRETT WHITWORTH:** The seven stars NABERS was also about the commercial. The concept of applying—BASIX is entirely about residential whereas NABERS is about applying it into the commercial space, and we are seeing councils take that up through their local environmental plans as well. We are also seeing it being taken up through the National Construction Code and building standards. We did exhibit the BASIX SEPP amendment. It was part of the Design and Place SEPP but it is also part of—looking at the Design and Place SEPP, it is made up of a number of packages. If there was a call to bring forward something earlier or to hold other things back so we can look at it then we have that option, and that could apply with the BASIX. But that is obviously a matter for the Government to make a decision on once it has had the benefit of our advice on issues raised during submissions.

**The Hon. PENNY SHARPE:** Are you able to tell me how many submissions you received?

**BRETT WHITWORTH:** Again, submissions are still coming in because people have sought extensions and so on. I can tell you that on 28 February there were 351 submissions that we had, but I expect that number has increased since then.

**The Hon. PENNY SHARPE:** Sure. Will the submissions be public?

**BRETT WHITWORTH:** Our process is to make submissions public, with all the normal provisos about redacting confidential information.

**The Hon. PENNY SHARPE:** Yes, that is fine. Thank you for that.

**MICK CASSEL:** Mr Chair, if I could? One of the questions Mr Searle asked, I believe he said he had never received the information back from the previous secretary, being those averages of pay.

**The Hon. ADAM SEARLE:** No, some of them were responded to by Mr Betts but others, we were told, would be found in the annual reports and they were not.

**MICK CASSEL:** I have got those in front of me if you wanted me to read them out now.

**The Hon. ADAM SEARLE:** It depends on whether my colleagues have further questions. I would rather not interrupt the flow of questions. I am happy for you to provide them on notice.

**MICK CASSEL:** Okay. I have got them now. I just wanted to make that point. I could give them to you now—

**The Hon. ADAM SEARLE:** I will just check with Ms Sharpe or Ms Jackson.

**The Hon. PENNY SHARPE:** If you want to provide them now that is fine, Mr Cassel.

**The Hon. ADAM SEARLE:** That would be great. I am listening.

**MICK CASSEL:** For women band 1, \$229,000 is the average; for men, \$231,000 is the average. I am just rounding; I am not going into each of the things. For band 2 women, \$307,000; for men, \$312,000. For band 3—and this is probably where the biggest diversion is occurring—it is \$429,000 for women and \$447,000 for men.

**The Hon. ADAM SEARLE:** What are your plans to close those gaps?

**MICK CASSEL:** It is challenging just looking at the averages, to be honest. Each of the positions will have their own work-point values which determine the salary band for those particular positions.

**The Hon. ADAM SEARLE:** Just on that—I do not mean to interrupt.

**MICK CASSEL:** No, that is fine.

**The Hon. ADAM SEARLE:** One of the continuing themes that we have had is that when men obtain positions, often through bargaining or pushiness, they get to be at the middle to the top of the band, whereas traditionally a lot of women who obtain these positions are found to be at the bottom end of the spectrum. That is clearly contributing to this continuing pay gap. What are you going to do going forward to try and improve that situation?

**MICK CASSEL:** Thank you. I guess my response to that is I do not support not having equal pay. I believe anybody who does the job—male or female, woman or man—should be paid the same. I have made some moves in the restructuring and re-pointing that we have undergone already to realign some of those pay disparities. I will continue to do that as a matter of principle. That is the best I can probably offer here today because I do not know each individual circumstance and those work value points. I can only give you my view that it should be gender neutral as far as the pay is concerned.

**The ACTING CHAIR:** Thank you very much. What usually happens now is we would break for afternoon tea for 15 minutes. However, I have had an assurance from the Opposition and Ms Abigail Boyd that we could go to four o'clock and adjourn. Is that okay with you, officers?

**MICK CASSEL:** Very good with me. Is anybody complaining?

**The ACTING CHAIR:** All good? Okay. We will go to Ms Abigail Boyd.

**Ms ABIGAIL BOYD:** Just coming back for a couple of questions with you, Mr Ray. We were talking before about the way that the scope 1 emissions are calculated and that there had been a difference in the way that had been understood.

**MARCUS RAY:** For Maules Creek, yes.

**Ms ABIGAIL BOYD:** I understand that has been the case for a couple of different projects. To clarify, is that difference one in which the emissions are apportioned to the New South Wales community on the ratio between New South Wales gross state product and world gross domestic product as opposed to apportioning the full cost to New South Wales and Australia? Is that what we are talking about here?

**MARCUS RAY:** It could be, but I cannot confirm that from the information that I have. It may not be. It may be a different methodological approach.

**Ms ABIGAIL BOYD:** If you could take that on notice, that will be helpful to really understand what is going on here.

**MARCUS RAY:** I will take that on notice, yes.

**Ms ABIGAIL BOYD:** I guess one of those methods would significantly reduce the net benefits in a cost-benefit analysis?

**MARCUS RAY:** Yes.

**Ms ABIGAIL BOYD:** I am curious as to how much due diligence is done by the department when the proponents of mines are coming up with these emissions figures. How do they get checked?

**MARCUS RAY:** What I can say is that the issue that you have just put forward about how the greenhouse gases are apportioned to New South Wales or New South Wales as part of Australia is an issue that has come to the fore in more recent assessments. I understand that with the recent Narrabri underground extension project that is currently before the commission we have looked at those other approaches to fully apportion them to New South Wales or partly to New South Wales as a percentage of Australia. We have looked at the guidelines that we have, the cost-benefit analysis guidelines. We have looked at those and the advice that I have is that those guidelines are broad enough for us to also consider those two apportionment models, and my understanding is that we have looked at those different models of apportionment and used those as sort of sensitivity testing—if I can put it that way—and then have been able to put that additional assessment into the department's assessment to come up with the recommendation.

Particularly in this one about Narrabri, we have done that. I think that may be the first time that we have done that. We obviously were open to discussions about how we should assess those assets and apportion those outputs. We have done that in Narrabri, and that information is available to the commission as part of its assessment. The other thing I might just say in relation to Narrabri is that we have moved our approach there. We have proposed that there be a condition requiring the preparation of a fugitive emissions minimisation plan to be updated and reviewed every three years in consultation with the independent expert panel from mining and key

New South Wales government agencies to ensure that greenhouse gas emission abatement technology continues to be comprehensively investigated, adopted and monitored over the life of the mine.

We have also recommended that the IPC set performance measures for scope 1 fugitive emissions intensity based on a five-year rolling average and over the life of the project, with offsetting requirements if performance targets are not met and ongoing performance target review based on the implementation of best practice, which would be set out in the fugitive emissions minimisation plan. We have also required the implementation of energy efficiency measures and the acquisition of green energy to reduce scope 2 emissions. We have recommended the preparation and implementation of a comprehensive gas extraction plan as a component of each broader extraction plan, and then there is regular reporting on the review.

If I was to step back from that and sort of explain, we have previously relied on the general requirement for minimisation and a reasonable and feasible test. Now we have got a much more detailed monitoring regime and the imposition of standards that these things can be fully measured against that is not reliant entirely on changes to technology. So it is a much more detailed approach. That is, I suppose, an example of how the department is moving to deal with the issues that you have raised about concerns about how greenhouse gas scope 1 and scope 2 are counted.

**Ms ABIGAIL BOYD:** Thank you. You have mentioned the Narrabri underground project. One final issue I wanted to talk about is when the department is looking at whether or not to recommend approval of the projects, there seems to be quite a lot of reliance on external reports commissioned by the proponent in working out the economic assessment, for example. Does the department do anything to verify or validate that report or commission its own report or something else?

**MARCUS RAY:** The department looks at those reports and will often get an expert peer review if that is required, or look at those reports and the technical experts within the department will in some cases be able to verify. It is a question of each individual set of circumstances. There are usually a number of technical peer reviews that are done in relation to complex questions, particularly if there is modelling and various other things concerned, but the department is very fortunate in having a range of expert officers who can look at these things as well.

**Ms ABIGAIL BOYD:** When it came to the Narrabri underground project—and perhaps you will need to take that on notice—

**MARCUS RAY:** I think I will.

**Ms ABIGAIL BOYD:** Yes, if you could let me know what the department did to verify the economic assessment that was included in the consultant's report given by the proponents.

**MARCUS RAY:** I will. I will take that on notice.

**Ms ABIGAIL BOYD:** Thank you.

**The Hon. PENNY SHARPE:** These are the last couple of questions from me. The previous planning Minister said that new councils were to be issued with a statement of expectation about dealing with planning matters. Were these statements issued?

**BRETT WHITWORTH:** Yes, they were. The statement of expectations order was issued on—was announced on 26 November and took effect on 15 December 2021.

**The Hon. PENNY SHARPE:** Was it just one statement? Was it the same or unique to each council?

**BRETT WHITWORTH:** It is a statement that is across each council, so it is not unique to every council. It is one set of expectations broadly based on the reasonable time frames for the consideration of development applications, the provision of reports to planning panels, the information to put to council in terms of the consideration of planning proposals and rezonings.

**The Hon. PENNY SHARPE:** So there is one document that is the same for every council, just to be clear?

**BRETT WHITWORTH:** Yes.

**The Hon. PENNY SHARPE:** Is that document a public document?

**BRETT WHITWORTH:** Yes. It is—

**The Hon. PENNY SHARPE:** Sorry if I have missed it.

**BRETT WHITWORTH:** No, no. It is a public document. We will take on notice how to find it.

**The Hon. PENNY SHARPE:** How to find it, sure. I could google it.

**MARCUS RAY:** I am sure it is on the website, Ms Sharpe.

**BRETT WHITWORTH:** It is an actual order under the Act, so it also had to be gazetted.

**The Hon. PENNY SHARPE:** Given its status, does every council have to respond formally to that? How does that take effect?

**BRETT WHITWORTH:** The architecture of the Act in terms of when the Minister can step in and formally intervene—so the Minister has a number of powers to intervene, whether that is the appointment of a planning administrator or the appointment of a panel to undertake certain functions of a council. Those powers are only enacted if there is an assessment of poor performance but not necessarily—

**The Hon. PENNY SHARPE:** What triggers an assessment?

**BRETT WHITWORTH:** Well, the order triggers—I am sorry, the order gives structure and frame around what the expectations are. What triggers an assessment? The triggers for an assessment could be multiple. It could be a referral from an independent oversight agency, such as the Ombudsman or the ICAC. It could be a concern that a council is repeatedly not meeting the expectations and there is some form of systemic problem that needs to be investigated. The architecture of the legislation, as I said, is that if that does occur, there needs to be some process by which the Minister can say to a council, "I find your performance not to be satisfactory on these grounds and I would like you to provide me with a reasonable response as to why I should not take further action." So the order sets up what those reasonable expectations of performance would be.

**MARCUS RAY:** Ms Sharpe, if I might just add, those provisions have been in the legislation since about 2006 or 2008. Former Minister Sartor introduced those provisions and there was a similar order or statement of expectations introduced at that time—

**The Hon. PENNY SHARPE:** I recall this, yes.

**MARCUS RAY:** I think the main points to say about this is that obviously the Government has a range of different policies and this is a cooperative—in planning legislation there is a cooperative venture between, you know, councils and the State.

**The Hon. PENNY SHARPE:** I like your optimism, Mr Ray.

**The Hon. SHAYNE MALLARD:** That is a great term—venture.

**MARCUS RAY:** Yes. Optimism is often called for in this role. It is important that councils have a clear statement of what the expectations are. Given that the councils would be newly formed after the elections, at the time it seemed an appropriate time to get some clarity. There had been a lot of change in the planning system over the previous two years—lots of reform projects—and certainly an effort to speed up key processes. We heard from all sections of planning stakeholders, not just industry but also from councils themselves, that the processes were often too slow. So it was to actually just be really clear about what those expectations were. There is not a huge number of them. They are very high-level focused but at least it provides a benchmark for performance to be judged.

**The Hon. PENNY SHARPE:** What is the target for reduction in processing times? Is there a set target?

**BRETT WHITWORTH:** There are a number of targets through the Planning Reform Action Plan about the reduction in time frames. These are global targets so they are related to planning proposals, State significant development applications and rezonings. I am happy to give it to you on notice. I do know, as an example, of the planning proposal reduction is a 33 per cent reduction over a three-year period. I just do not have the advice in front of me what the precise targets are.

**MARCUS RAY:** For regionally significant development applications it is 25 per cent and I think the State significant is 17 per cent, bearing in mind that the time in government hands it had already been reduced by 50 per cent on that one. And there are a few others as well. But we can provide a link to the statement of expectations. We will cite the link in our answers on notice.

**The Hon. PENNY SHARPE:** I would appreciate that. That would be great, thanks. Are you able to tell us how many councils are actually meeting the basic benchmark?

**BRETT WHITWORTH:** Meeting the basic—

**The Hon. PENNY SHARPE:** So is the target for reductions just 33 per cent, no matter they are at, or is there a kind of minimum benchmark that you are wanting all of them to get to?

**BRETT WHITWORTH:** There are two ways to respond to that. Firstly, the reduction in time frames is a global reduction in time frame so it is not individually council by council but across the whole system. In

terms of planning proposals, to sort of unpack that a little bit, with planning proposals we have identified that we want, on average, planning proposals to be completed within 380 working days and we do not want any planning proposals to take longer than two years. At the moment we have been progressively working through planning proposals to get rid of what we call legacy planning proposals. So at the end of last year and the year before we finalised a raft of older planning proposals. I think we now have a handful that are older than four years old and maybe 10 or so, that sort of number, that are older than three years. The rest are within that one- to two-year time frame.

**The Hon. PENNY SHARPE:** As you, I am sure, know better than I do, there is quite a disparity even in neighbouring councils. My advice is that Lane Cove's average determination for DAs is 45 days whereas Hunters Hill, next door, is 132 days. What leverage have you got in terms of getting councils, particularly if they are nearby—is there an ability or are you able to work with them to try to deal with that, or is it literally each council has been given their expectations and you kind of hope you get there?

**BRETT WHITWORTH:** No. I think we have a range of carrots; we have a range of sticks. So the Public Spaces Legacy fund was an example of the carrots. We were able to negotiate individual and quite substantial time frame reductions with councils in terms of their DA and their rezoning time frames in return for providing them with money for new public spaces. That was quite successful. There are, as I said, the sticks, which are the ability to call in either individual planning proposals or to take a more systemic approach and to appoint, say, a planning administrator or so on. I do not know whether Mr Raimond wants to give some examples of the Public Spaces Legacy time frame.

**The Hon. PENNY SHARPE:** No, that is okay, thank you.

**MARCUS RAY:** It is very rare that the department and Ministers actually intervene in that nature. What I would say about that is that there is a lot more to be gained with carrots than there is with sticks and that has really been the department's approach over the last few years. What I would say is that it is great to have the data and to put Lane Cove and Hunters Hill in the room and for Hunters Hill to say, "Well, how can you do it in 45 days and we are taking 122?" That is the conversation that we are trying to encourage. We are trying to encourage councils to talk to neighbouring councils that are doing much better and actually say, "Well, okay, what is it that you do? What are the practices that you undertake that get those times down?" I doubt that there is any great variation in the quality of assessment between councils.

**The Hon. PENNY SHARPE:** Thanks for that. That is helpful. My final question on this is actually about, again, sort of a trigger in terms of councils where there is a high level of refusals. Again, I am going to use Hunters Hill. My understanding is that they refused about 20 per cent of applications in 2021 and the average for most metropolitan councils was around 5 per cent. At what point does the department intervene around that issue?

**BRETT WHITWORTH:** I do not know that the number of refusals is probably the right metric because there may well be—we do not know the individual circumstances of why that council was refusing that many applications. This is where the power of moving into ePlanning and the better data that we have will help us. Probably a better metric might be the number of refusals that get overturned in the Land and Environment Court. For example, is there a reason or a rationale or a systemic issue associated with whether a council is refusing things or whether a council is varying standards?

The ePlanning portal will give us a lot better data and it will give us that data more instantaneously. Previously we would have had to have used some of these powers to say, "We are concerned that there is poor performance", and get the authorisation of the secretary to effectively go into the council and politely ask for their files. Whereas the ePlanning system will give us a lot more information where we can be starting to frame conversations around variances of performance and put sort of means and mediums around performance and then look for outliers on that basis.

**The Hon. PENNY SHARPE:** That is it from me.

**The Hon. ROSE JACKSON:** I will just try and get through a couple of issues quickly so that we can all head off on Friday. I just wanted to ask Mr Brogden briefly, I think you mentioned the 10 per cent target for affordable housing, which is good, but I am sure you would recognise that we have a bit of an affordable housing issue in New South Wales, and in Sydney in particular. Is there any work or ideas coming from Landcom or in collaboration with the department to actually increase that target?

**JOHN BROGDEN:** Yes, we are in discussions with the department—with Michael Wright and others—about what is the capacity to increase that target. So, yes.

**The Hon. ROSE JACKSON:** That is good. Is there a new figure that is in mind or is it just "How can we get that higher?" What point of that conversation are you up to?



**JOHN BROGDEN:** Probably the latter. We are still looking at what is doable.

**The Hon. ROSE JACKSON:** What time frames might there be for an actual concrete revision?

**JOHN BROGDEN:** I cannot speak to that.

**The Hon. ROSE JACKSON:** I wanted to ask next, there were reports publicly about the Government estimating that it would cost \$3.3 billion to purchase the 6,000 houses in the flood-prone valley—I think that is referring to the Hawkesbury-Nepean—based on 2015 dwelling prices. Was that a DPIE report? It is referring to a government estimation. Can you provide some information about where that has come from?

**BRETT WHITWORTH:** Ms Jackson, my understanding is that that was part of the Warragamba Dam environmental impact statement. So it was therefore part of the broader—the Warragamba Dam environmental impact statement—

**The Hon. ROSE JACKSON:** That WaterNSW did?

**BRETT WHITWORTH:** Yes, but it was one of the components and products of the Hawkesbury-Nepean Valley strategy and the business case that has been developed by Infrastructure NSW to look at the various options that existed. I think that part of the *Resilient Valley, Resilient Communities* piece of work and some of the preceding work looked at different options, including things like should you, you know, buy up the houses below the one-in-100 chance per year flood line? Should we try and divert the river around Sackville Gorge, dropping the level of the dam, and so on? All of those had to be costed. I think that is where that information came from.

**The Hon. ROSE JACKSON:** So that did not come from work that DPIE planning did?

**BRETT WHITWORTH:** No, not specifically. But, as part of contributors to the broader Hawkesbury-Nepean strategy, we did provide advice on estimates of what the future development potential of areas might be.

**The Hon. ROSE JACKSON:** To WaterNSW?

**BRETT WHITWORTH:** No, sorry, to Infrastructure NSW.

**The Hon. ROSE JACKSON:** That is good. Thank you for that. We did talk before about some of the planning responses to the bushfires. I understand, I think, Mr Whitworth, that the recommendation of the commission of inquiry into the bushfires—recommendation 27—was to commit to shifting to a strategic approach to planning for both bushfires and to develop a New South Wales bushfire policy, which is similar to the flood-prone land policy. I understand that has not been implemented and I wondered if that was correct or where that was up to, considering it really goes to the issue that we were talking about this morning.

**BRETT WHITWORTH:** Certainly it is in the process of being implemented. It was actually a suggestion that I made to Professor O'Kane and Assistant Commissioner Owens about how you could look at the comparison between flood-prone land and bushfire-prone land. When you say that it has not been implemented, there is no policy that has been produced yet, but we have a reasonably comprehensive piece of scoping work about what a policy would look like. Obviously, the flood-prone land package is something that requires expenditure of government funds. It is in the order of millions of dollars of an allocation every year. So we would need to prepare a business case to go to government, saying that we would need an equivalent, sort of, concept of a fund that can be drawn down that would help councils to prepare these bushfire risk policies. We would also need to frame what does a bushfire risk policy look like, what does it cover, what sort of science does it use and how does it link that science to principles around evacuation or principles around emergency management and planning?

**The Hon. ROSE JACKSON:** Is it still, though, your intention to develop a new New South Wales bushfire policy that is similar to the New South Wales flood-prone land policy? Is that your intention—to develop that as per the recommendation?

**BRETT WHITWORTH:** It is a recommendation that has been made to the Government. The Government has accepted it and it is on our work program.

**The Hon. ROSE JACKSON:** What is the time frame on the work program?

**BRETT WHITWORTH:** I do not have that information. I would have to take that on notice in terms of the precise time frame, but it is a piece of work that traverses across different agencies. DPE, Rural Fire Service and Resilience NSW all have an involvement in it. We have actually presented on it to the State Emergency Management Committee in terms of the broad principles, but I just cannot recall the time frame.

**The Hon. ROSE JACKSON:** When was that presentation, roughly?

**BRETT WHITWORTH:** It was probably at the end of last year.

**The Hon. ROSE JACKSON:** It would just be good to get a time frame for when that might be completed. I think to you, Ms Brill, in relation to the Waterloo Estate, I wondered why the affordable housing—first of all, what is the percentage of housing that will be affordable housing? I understood that LAC had landed on 8 per cent. I think the Minister's press release said 7 per cent, though. What is the actual percentage of affordable housing in the Waterloo South precinct?

**DEBORAH BRILL:** What is in the planning proposal that is currently on exhibition—Mr Ray and team are doing a public consultation of that at the moment. It is 7.5 per cent.

**The Hon. ROSE JACKSON:** I wondered why you did not adopt the 10 per cent. Even the 10 per cent was suggested as viable by the independent advisory group on the project. Can you give me a reason as to why that slipped even further?

**DEBORAH BRILL:** That is a question for Mr Ray because it is part of the planning proposal; it is not part of—

**The Hon. ROSE JACKSON:** Thank you, Ms Brill. Mr Ray?

**MARCUS RAY:** My recollection on that, Ms Jackson, is that obviously we were—as part of the implementation of the independent expert group's advice, one of the things that we were asked to do was to look at those questions of feasibility. We were asked to do that on top of a range of other issues that were in the gateway. For example, there was a desire to protect more of the mature Moreton Bay figs and more of the significant trees that had been protected in the City of Sydney's proposal. So there were a range of different measures—and to try to provide more sunlight access to courtyards than had been included in the City of Sydney's proposal. So there were various different things that we had to take into account. When we got to the point of amending that scheme to deal with all those things, the feasibility was there for the 7.5 per cent.

**The Hon. ROSE JACKSON:** I do not want to put words in your mouth, Mr Ray, but from that—those trees are lovely, but are you suggesting that you sacrificed 2.5 per cent of affordable housing in this project, which is dozens of affordable housing dwellings, for trees? I like trees, but even I think that—

**MARCUS RAY:** I am not suggesting that. Obviously, early work was done by the expert advisory committee. Further work had to be done and the independent expert advisory committee gave us a range of measures they thought needed to be weighed up and addressed, and that is what was done.

**The Hon. ROSE JACKSON:** They said there should ideally be more affordable housing than the 10 per cent. That is what they have said. In fact, you have gone backwards.

**MICK CASSEL:** I think the important thing to note here is that nothing has occurred yet. This is on public consultation. I am distancing myself from it, given my previous role. I would suggest the more submissions, the better.

**The ACTING CHAIR:** I am probably going to have to stick to the agreed adjournment. One more question, Ms Jackson.

**The Hon. ROSE JACKSON:** I will ask one more. I will have to put the rest on notice. I am taking from that, Mr Cassel, assuming that there is community feedback that they would like to see more social and affordable housing in the mix as part of the final proposal, that you are open to that? That is the basis of the submissions?

**MICK CASSEL:** Ms Jackson, what I can say is that I think the original submission that we discussed with the City of Sydney had considerably more social, affordable and market housing, which all needs to balance through. I can leave my answer at that, I suppose.

**The ACTING CHAIR:** Thank you very much. As agreed by everybody, we have decided to adjourn now, at 4.00 p.m. Thank you very much for your evidence. The secretariat will be in touch with you about any questions that you have taken on notice.

**(The witnesses withdrew.)**

**The Committee proceeded to deliberate.**